



# The Szeged Small Arms Process

**Towards a South Eastern European action programme on small arms in the context of the Stability Pact**



**Ian Davis, Chrissie Hirst and Judit Körömi**

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Saferworld Arms & Security Programme



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# 1

## Introduction

### 1.1 The Szeged Small Arms Process

**THROUGHOUT 2000** Saferworld sought to engage a number of Stability Pact members (through its Central and Eastern European project) in the development of a project on small arms<sup>1</sup> within the context of the Stability Pact for South Eastern Europe. A key objective during this period was to further develop contacts with governments and civil society throughout the region, and to explore the possibilities for developing and extending the ‘regional action plan’ model to the Balkans (as a sub-component within the Stability Pact) – see Section 2 below.

A pilot roundtable co-hosted by Saferworld, the Hungarian MFA and the Szeged Centre for Security Policy (SCSP) took place in Szeged on 17–18 November 2000. The roundtable attracted over 50 representatives and experts from governments, international organisations and civil society from most of the countries participating in the Stability Pact. A large number of proposals and ideas for addressing the problem of the wide availability and diffusion of small arms in the region were discussed.

The participants at Szeged I agreed that one of the next steps should be the development of a comprehensive and coherent action programme to tackle small arms diffusion in South Eastern Europe.<sup>2</sup> In order to take this idea forward and in recognition of the achievements of the Szeged Process in building support for the democratic forces in the Federal Republic of Yugoslavia (FRY), the participants also agreed to initiate an informal process to be known as the ‘Szeged Small Arms Process’.

Thus, this consultation paper was produced by Saferworld in the context of the Szeged Small Arms Process for further discussion at a seminar in Szeged on 14–15 September 2001 (‘Szeged II’). It draws on: the proposals discussed during Szeged I; the recommendations contained in relevant documents agreed by the international community, including the declaration, principles and initiatives agreed within the Stability Pact; and the results of networking and research visits by Saferworld staff and partners in the region.<sup>3</sup>

<sup>1</sup> The definition of small arms and light weapons used here is the one used in the 1997 *Report of the UN Panel of Governmental Experts on Small Arms*, United Nations, A/52/298, 27 August 1997, which has become widely accepted. This distinguishes between small arms, which are weapons designed for personal use, and light weapons, which are designed for use by several persons serving as a crew. The category of small arms includes: revolvers and self loading pistols, rifles and carbines, submachine guns, assault rifles, and light machine guns. Light weapons include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-aircraft missile systems, and mortars of calibres less than 100mm. The ammunition and explosives are considered to form an integral part of the small arms and light weapons with which they are used in conflict.

<sup>2</sup> For the purposes of this consultation paper, the countries of South Eastern Europe are considered to include: Albania, Bosnia Herzegovina (BiH), Bulgaria, Croatia, Greece, Hungary, Italy, Former Yugoslav Republic of Macedonia (FYROM), Romania, Slovenia and the FRY. Although some of these countries are more affected, and are likely to be more involved in this process and action programme, than others, the far-reaching nature and regional impact of the problem of SALW diffusion supports their inclusion in any regional overview of strategy.

<sup>3</sup> The results and recommendations arising from a non-governmental ‘expert group’ visit to Serbia and Kosovo in May 2001 will be published separately in the autumn of 2001.

Also as part of this Szeged Small Arms Process, Saferworld is discussing with partners a number of potential small-arms project-related activities, including:

- sub-regional co-operation on illicit trafficking and small arms control;
- further micro small arms assessments;
- research on gun cultures;
- SALW training and conflict resolution seminars for youth groups; and
- a community and multiethnic policing project (including the role of civil society groups in combating organised crime and corruption).

## 1.2 Objectives of Szeged II

The key objective of this second roundtable meeting is to develop a sub-regional small arms action programme and to discuss in detail some of the main elements of such a programme. The roundtable is seeking to build on, rather than duplicate, existing policies and initiatives taken within the framework of the Stability Pact. It is also seeking to develop the wider commitments made in the OSCE, the UN 'Firearms Protocol' and the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (July 2001). The roundtable will explore how to promote and accelerate implementation of these commitments (and whether and how to go beyond them) at both the national and sub-regional levels in South Eastern Europe.

There is also a recognition, however, that present sensitivities in the region may preclude the development of such an approach at this stage, and one option could be to highlight a number of specific follow-on activities which individual countries or groups of countries may wish to take forward.

In short, an integrated small arms action programme would involve countries in South Eastern Europe (in co-operation with the international community through the Stability Pact) developing practical measures to strengthen and deepen regional co-operation on efforts to combat illicit arms trafficking and measures to regulate legal transfers.

The specific aim of this consultation paper is to inform the discussions during the roundtable. The workshops and plenary sessions on the second day will be used to develop the draft South East European action programme on small arms and to work towards agreement on the main components of a comprehensive and integrated sub-regional action programme.

In developing and extending the 'regional action programme' model to South Eastern Europe, this can be expected to involve:

- developing a small arms action programme which reflects the realities of the sub-regional dynamic of SALW accumulations and flows, including those related to the unresolved conflicts associated with Kosovo and the Former Yugoslav Republic of Macedonia (the FYROM), and which complements and reinforces Stability Pact efforts;
- engaging all relevant stakeholder groups in the development of the action programme (including government representatives from all the parties to the Stability Pact), thus building a broad consensus in favour of this approach;
- working with governments, agencies (such as police, customs and the judiciary) in order to implement the programme; and
- ensuring that civil society is involved closely in the development and implementation of relevant initiatives to control small arms.

Saferworld has received funding from the UK Government to assist in the development of such a programme. We are already working with interested governments and

local NGOs and civil society groups to develop and implement some of the ideas in this consultation paper. Future workshops and roundtables will also be organised to identify practical projects and initiatives, preferably within the framework of an agreed action programme.

Thus, this consultation paper is an initial contribution to the above agenda. It begins by briefly outlining the case for developing a specific sub-regional programme on small arms in South Eastern Europe (Section 2). It then reviews the impact of the current framework within which closer intra-regional partnerships are already being developed, ie the Stability Pact (Section 3). The remainder of the paper is divided into three sections in accordance with the three main themes of the roundtable:

- strengthening capacity and operational co-operation to prevent and combat illicit arms trafficking in South Eastern Europe (Section 4);
- strengthening legal controls on the possession and transfer of small arms in South Eastern Europe, including enhancing transparency, information exchange, consultation, and democratic accountability for arms flows in the region (Section 5); and
- removing weapons from society and enhancing police-civil society co-operation (Section 6).

Each of the above sections contains a summary of progress to date, a draft action programme of practical policy initiatives and possible areas where countries in South Eastern Europe could co-operate in the future.



# 2

## The case for developing a regional approach in South Eastern Europe

**THE IMPORTANCE OF RECENT PROGRESS** towards tackling the diffusion of SALW in South Eastern Europe (as outlined in Sections 3–6 below) should not be underrated. While the impact on the wider problem of conflict, insecurity and underdevelopment may be relatively limited, the true worth of these initiatives lies in the potential they raise for the development and implementation of more comprehensive approaches. Moreover, once the problem of SALW diffusion has been acknowledged in the wider context by governments and communities, options tend to open up on a number of fronts.

In recent years, Saferworld, other partner NGOs and a number of governments have increasingly sought to pursue a comprehensive approach to the problem of SALW diffusion in a number of regions by encouraging the development and implementation of regional action programmes. This approach recognises that many of the problems associated with SALW proliferation – conflict, insecurity and crime – are increasingly regional in scope. Accordingly, focusing on tackling the problem in one or two countries will be of limited effect. At a very basic level, the porous nature of national borders in many areas affected by SALW proliferation means that any reduction in the availability of such weapons in one locality can too easily be undermined by an influx of weapons from a neighbouring region. Furthermore, the growing interdependence and integration of many regions means that political and operational structures are now evolving which are capable of identifying and promulgating regional solutions.

Distinct local, national and regional concerns and perspectives tend to drive regional action programmes. At the same time, proponents of this approach recognise the importance of ensuring that the issues and perspectives that are articulated at regional level serve to inform global programmes and initiatives. Indeed global initiatives to tackle SALW proliferation invariably require implementation on a regional level, increasing the necessity that regional needs and priorities inform them.

Beyond recognising the importance of the vertical flow of experience between local, national, regional and international SALW initiatives, it is also increasingly recognised that lessons learned from the experience of individuals, societies and governments in one region can inform efforts in other regions of the world. In Saferworld, for example, where we have projects focusing on tackling the proliferation of SALW

established and under development in a number of regions, including Southern Africa, the Horn of Africa, Central and Eastern Europe, and the Caucasus, we are well placed to ensure that lessons learned from progress in one area are used to inform the development of initiatives in another.

Finally, regional and international assistance also has a crucial role to play in strengthening efforts to combat uncontrolled or destabilising flows of SALW, since many countries in regions affected by light weapons are poor and have many claims on their scarce resources. Nevertheless, where assistance is available from the wider international community, this must be conceived and offered within the context of a shared agenda among donors and recipients. In this regard, developing partnerships in South Eastern Europe will be key to the effectiveness and sustainability of the donor community involvement.

The regional approach to small arms diffusion is, of course, already being emphasised within the Stability Pact (as discussed in the next section) and on a broader pan-European canvas by the Organisation for Security and Co-operation in Europe (OSCE). The Forum for Security Co-operation of the OSCE adopted the OSCE Document on Small Arms and Light Weapons on 24 November 2000.<sup>4</sup> The participating states agreed to co-operate to address the problems posed by SALW and to do so in a comprehensive way. The Document outlines commitments to combat illicit trafficking in all its aspects through the adoption of national controls on SALW (manufacture, marking, and record-keeping), effective export controls, border controls, and through “enhanced co-operation and information exchange among law enforcement and customs agencies at international, regional and national levels”.<sup>5</sup>

As a supporting measure, it is also suggested that the Participating States promote sub-regional co-operation. To enhance such co-operation and information exchange, the Participating States agreed to the establishment of a list of small arms contact points in delegations to the OSCE and in capitals, to be held and maintained by the Conflict Prevention Centre (CPC), as the main point of contact on small arms issues between the OSCE and other international organisations and institutions.

Two recent UN agreements – the UN ‘Firearms Protocol’ and the UN 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (International Action Programme) – also offer important mechanisms and commitments, which will need to be explored further in the sub-regional context (as discussed in Section 4 below).

In developing a regional small arms action programme for South Eastern Europe, therefore, a baseline is provided by the OSCE Document on Small Arms, the UN ‘Firearms Protocol’ and UN International Action Programme. The opportunity exists, however, for South East European states to go beyond what was agreed within the OSCE and UN, particularly in areas such as destruction and border control in order to prevent the resupply of small arms through illicit trade.

<sup>4</sup> This document was adopted at the 308th Plenary Meeting of the OSCE Forum for Security Co-operation on 24 November 2000 (see FSC.JOUR/314), [www.osce.org](http://www.osce.org).

<sup>5</sup> OSCE Document on Small Arms and Light Weapons, 24 November 2000 (see FSC.JOUR/314), [www.osce.org](http://www.osce.org), pp 3–4.

# The Stability Pact and the response so far

**THE STABILITY PACT FOR SOUTH EASTERN EUROPE** was adopted on 10 June 1999 in an effort to promote and assist Balkan reconstruction after the war in Kosovo, and includes provision for increasing security in the region. Indeed, the principal aim of the Stability Pact is to foster peace and stability through political and economic reform. To this end, the intent is for participants to develop joint projects that are beneficial to the region as a whole. The Stability Pact has no financial resources of its own (most assistance is delivered through bilateral channels) nor does it manage any projects of its own: its task is to match donors with projects in three main Working Tables:

Working Table I: democratisation and human rights

Working Table II: economic reconstruction, development and co-operation

Working Table III: security issues

These are the areas on which nations and relevant organisations need to concentrate and co-ordinate to achieve long-term stability and security in the region. Clearly, the proliferation of SALW is an integral part of the wider security concerns, and this position has been duly recognised by participating states. Indeed, it has been described by the Special Co-ordinator as ‘one of the greatest challenges to the Stability Pact’<sup>6</sup> At an initial meeting in October 1999 of the sub-table on defence and security affairs (within Working Table III on Security Issues) one of the priority areas chosen was ‘Fighting the Illicit Transfer of Small Arms’<sup>7</sup>

At the Fourth Meeting of the Working Table on Security Issues in June 2001, there was a “broadly held view that the crisis in the FYROM has underlined the need for a comprehensive approach to the problems of SALW”<sup>8</sup> In this context in particular, the Stability Pact’s focus on the linkages between internal and external security was emphasised: the issue of the trafficking of SALW was “a main concern”, and “the need to enhance cross-border police co-operation to curb this problem was stressed.”<sup>9</sup> There are plans for regional police training with a focus on all kinds of trafficking in

<sup>6</sup> *Report of the Special Co-ordinator for the Regional Funding Conference for South East Europe*, Brussels, 29–30 March 2000, Special Co-ordinator of the Stability Pact for South Eastern Europe, 19 July 2000, p 15.

<sup>7</sup> There are two sub-tables in Working Table III: Justice and Home Affairs (which includes combating corruption, fight against organised crime, asylum and migration, legislative reform, institutional reform, police training, emergency response co-operation); and Security and Defence (which includes arms control and non-proliferation, military contacts and co-operation, defence economics and demobilisation, small arms/light weapons, humanitarian de-mining, research co-operation).

<sup>8</sup> Fourth Meeting of the Working Table on Security Issues, Zagreb, 12–13 June 2001, Chairman’s Conclusions: Ambassador Kim Traavik, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>9</sup> *Ibid.*

the context of the Stability Pact Police Co-operation and Training Initiative, and there is also “widespread support for the idea that the attention of Working Table III should increasingly be directed to the area of Security Sector Reform”.<sup>10</sup> The Special Co-ordinator of the Stability Pact for South Eastern Europe supports the view that security sector reform initiatives “form an essential part of any strategy to fight the illicit spread of SALW”, and believes that “increasing the capacity of police and customs services to enforce arms trade laws through training, information sharing and regional co-operation deserves particular attention”.<sup>11</sup>

There is also recognition within the Stability Pact of the “need for a holistic approach to the problem of SALW”.<sup>12</sup> In the workshop on SALW in Ljubljana, for example, “special emphasis was placed on the connection between uncontrolled spread of small arms and terrorist activities or organised crime”.<sup>13</sup> At the Istanbul seminar on 7 April 2001, the Chairman of Working Table III, Kim Traavik, noted that recent events in the former Yugoslavia have “underlined the urgent need to get to grips with smuggling and trafficking in SALW in SEE”, and that “Collection and destruction programmes will only be effective if coupled with stepped-up border control and enhanced co-operation between police forces of the region. This is why the Stability Pact has launched an organised crime initiative as well as a police training and co-operation initiative”.<sup>14</sup>

In November 1999 a joint declaration on the collection, destruction and safe storage of small arms and light weapons was made by ten countries (eight of whom fall within the geographic region covered by this paper, namely Albania, Bosnia-Herzegovina (BiH), Bulgaria, Croatia, Hungary, the FYROM, Romania and Slovenia).<sup>15</sup> Within this statement, which was prepared in the margins of the OSCE summit in Istanbul, the ten countries declared their readiness to destroy light weapons in excess of their legitimate needs or seized as a result of illicit trafficking and to secure stockpiles. The statement also welcomed the agreement to use the SECI ‘Anti-crime’ Centre in Bucharest to share information on illicit trafficking in firearms.

There have also been a number of small arms workshops organised by governments in the region under the auspices of the Stability Pact, which have sought to build regional consensus and co-operation around core issues of concern. The Bulgarian Government (in partnership with the US) hosted a regional conference on export controls in December 1999 where participants declared their readiness to harmonise elements of their end-use/end-user certificates. The Slovenian Government hosted a small arms conference in January 2000 where numerous initiatives were put forward and discussed. The FYROM hosted an EAPC/PfP workshop on SALW in Ohrid in June 2000 which elaborated on a number of specific SALW issues such as the enhancement of border control procedures and law enforcement regulations. Finally, Bulgaria (in partnership with Canada) held a seminar on SALW collection and destruction in October 2000, which concluded that there was a need to proceed with concrete, practical steps, and increased regional co-ordination and collaboration. The concluding statements from these four workshops are reproduced at Appendix 2.1.

Governments have proposed a number of specific small arms projects and initiatives, and these were discussed (with other proposals under the three Working Tables) at a Regional Funding Conference in Brussels in March 2000. Priority was given to proposals that have a quick start capability and a regional focus. So far, only one small

<sup>10</sup> Ibid.

<sup>11</sup> Special Co-ordinator of the Stability Pact for South Eastern Europe, Small Arms and Light Weapons, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>12</sup> Speech by Kim Traavik, Chairman of WTIII the NATO-Stability Pact Seminar on Regional Security Challenges and Opportunities in the Balkans, 7 April 2001, Istanbul, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>13</sup> Chairman's Summary, Workshop on SALW: Possible Contribution to the Stability Pact for South Eastern Europe, Ljubljana, 27 January 2000, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>14</sup> Speech by Kim Traavik, Chairman of WTIII the NATO-Stability Pact Seminar on Regional Security Challenges and Opportunities in the Balkans, 7 April 2001, Istanbul, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>15</sup> The other two countries were Moldova and Turkey. See the Istanbul Declaration on Small Arms and Light Weapons of 18 November 1999.

arms project has been fast-tracked in the Quick Start Package (QSP):<sup>16</sup> a team of experts assembled by two of the Stability Pact's leading donor countries on SALW, Norway and the United States as Joint Working Group partners, are providing technical support on the storage and destruction of small arms and light weapons in Albania. Germany has also pledged support, and is now considering providing assistance with the safe disposal of stocks of excess ammunition, a project for which NATO has presented a proposal. The Albanian project has received €1.1 million in pledges, and in June 2001 Albania reported, "of the more than 165,000 SALW collected so far, 68,000 have been destroyed".<sup>17</sup> The establishment of a network of destruction facilities and expansion of ongoing programmes providing for the assessment and destruction of small arms stockpiles to other countries in the region proposed by Albania, Hungary and Bulgaria was also endorsed at the funding conference.<sup>18</sup>

Other projects that envisage regional co-operation to collect and destroy firearms and develop regional registers for the destruction of small arms have been short-listed for future financing. Assessment visits to Romania and Croatia are under consideration, and an agenda and assessment visit to explore a special outreach programme to the FRY has been developed, as the FRY in particular expressed a wish for assistance in destroying surplus SALW.<sup>19</sup> In addition, a number of other sub-table initiatives which impinge on the wider small arms agenda have also been started or recommended for support within the QSP, including:

- demobilisation and reintegration programmes for military personnel in Bulgaria, Romania and Croatia (conducted by NATO) and BiH (funded by the World Bank);
- The South East European Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC), "held out as a success story of the Stability Pact",<sup>20</sup> which provides seminars and educational programmes to countries of the region on the implementation of arms control agreements and confidence-building measures, and which opened in Zagreb in October 2000 with financial assistance from Germany (although as currently mandated it excludes small arms);<sup>21</sup> various multinational initiatives on conflict prevention and crisis management (including a Greek proposal for training of politico-military personnel on 'peace support operations and humanitarian missions');
- the Stability Pact initiative against Organised Crime in South Eastern Europe (SPOC), (although this focuses more on drugs trafficking than SALW trafficking);
- the Stability Pact Anti-Corruption Initiative; and
- Regional Civilian Police Training Courses, multinational training programmes for police and border guards in the region to be held in co-operation with other European police institutes, the first two modules of which are to be on illegal migration and other forms of trafficking including SALW, and are expected before the end of the year (pledges have been made by Germany, Norway and France).<sup>22</sup>

In the Special Co-ordinator's report on the QSP, SALW projects are recognised as a future priority: "The availability, accumulation and uncontrolled flow of small arms and light weapons pose serious threats to peace and stability in the region and prevent economic development and civil society building in South Eastern Europe. Therefore, the Stability Pact has sought to concentrate donor attention on two tracks: individual

<sup>16</sup> QSP funding/project breakdown – €2.4bn pledged: WT I 0.46bn; WT II €1.8bn; WT III 0.08bn. Infrastructure projects make up over half the financial commitments within the total QSP, and this is why WT II receives the most funding. In WT III, sub-table Defence and Security, 15 out of 21 projects are underway as planned, 4 just started and 2 delayed. Approximately 56 percent of pledged funds for this sub-table have been disbursed. In WT III, JHA sub-table, 16 of 18 projects are under implementation as planned, and 66 percent of pledges have been disbursed. Report of Special Co-ordinator on the implementation of the QSP, May 2001, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>17</sup> Fourth Meeting of the Working Table on security Issues, Zagreb, 12–13 June 2001, Chairman's Conclusions: Ambassador Kim Traavik, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>18</sup> Ibid.

<sup>19</sup> Section 4.3 SALW, IV. The QSP in Working Table III, Report of the Special Co-ordinator on the Implementation of the Quick Start Package, May 2001, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>20</sup> Fourth Meeting of the Working Table on security Issues, Zagreb, 12–13 June 2001, Chairman's Conclusions – Ambassador Kim Traavik, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>21</sup> Conclusions of the RACVIAC Co-ordination Conference, Berlin, July 7, 2000, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>22</sup> Fourth Meeting of the Working Table on security Issues, Zagreb, 12–13 June 2001, Chairman's Conclusions – Ambassador Kim Traavik, [www.stabilitypact.org](http://www.stabilitypact.org).

country assessments and programmes and a regional approach. The aim is to complete all the individual assessments and devise workable strategies for tackling the diffusion of small arms and light weapons. A regional formula that addresses very real and immediate issues and includes better border controls, monitoring of exports and consideration of production facilities needs to be crafted”.<sup>23</sup> SALW are also one of the key priorities in the strategic framework adopted by Working Table III in June 2001; the Table plans to “strongly focus on arms control and security sector reforms, on mine action and small arms reduction, disaster preparedness and prevention, fight against corruption and organised crime, migration and asylum as well as law enforcement and institution-building”.<sup>24</sup>

In addition to prioritisation, the need and desire for regional approach to the problems of SALW is also clear from various discussions within the Stability Pact. At the Fourth Meeting of Working Table III, participants recognised the “need for a comprehensive approach to the problems of SALW”.<sup>25</sup> In his opening address to the workshop on SALW in Ljubljana, the Slovenian Minister of Foreign Affairs “underlined the need for co-ordinated approach by the Stability Pact”, and the representative from the EU Commission “stressed the importance of developing a comprehensive regional action plan that would be helpful in designing concrete projects/proposals and programmes of assistance.”<sup>26</sup> Indeed, there was “general agreement that a suitable regional approach would be useful as it would reflect most appropriately the idea of ownership and commitment by the countries involved.”<sup>27</sup> The Stability Pact defines the objective of Working Table III as the development of “a unified regional approach to fight the excessive and uncontrolled circulation of small arms and light weapons in the region”.<sup>28</sup>

However, although governments in South Eastern Europe have begun to directly address the problems caused by the proliferation and misuse of SALW, progress has been patchy and unco-ordinated and much remains to be done. Moreover, although the Stability Pact encourages “greater participation of NGOs in all its work”,<sup>29</sup> and despite the Stability Pact Declaration on NGO-Government Partnership,<sup>30</sup> all its activities, meetings and initiatives within the small arms sub-table have so far almost exclusively involved government to government relations. (In contrast, the three roundtables organised by Saferworld and partners – involved representatives from both government and civil society). We believe, therefore, that there is scope for Saferworld and other partner civil society organisations to assist in the development of a comprehensive and unified regional approach or action programme to the problem of small arms proliferation in the region.

As stated in Section 1.2 above, such an action programme could be developed around three core themes:

- strengthening capacity and operational co-operation to prevent and combat illicit arms trafficking in South Eastern Europe;
- strengthening legal controls on the possession and transfer of small arms in South Eastern Europe, including enhancing transparency, information exchange, consultation, and democratic accountability on arms flows in the region; and
- removing weapons from society and enhancing police-civil society co-operation.

These three themes are explored in greater detail in the following sections.

<sup>23</sup> Section V.3, V. The Way Ahead, Report of the Special Co-ordinator on the Implementation of the Quick Start Package, May 2001, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>24</sup> ‘Stability Pact has become solid platform for regional co-operation in South Eastern Europe – Moldova joins Pact’, Brussels, 28 June 2001 Press Release, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>25</sup> Fourth Meeting of the Working Table on security Issues, Zagreb, 12–13 June 2001, Chairman’s Conclusions – Ambassador Kim Traavik, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>26</sup> Chairman’s Summary, Workshop on SALW: Possible Contribution to the Stability Pact for South Eastern Europe, Ljubljana, 27 January 2000, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>27</sup> Ibid.

<sup>28</sup> ‘About the Stability Pact’, (June 2001), [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>29</sup> ‘Pact wants to associate NGOs more closely’, Newsletter, Issue 9, 11 July 2001, Special Co-ordinator of the Stability Pact for South Eastern Europe, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>30</sup> The Stability Pact Declaration on NGO-Government Partnership in South Eastern Europe, accepted and adopted by all participants at the Working Table I Meeting in Bucharest, October 2000. ‘Pact wants to associate NGOs more closely’, Newsletter, Issue 9, 11 July 2001, Special Co-ordinator of the Stability Pact for South Eastern Europe, [www.stabilitypact.org](http://www.stabilitypact.org).

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## Strengthening capacity and operational co-operation to prevent and combat illicit arms trafficking in South Eastern Europe

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### 4.1 The nature of the problem

**IN THE 1990S**, international attention has increasingly focused on the challenges of ensuring adequate controls by states on flows of arms within and across their borders. In many of the areas of conflict or war-torn countries across the world, states are unable to guarantee their citizens an elementary degree of security from violence and injustice, and problems are exacerbated by wide availability and flow of small arms and light weapons. All of the states in South Eastern Europe have an important role to play in supporting such countries in their efforts to reduce small arms proliferation, enhance human security and pursue peace-building efforts. Indeed, for some states in the region (especially BiH, Croatia, the FYROM and the FRY) this peace-building and human security perspective remains an integral part of the small arms problem. For other states within the region, the problem of small arms diffusion can be viewed from two overlapping perspectives: an arms control/disarmament perspective; and a crime control/criminal justice perspective.

The processes driving or permitting illicit arms trafficking in South Eastern Europe are multiple and complex. The question of illicit trafficking of conventional weapons is also part of a larger issue, namely the uncontrolled availability and circulation of small arms and light weapons. It is generally recognised that a comprehensive approach is necessary to effectively combat and prevent such trafficking. Moreover, co-ordinated international action is essential. Unilateral measures to strengthen national laws and regulations against illicit trafficking and to improve enforcement are necessary, but

states cannot act effectively in this area by working alone. To be effective, any measures taken in one South Eastern European state to combat illicit arms trafficking must be closely linked with:

- **similar measures to control illicit arms trafficking at the regional and international level.** Traffickers are skilled in exploiting the opportunities for circumventing legal controls that arise from differences between different countries' national control systems or from inadequate communications between national enforcement agencies. Thus, concerned governments need to develop measures to combat and prevent illicit transfers in close co-ordination with other governments, both within and outside South Eastern Europe.
- **measures to ensure adequate marking and record-keeping and co-operation in tracing SALW.** Sub-regional initiatives to accelerate implementation of marking and record-keeping commitments within the UN 'Firearms Protocol' and OSCE Small Arms Document, and arrangements to facilitate co-operation in tracing sources and lines of supply, need to be developed.
- **national and international measures to strengthen controls on legal arms possession and trade.** The illicit trade in arms in South Eastern Europe is almost certainly smaller than the legal (government sanctioned) trade, and large quantities of illicit arms flows in the region are likely to involve weapons that have been diverted from legal holdings or transfers (both within and outside the region). The illicit trade often exploits weaknesses in controls on legal arms. Therefore, to tackle illicit arms trafficking effectively, any measures will need to address both the legal and illicit trade. In particular, improved monitoring and controls on end-use and transit trade will need to be developed.
- **measures to reduce excessive accumulations of SALW, weapons collection, responsible destruction and disposal of confiscated and surplus SALW, and stockpile security.** It is important to restrict potential sources of illicit arms, including newly manufactured arms. But it is the availability of existing stocks, and the inadequately controlled circulation of arms – often 'surplus' or second-hand weapons – which has increasingly become a major issue of concern. This situation will need to be addressed by a range of mutually-reinforcing measures including, for example, enhancing safeguards on weapons stocks and promoting the destruction of surplus weapons in civilian, police or military stocks.
- **measures to reduce the demand for illicit arms through, for example, improving capacity to prevent illicit arms imports, conflict prevention, post-conflict reconstruction, law and order; economic and social development, good governance and regional co-operation.** The widespread use and circulation of small arms is symptomatic of fundamental economic and political problems within affected societies. Any effective solutions will therefore need to be comprehensive in scope and will involve a combination of supply-side restraint and measures to reduce the demand for SALW on the ground. Thus, integrated approaches are required which closely link security and development concerns.

However, this section of the consultation paper primarily focuses on challenges for improving 'supply-side' controls to prevent illicit arms trafficking through and from South Eastern Europe, including:

- illicit trafficking of arms and ammunition from sources inside South Eastern Europe to other countries or regions in conflict;
- diversion of licensed shipments of arms and ammunition exported from South Eastern Europe, ultimately to unauthorised destinations and purposes; and
- transit of illicit or diverted shipments of arms through South Eastern Europe to onward destinations.



## 4.2 Summary of main initiatives taken so far

### At the national level

National governments and civil society in many parts of South Eastern Europe have begun to address the problems caused by the proliferation and misuse of SALW. For example, some governments have strengthened controls on transfers of small arms (see Section 5), others have begun to destroy surplus stocks of small arms used by their armed forces and/or illicit arms seized by their police and security forces (see Section 6), and others again have supported programmes to collect and destroy surplus small arms in other regions of the world.

Donor countries have offered various forms of technical assistance (either unilaterally or in bilateral partnerships), and a number of states in the region have introduced national interdepartmental co-ordinating committees for regulating and controlling the possession and flow of small arms, although few seem to have effective mechanisms for ensuring systematic information-exchange and consultation among relevant national policy-making and operational bodies. Hungary, for example, has an inter-ministerial committee which fulfils some of these functions through its licensing responsibilities. The co-chairs of the committee are the Ministry of Foreign Affairs and the Ministry of Economic Affairs, and other participating ministries and agencies include: the Ministries of Defence and Internal Affairs, the PM's Office, the Security Agencies (civil and military), and Ministry of Finance. Liaison with international policing bodies also takes place through the Ministry of the Interior. Another example is Albania's 'special structure' within its police departments for gathering ammunition and preventing arms trafficking.<sup>31</sup>

A number of states have also begun to overhaul and revitalise existing national procedures against firearms-related crimes. Croatia, for example, did this in 2000 after the success of its earlier weapons collection programme (carried out during 1992–1999 – see Section 6.1 below). In addition, the FRY drafted a new law covering both the possession and carriage of firearms in 1998, and since October 2000 has been working with the OSCE and receiving additional international technical advice on this issue. Given the growing realisation of the linkages between illicit arms trafficking, other forms of trafficking and organised crime, several states have also set up 'one-stop-shops' (like the National Criminal Intelligence Service (NCIS) in the UK) for handling incoming and outgoing national and international enquiries and data exchanges in respect of transnational crime. Examples include:

- **Bulgaria** National Service for Combating Organised Crime. The National Service for Combating Organised Crime is a specialised police operation and investigation service of the Ministry of the Interior for preventing and neutralising criminal activity of local and transnational criminal structures. The Service is particularly involved in combating organised crime in the economic, financial and credit system, terrorist actions, smuggling and illegal deals with arms, strategic resources, dual-use goods and technologies, motor vehicles, historical and cultural values, illegal immigration and drugs. It is also tasked with the fight against corruption of state and local administration. Bulgaria also has an 'International Co-operation Service', within the Ministry of the Interior.<sup>32</sup>
- **Italy** The Investigating Anti-Mafia Directorate (Direzione Investigativa Anti-Mafia) is the Italian law-enforcement agency primarily concerned with fighting organised crime. It comprises members of the Carabinieri, Polizia and Guardia di Finanza (GDF, the financial police) in a Task Force type arrangement. The DIA was established in 1995 within the Ministry of the Interior and its management layer consists of the Chief of the Italian Police, the General Commanders of the Carabinieri and the GDF, together with the directors of the military and civil intelligence services (SISMI and SISDE). It is answerable to the General Council for the Fight Against Organised Crime and its

<sup>31</sup> See the Albanian Statement at the UN Conference on *The Illicit Trade in Small Arms in All its Aspects*, reproduced in Appendix 1.1.

<sup>32</sup> See [www.mvr.bg/mvr-eng/index.htm](http://www.mvr.bg/mvr-eng/index.htm)

sole responsibility is to undertake investigations on all types of organised crime, including arms trafficking.

- **Greece** The Directorate of Informatics in the Ministry of Public Order was established in 1983 alongside the amalgamation of various police and security agencies. As well as developing and maintaining suitable communication and computer infrastructure for the Ministry of Public Order, the Directorate has developed an information network throughout Greece of all Police Directorates, all Passport Control Points and many of the country's Police stations. The Directorate participates in and represents Greece in various arenas within Europe (Schengen, Europol, etc). However, its international co-ordination mandate does not specifically include small arms issues.
- **Slovenia** is setting up an inter-departmental co-ordinating group to deal with issues arising from the future extension of the Schengen border to Slovenia .

However, it is important that all states in South Eastern Europe develop national administrative measures to enhance internal co-ordination and coherence in this area. In keeping with commitments within the OSCE Small Arms Document (described above) and the UN 'Firearms Protocol' (see below), efforts will need to be undertaken by all the states in the region to improve the traceability of small arms. The extent and effectiveness of tracing mechanisms within individual countries in the region is not known, but experience suggests that much work will be needed in this area. Most arms manufacturers have a system for identifying or registering the arms they produce. Serial numbers are in most cases imprinted on one or more parts of the weapons at point of manufacture. However, at present there is little consistency or information exchange (even among EU member states) about how this is done, and there are apparent gaps. Sometimes the marking systems are not unique. Moreover, weapons are not always individually marked, and where they are, the identifying marks can sometimes be easily removed. Most importantly, perhaps, systems for co-operation in tracing lines of supply of confiscated illicit or dubious arms (for example to identify and close diversion points) remain very inadequate. Computerised national registers of civilian-held armaments (as introduced in Slovenia, for example) and military armaments are crucial in this respect.

## Regional responses

EU member states have developed three core initiatives for combating illicit arms trafficking and preventing proliferation and misuse of SALW:

1. the EU Programme on Preventing and Combating the Illicit Trafficking in Conventional Arms (June 1997), which commits member states to strengthen national efforts, to strengthen intra-EU co-operation and to support efforts to third countries requesting EU assistance;
2. the EU Code of Conduct on Arms Exports (June 1998); and
3. the EU Joint Action on Small Arms (December 1998).

The statements from some of the countries of South Eastern Europe given at the UN 2001 conference on SALW provide positive endorsements of the EU measures (see Appendix 1). However, the extent to which these endorsements have been reflected in the implementation of new policies and procedures is difficult to assess, and is likely to vary from country to country.

Article 4 of the Joint Action pledges that assistance and material support are to be given to countries eager to establish more effective control over, or to eliminate their surpluses of, small arms. Further, in May 1999 the EU Council of Ministers for Development Co-operation adopted a resolution on small arms, embedding the issue in the EU's development policy. At present, however, Albania is the only South Eastern

European state in receipt of CFSP funds for this purpose – namely the weapons for development programme in Gramshi (see Section 6).

Although these EU initiatives have stimulated a number of national and bilateral initiatives there is a need for much greater regional co-ordination of these efforts – both within the EU and between EU member states and countries in South Eastern Europe. With regard to co-operation and information exchange between EU and some countries in South Eastern Europe, there has been some very useful bilateral co-operation, but there is a need to develop ways in which to co-ordinate these efforts at the EU and South Eastern Europe level in advance of enlargement.

Many countries in South Eastern Europe are also co-operating in a number of wider regional frameworks relevant to this problem, particularly: the OSCE; NATO/EAPC; the Stability Pact; Interpol, and the SECI Centre.

The developments in the OSCE and Stability Pact were discussed in Sections 2 and 3 above, respectively. All participants in the Stability Pact are bound by the terms of the ‘OSCE Document on Small Arms’, which includes provisions on regional co-operation and envisages the possibility that the Stability Pact could assist in the implementation of some of its commitments.<sup>33</sup> An ad-hoc working group on small arms was established within the framework of the EAPC in early 1999. It identified three main areas in which the EAPC, and the NATO institutions with which it is closely linked, could particularly contribute: improving arms stockpile management and security (including safe disposal and destruction of surplus arms); co-operation in strengthening controls on exports of small arms; and small arms collection and control during peace missions. By early 2000, the work with the EAPC had developed very promisingly, particularly in the area of stockpile management.

The ‘South Eastern Europe Common Assessment Paper on Regional Security Challenges and Opportunities’ (SEECAP) was endorsed in Budapest on 29 May 2001 by a Declaration of Foreign Ministers.<sup>34</sup> SEECAP was one of a set of proposals for activities in support of NATO’s South East Europe Initiative (SEEI). Although NATO-sponsored (and supported by Working Table III of the Stability Pact), SEECAP is regionally-led and is based on the idea that common perceptions of the security challenges facing the region would promote common responses (especially in terms of security strategies and defence planning). In the ‘Budapest Declaration’, the signatories hail the paper as “the first comprehensive common document on perceptions and priorities to build a secure, stable and indivisible Euro-Atlantic area”.<sup>35</sup>

SEECAP itself aims to contribute to the achievement of the goals of NATO’s SEEI, the Stability Pact and other regional co-operation processes, and is expected to be periodically reviewed and updated.<sup>36</sup> The paper details the security and risk perceptions of countries in the region under the headings: the security environment; political; defence and military; economic; social and democratic development; and environmental challenges. In discussing the specific security challenges in the region, SEECAP notes that “organised crime constitutes a serious challenge to the security of the region”, and that “criminal networks in many cases operate across borders”.<sup>37</sup> In addition to placing illicit arms trafficking and support of illegal armed groups in the context of organised crime, the paper also directly pinpoints SALW proliferation as a core challenge to security:

“Destabilising accumulation and illegal transfer of conventional weapons including

<sup>33</sup> Fourth Meeting of the Working Table on Security Issues, Zagreb, 12–13 June 2001, Chairman’s Conclusions: Ambassador Kim Traavik, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>34</sup> The endorsing states comprised: Albania, BiH, Bulgaria, Croatia, the FRY, Romania, Slovenia, the FYROM, Greece, Hungary, Italy, Netherlands, Norway, Poland, Turkey, United Kingdom and the United States, Denmark and France. Background note, SEECAP, [www.nato.int](http://www.nato.int).

<sup>35</sup> Declaration on South East Europe Common Assessment paper on Regional security Challenges and Opportunities (SEECAP), Budapest, 30 May 2001, [www.nato.int](http://www.nato.int).

<sup>36</sup> *Ibid.*, Section I.

<sup>37</sup> *Ibid.*, Section III.

small arms and light weapons and ammunition, as well as the slow pace of disposal of redundant weapons would create a security challenge. There is an urgent need for effective programmes for the collection and destruction of illegally possessed arms and ammunition.<sup>38</sup>

SEECAP also outlines a number of opportunities and principles for co-operation,<sup>39</sup> and in particular, considers transparency as being essential to the promotion of confidence and openness and for improving co-ordination among different institutions and efforts.

Finally, international police co-operation in response to serious and organised crime is also being developed within Interpol and the SECI Centre. On 26 May 1999, nine of the eleven members of the South-East European Co-operation Initiative (SECI)<sup>40</sup> signed a 'Co-operation Agreement to Prevent and Combat Transborder Crime'.<sup>41</sup> The agreement entered into force in February 2000, and outlines forms of specific assistance on the exchange of information and maintenance of channels of communication to facilitate this.<sup>42</sup> In particular, the parties agreed to exchange information on imports-exports, trans-border crimes and criminals, and illicit transfer of goods. In order to ensure the proper functioning of this Agreement and support regional co-operation amongst police and customs authorities, the parties agreed to establish a Regional Centre for Combating Trans-border crime, based in Bucharest. The Centre consists of liaison officers from each member country, national focal points in each capital, and specialised task forces on trafficking in women and children, commercial fraud, drug trafficking and stolen vehicles.

Saferworld, and the European Institute for Risk, Security and Communication Management, (EURISC), in association with the Romanian Ministry of Foreign Affairs, held a conference on 'Improving European law enforcement co-operation to combat organised crime, corruption and illicit firearms trafficking', on 15–16 June 2001, in Bucharest. Hosted by the SECI Centre, the conference brought together representatives from national and international law enforcement bodies, relevant academics and crime/arms control specialists. The conference explored the links between firearms trafficking and other aspects of organised crime and corruption; reviewed the roles of Europol, Interpol, Schengen Agreement and other international organisations in preventing and combating illicit arms trafficking; and made an assessment of what needs to be done to strengthen interagency co-ordination in an enlarged EU, with specific reference to the future eastern border of the EU. The conclusions from this seminar are reproduced at Appendix 2.2.<sup>43</sup>

## Support for global responses

Some countries in South Eastern Europe have also been actively involved with a number of global initiatives which impact on the region. In the United Nations, sets of recommendations for measures to prevent and reduce small arms proliferation were agreed in the 1997 report of the UN Panel of Governmental Experts on Small Arms, and the 1999 report of the UN Group of Governmental Experts on Small Arms.<sup>44</sup> Although no South Eastern European countries were represented on the first Panel, Bulgaria was represented on the second Group. The UN General Assembly subsequently endorsed these two reports.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid., Section IV.

<sup>40</sup> SECI was formed in 1996 to foster economic relations among Balkan states and help integrate them with the European Union. Its member states are Albania, BiH, Bulgaria, Hungary, Moldova, the FYROM, Romania, Slovenia and Turkey as Croatia and Greece are in the stage of transmitting the ratification instruments.

<sup>41</sup> The agreement was also signed by Croatia on 16 November 1999.

<sup>42</sup> The Centre is housed in the Parliament Palace in Bucharest. Activities at the Centre started in November 2000 with funding of \$2.4 million from the Romanian Government.

<sup>43</sup> For further information on the outcomes from this conference see the Saferworld website ([www.saferworld.co.uk](http://www.saferworld.co.uk)) and the conference report (forthcoming).

<sup>44</sup> Report of the UN Panel of Governmental Experts on Small Arms, *A/52/298, 27 August 1997* and Report of the UN Group of Governmental Experts on Small Arms, *A/54/258, 19 August 1999*.

The main focus of the global effort shifted to the recent UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York in July. This conference provided countries in the region with the opportunity to contribute to a strong international action programme to combat illicit trade in small arms and light weapons and prevent and reduce small arms proliferation. The conference did achieve significant progress, in principle, in many key areas, including:

- **National measures to prevent, combat and eradicate the illicit trade in SALW** adequate laws and regulations to control the production of SALW and to criminalise illegal manufacture, possession, stockpiling and trade of SALW; designation of national co-ordination agencies for policy guidance and national focal points to act as liaison between states; reliable marking systems; measures to prevent the manufacture, stockpiling, brokering, transfer and possession of any unmarked or inadequately marked SALW; adequate record-keeping on the manufacture, holding and transfer of SALW; effective tracing mechanisms; effective national systems of export and import controls; authenticated end-user certificates; notification procedures for re-export of SALW imports; controls on brokering; effective enforcement of arms embargoes; destruction of confiscated, seized or collected SALW; effective stockpile management by armed forces and police; destruction of surplus SALW; development and implementation of public awareness and confidence-building programmes; development and implementation of disarmament, demobilisation and reintegration programmes; greater transparency with regard to national laws, regulations and procedures; and voluntary exchange of information on SALW confiscated or destroyed and other relevant information, such as illicit trade routes and techniques of acquisition.
- **Regional measures to prevent, combat and eradicate the illicit trade in SALW** establish points of contact within sub-regional and regional organisations; encourage regional negotiations with the aim of concluding legally binding instruments; encourage strengthening and establishing of moratoria in affected regions or subregions; subregional or regional mechanisms (such as transborder customs co-operation and networks for information-sharing among law enforcement, border and customs control agencies); regional and sub-regional action to implement or strengthen relevant laws; regional and subregional mechanisms for safe and effective stockpile management; and support for national disarmament, demobilisation and reintegration programmes.
- **Global measures to prevent, combat and eradicate the illicit trade in SALW** effective implementation of UN arms embargoes; collation and circulation of data and information; encouragement of disarmament and demobilisation of ex-combatants; provisions for disarmament, demobilisation and reintegration in the mandates and budgets of peacekeeping operations; strengthening of tracing mechanisms; encouragement of states, World Customs Organisation and other relevant organisations to enhance co-operation with Interpol; ratification and accession of international instruments on terrorism and organised crime; development of common understandings on brokering; and encouragement of co-operation with civil society and promotion of public awareness.
- **Measures to facilitate implementation, international co-operation and assistance** enhanced co-operation to ensure co-ordination, sharing of resources and information exchange; provision of technical and financial assistance; assistance in and promotion of conflict prevention; capacity-building to facilitate implementation of the Programme of Action; regional and international programmes for specialist training on SALW stockpile management; support for Interpol's Interpol Weapons and Explosives Tracking System (IWETS) database; development of technologies to improve tracing and detection of illicit trade; voluntary exchange of information on national marking systems; mutual legal assistance to help investigations and prosecutions; assistance in the destruction of surplus stocks; addressing of problems related to human and sustainable development; and development of action-oriented research

to facilitate greater awareness of the nature and scope of SALW problems.

In particular, the highlighting of the impact of guns on development, health and humanitarian issues, the commitment to carry out more effective post-conflict disarmament and de-mobilisation programmes, the need for greater security of weapons held by states and the destruction of surplus and illicit weapons were all encouraging developments. However, the conference still fell far short of many expectations due to the inability of delegates to reach agreement on some key issues. A number of critical commitments that the EU, many OSCE states and NGOs had been hoping for were left out of the final programme of action, including a commitment to negotiate international treaties on arms brokering or the marking and tracing of weapons; any reference to regulating civilian possession of weapons; any reference to protecting human rights; and any significant commitment to greater transparency on the trade in SALW.

Representatives of South Eastern European states attended the conference, and their statements are included in Appendix 1.

Finally, the UN ECOSOC Commission on Crime Prevention and Criminal Justice negotiated a legally binding protocol on illicit firearms trafficking supplementary to the Convention against Transnational Organised Crime.<sup>45</sup> The proposal to develop an international 'Firearms Protocol' within this Convention was widely supported with the UN resolution that created the mandate receiving the endorsement of 53 countries. Negotiation of this 'Firearms Protocol' began in early 1999 and was completed in March 2001. It was adopted by the UN General Assembly on 31 May 2001. The South Eastern European perspective was represented by Italian government officials and experts who spoke at the symposia in Palermo. The 'Firearms Protocol' contains practical, tools-based measures designed to assist law enforcement communities by enhancing international co-operation and promoting greater transparency in legal transfers of firearms. Comprehensive procedures are set out for the import, export and transit of firearms, their parts and components, and ammunition. The 'Firearms Protocol' also establishes a reciprocal system requiring countries to provide authorisations to one another before permitting shipments of firearms to leave, arrive or transit across their territory, facilitating the tracking of the legal movement of shipments by law enforcement to prevent theft and diversion.

In view of the numerous initiatives that have developed in recent years (within the EU, NATO, OSCE, Council of Europe, and Wassenaar Arrangement), it is clear that significant elements exist for a consensus to be reached among the countries in the region (many of which are members of some or all of these organisations and institutions) on the nature of the problem of SALW proliferation and of the types of national and international measures that are required to tackle it. In developing an agreed regional strategy, participants should seek to build upon this consensus, which goes substantially beyond that established at a global level.

### 4.3 Potential elements of a regional action programme

It will be important to strengthen and deepen co-operation between states in the region on efforts to:

- combat illicit arms trafficking and enhance measures to regulate legal arms transfers;
- strengthen regional co-operation to increase the effectiveness of their efforts to control arms and combat illicit arms trafficking through and from their territories;
- identify the capacity-building needs of countries seriously affected by small arms diffusion and the means by which assistance can be directed towards meeting those needs;

<sup>45</sup> The United Nations Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition (the 'Firearms Protocol'): [www.uncjin.org/Documents/Conventions/conventions.html](http://www.uncjin.org/Documents/Conventions/conventions.html).

- identify and adopt best practice in the following areas (see below):

Some of the possible elements of (and measures to enhance) 'best practice' in some of these areas are outlined below, together with suggestions for supporting and strengthening co-operative responses.

### **Arms stockpile management and security**

One of the major sources of illicit or destabilising SALW is existing official stockpiles. Thefts, losses or corrupt or unauthorised sale of weapons from military or police stocks are a problem in all states.

Countries in the region could usefully establish programmes to ensure and improve stockpile management and security. Such programmes should be conducted within the framework of EAPC/PfP and other international programmes in this area.

Elements of such programmes could include:

- regular stocktaking of existing holdings of arms, ammunition, and associated equipment;
- co-ordinated reviews of security of existing stocks of weapons, both within storage facilities and equipment held by police, armed forces and other authorised personnel;
- programmes to enhance stockpile management and security, including information exchange and identification and dissemination of good practice, and joint training programmes;
- reviews of existing stocks to identify surplus stocks and stock which can be transferred to secure central 'deep' storage facilities;
- assistance programmes to help countries, at their request, with measures to improve stockpile management and security.

### **Destruction and disposal (including responsible transfers) of surplus, decommissioned and confiscated weaponry**

There is also a need to develop guidelines and minimum standards to ensure responsible disposal of surplus weapons in official stockpiles or civilian possession and confiscated illicit weapons (see Section 6 below).

### **Strengthening export controls and other legal controls on the possession and transfer of small arms**

A comprehensive programme to strengthen controls and regulations on legal possession and trade of arms must play a central role in combating illicit arms trafficking. This will primarily be achieved by developing a new regional Code of Conduct or through deeper engagement with the provisions of the EU Code of Conduct on Arms (and these options are discussed in Section 5 below). There is also a need to: establish or strengthen controls on arms brokering activities in a co-ordinated way, including laws that criminalise unlicensed arms brokering activities; develop agreed standards and programmes to improve assessments of risk of illicit or undesirable end-use or retransfer of exported arms and equipment; and to develop common approaches to requirements for end-use guarantees, monitoring compliance with such guarantees, and responding to non-compliance. Some initiatives have already been taken in both these areas and others are proposed herein (in Section 5).

Countries in the region should also consider establishing a programme to exchange information on their controls on civilian possession of firearms and promote appropriate strengthening of such controls.

It is clear that significant differences in national regulations on civilian firearms possession among countries in the region will continue for some time. This implies a

need to ensure that relevant national agencies are fully aware of the regulations in partner countries, and take steps to ensure that they reinforce the effectiveness of each other's controls. This could be achieved by promoting the translation and regular exchange of texts of existing legislation and other relevant documents.

It is also important to try to agree some common guidelines governing civilian possession of firearms in the countries in the region, and relating to registration and record-keeping requirements.

### **Strengthening controls on trans-shipments of arms through South Eastern Europe**

Illicit arms often arrive at their ultimate destination only after passing through long and relatively complex supply routes, involving shipments through several countries. Arms traffickers make use of the fact that states typically exert less rigorous controls on arms shipments passing through their territory than on their own national arms exports and imports. Countries in the region need to establish effective monitoring and control of shipments of arms, ammunition and associated materials through their territory. Guidelines and minimum standards should be established for transit states, to prevent diversion to illicit or undesirable end-users. In this context, countries in the region should agree common procedures including:

- requiring pre-notification by the original exporting state of all shipments of arms and associated controlled items due to pass through their territory;
- requiring full and authenticated documentation to accompany such shipments, including information on the types and markings of the weapons involved, the destination, transit routes, transport agents, and contact points of responsible officials;
- routinely notifying relevant authorities in subsequent transit countries and in the end-user country that the arms are on their way;
- maintaining adequate records to co-operate rapidly in any subsequent efforts by legitimate authorities to trace lines of supply of arms.

Any transit shipments of arms, their components or parts, or ammunition that are not properly notified and accompanied by accurate and full documentation should not be allowed to proceed, and unless the problems are rapidly rectified and adequately explained, they should normally be seized and destroyed.

Accompanying such procedures, countries in the region should consider establishing a joint programme to strengthen measures to detect and punish efforts to ship arms and associated controlled items through their territories illicitly. This programme could include investments in detection equipment at trans-shipment points, and systems for information sharing amongst relevant authorities.

### **Improving accountability and transparency in relation to production, transfers and holdings of SALW**

Improvements in accountability and transparency in this area would significantly enhance efforts to combat illicit arms trafficking (and are discussed in Section 5 below).

### **Information exchange and consultations, both on political and expert levels**

A range of agencies have a crucial role to play in enforcing regulations to combat illicit trafficking in small arms, including police, intelligence agencies, customs, border guards, the judiciary and the military. Where appropriate, the investigative capabilities of these agencies should be strengthened, and interagency co-ordination (both within and among the countries in the region) improved. The identification of contact points within individual agencies and organisations is a specific measure which should be



easy to implement, but often seems to be overlooked.<sup>46</sup> Other specific measures to be considered include:

National level actions:

- promote adoption of national interdepartmental or interministerial co-ordinating mechanism by all countries in the region to ensure systematic information-exchange and consultation among relevant national policy-making and operational bodies on issues relating to illicit arms trafficking and small arms proliferation.
- establish national reviews of adequacy of existing laws, regulations, and administrative procedures to prevent or combat illicit arms trafficking, and accelerated implementation of commitments and best practices agreed at regional and international level (such as those established in the UN 'Firearms Protocol').
- establish regular national reviews of the capacity of each of the national agencies involved in preventing or combating illicit arms trafficking to ensure that they can fulfil their tasks. This should include measures to ensure adequate (and compatible) systems for record-keeping and communication within and between relevant agencies, and for co-operating in monitoring, tracing and controlling possession and movement of arms across borders.

At the regional level:

- establish a programme of interagency co-ordination and consultation meetings involving agencies and officials from countries in the region to deepen contacts, improve policy and operational co-ordination and information exchange, identify and promote good practice, and clarify ways and means to improve performance.
- establish an official interagency mechanism (including police, customs, arms export licensing officials, judicial authorities) within the region to co-ordinate and promote implementation of the agreed policies to combat and prevent illicit trafficking in small arms.
- enhance assistance provided by international organisations to countries in the region in order to strengthen their controls and to establish common standards, including joint training programmes and capacity building assistance for police and customs.
- review the role of Interpol and the SECI Centre to better utilise their abilities to prevent and combat illicit arms trafficking.

### **Marking, record-keeping and tracing of small arms and light weapons**

It is now widely recognised that improved systems for marking and tracing arms can contribute substantially to international efforts to combat illicit arms trafficking and proliferation of small arms and light weapons, by increasing accountability and enabling authorities to trace sources and diversion points of suspect or confiscated weapons. Agreements on marking, record-keeping and tracing firearms were outlined in the UN 'Firearms Protocol' and several proposals were made at the UN 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. However, despite calls for strong commitments to an international agreement on the marking and tracing of weapons in the earlier drafts of the document, the final Programme of Action resulting from the UN conference failed to include any such commitment.

Nonetheless, countries in the region should establish (as far as possible with other like-minded states) programmes for accelerated adoption and implementation of the UN 'Firearms Protocol' and other good practices relating to marking, record-keeping and tracing of small arms and light weapons and associated controlled items. This would include:

<sup>46</sup> According to the Wassenaar Arrangement's web page, for example, there are no contact details for four of the five South Eastern European member states national authorities (the exception is Hungary).

- 
- agreements to ensure that all small arms and light weapons are uniquely marked in a reliable (that is, difficult to remove) way;
  - programmes to develop and agree guidelines on marking parts, components, ammunition and other military goods;
  - programmes to ensure that arms in existing stocks are adequately marked;
  - exchanges of information relating to marking systems, record-keeping, and contact points to facilitate tracing;
  - programmes to support improvements in marking, record-keeping and tracing systems in countries that require assistance; and
  - programmes to develop and disseminate economical and reliable marking techniques.

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## Strengthening legal controls on the possession and transfer of small arms in South Eastern Europe

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### 5.1 Developing a regional code of conduct on arms exports

#### Summary of progress

**AS STATED ABOVE,** a strong regulatory framework on the legal possession and trade of arms is crucial to combating illicit arms trafficking. In terms of the legal trade in arms, such a regulatory framework is provided, in part at least, by the EU Code of Conduct on Arms Exports.

The EU Code, agreed by member states in June 1998 represents an important first step towards the development of a common responsible arms export control policy for the EU. Serious application of the Code's eight criteria should greatly increase restraint in exports of small arms and light weapons. Although all the criteria are important in this context, criteria two, three, four and seven – relating to human rights, internal conflicts, regional peace and security, and the risk of diversion – are particularly significant for small arms proliferation and combating illicit arms trafficking. Moreover, the agreement of a denial notification system, with its principle of no undercutting without consultation, was ground breaking in that no such consultation mechanism has ever before been agreed between states in relation to arms transfers.

Two reviews of the Code were undertaken by the EU Council of Ministers towards the end of 1999 and 2000 – as part of a regular annual reporting procedure which is built into the Code. Although the publication of these first two Annual Consolidated Reports were in themselves welcome moves towards greater transparency, information in the Reports is modest. There is only basic information on the number of licences granted, their total value and the number of bilateral consultations on undercutting. The main reason for the limitations in the Consolidated Report is that not all EU member states produced detailed national reports.

Nevertheless, implementation of the Code appears to be successful, and the first two annual reviews of its operation did establish some good precedents. For example, a large number of denial notifications were circulated and there was active consultation between EU member states on specific export licences issued. However, the key to the long-term effectiveness of the Code of Conduct will be how rigorously it is implemented by the member states and how quickly progress is made to strengthen the Code.

Of the countries covered by this study, Italy and Greece are currently EU member states and are therefore directly bound by this political undertaking and are full participants in its operational mechanisms. The four EU associate countries in the region, Bulgaria, Hungary, Romania and Slovenia formally aligned themselves with the Code in August 1998. However, although these associate countries have made a political commitment to follow the Code's guidelines, they are not included in the crucial information exchange and consultation mechanisms. To our knowledge, Albania, BiH, Croatia, the FYROM and the FRY have yet to agree to align themselves clearly and explicitly with the principles of the EU Code. (In addition, five of the countries in the region – Bulgaria, Greece, Hungary, Italy and Romania – are also members of the Wassenaar Arrangement, which offers a further opportunity for developing sub-regional co-ordination of export controls.)

These declarations of support for the principles of the EU Code (and in the case of the associate countries, the EU Programme and Joint Action on Small Arms as well) significantly increase the possibilities for the EU to co-ordinate arms export controls with partner countries, and a framework now exists for such co-operation to take place on many fronts. The four associate countries have also substantially strengthened their national export controls as a result of aligning themselves to the Code. These are positive developments. However, it is important to both broaden support for the Code and further strengthen the partnership between EU member states and those countries currently outside the EU which have aligned themselves to the Code.

### Future options

As regards broadening support for the Code, there are a number of potential routes for achieving this. In 1998, for example, a committee within the Parliamentary Assembly of the Council of Europe called upon all Council of Europe member states to respect the criteria contained in the EU Code, and to work towards a European-wide code of conduct.<sup>47</sup> Since then, some states (including Iceland, Norway and Canada) have also agreed to align themselves with the principles of the EU Code. Over time, therefore, other states, including all the remaining South Eastern European states, could be encouraged to align themselves with the Code.

Three options to this piecemeal approach would be to:

1. encourage adoption of or alignment with the EU Code within a wider multilateral framework (such as the OSCE and/or Wassenaar Arrangement); or
2. deepen ties between the EU and South Eastern Europe in relation to the EU Code; or
3. develop a separate code covering states in South Eastern Europe.

### Developing the EU Code within a wider multilateral framework

Given that the OSCE contains all the major suppliers of conventional arms except China, has an ongoing programme of confidence and security building mechanisms which already provide for exchange and discussion of data on armed forces, production of arms and defence budgets, and has already issued several declarations and documents on conventional proliferation, including the 1993 Principles Governing

<sup>47</sup> Report of the Political Affairs Committee, Rapporteur, Mr Borut Pahor, Slovenia, Socialist Group, *Drawing up a European code of conduct on arms sales*, Council of Europe, Parliamentary Assembly, Doc, 8188, 10 September 1998.

Conventional Arms Transfers, the OSCE would seem – in theory at least – a suitable organisation within which to develop the Code. Indeed, the OSCE Document on Small Arms includes a series of common norms, principles and measures aimed at fostering responsible behaviour with regard to the transfer of small arms. It is certainly Saferworld's view, however, that any common export criteria developed within South Eastern Europe should go further than the principles contained in the OSCE Document on Small Arms and should at least mirror the Code's criteria. Where possible, they could seek to go even further in encouraging a restrictive approach to the export of small arms.

When considering this widening question, it should be remembered that the Code represents an attempt to harmonise national policies around common norms and principles. This has been and continues to be a difficult process even among the 15 EU member states, and is a process that is only now being extended to the EU associate countries that have aligned themselves with the Code. A great deal of work and effort is still needed to implement and build up a common understanding of the Code within these countries.

### **Deepening ties between the EU and South Eastern Europe in relation to the Code**

In looking at this issue, there is a clear distinction to be made between the four EU associate countries in South Eastern Europe and the five other countries in the region (Albania, BiH, Croatia, the FYROM and the FRY) which are currently outside this process and have yet (to the best of our knowledge) to align themselves with the Code. Of course, as stated above, the associate countries are currently excluded from the Code's crucial information exchange and consultation mechanisms, even though they have made a political commitment to follow the Code's guidelines. It is also clear that some EU member states are at present opposed to including associate countries in these operational mechanisms, and such opposition cannot easily be overcome.

However, when it comes to the further development of the Code, there is no obvious reason why formal or informal consultative mechanisms involving associate countries should not be established to operate in close association with EU committees such as COARM. Examples include the efforts to develop common approaches towards regulating arms brokering activities, strengthening safeguards against diversion to illicit or unauthorised end-users, or proposals in international fora such as the recent UN 2001 Conference. The other five states in the region could also be included in these information exchange mechanisms provided that they decide to endorse the Code. Given that all of the non-EU states in the region are seeking EU membership (or at minimum, seeking to develop closer ties with the EU), and in varying degrees, have started to harmonise elements of their national legislation in line with EU standards, Albania, BiH, Croatia, the FYROM and the FRY should urgently consider endorsing the EU Code.

Saferworld is itself strongly committed to accelerating and deepening such a dialogue. During a Saferworld seminar in Warsaw in March 2000, for example, participants agreed on the importance of EU member states and associate countries working together to implement and strengthen the EU Code of Conduct and to close existing loopholes. More specifically, the participants called upon COARM to consider the establishment and development of mechanisms to:

- develop the exchange of information on principles and criteria of the EU Code of Conduct on Arms Exports in relation to specific destinations (including information and consultation to enhance assessments of risk associated with the implementation of each of the criteria of the Code);
- circulate information to associate countries on destinations, transit routes and end-users of concern; and
- provide information that would facilitate the implementation and observance of existing arms embargoes.

COARM were also requested to consider the feasibility of providing information relating to denials and denial procedures to associate countries. Some fairly basic information is already being exchanged, such as the annual Consolidated Report and information on current export control legislation. But it needs to be extended where possible to include exchanges of information on arms transfers and issues relating to the implementation of the Code.

In the short term, however, priorities for Albania, BiH, Croatia, the FYROM and the FRY are probably the development of effective legislation and regulations governing the import, export and transit of arms, and related mechanisms to prevent their diversion, including effective end-use controls. Another important priority is to tackle the availability of weapons within their societies and, where necessary, to strengthen controls on civilian possession of small arms (see Section 6 below). There is also an opportunity for all the countries in the region (the two EU member states, the four EU associate countries and the five non-associate countries alike) to develop their own information exchange mechanisms based on some of the best features of the EU Code (see Section 5.2 below).

### Developing a South Eastern European code of conduct

As an alternative to working to more closely align themselves with the EU Code of Conduct, the governments (and especially the non-EU governments) in South Eastern Europe may wish to consider working together to develop and implement their own regional code of conduct on arms exports, with its own export criteria and information exchange and operational mechanisms.

Such a South Eastern European code could be based on the EU Code criteria, but with the practical information exchange and co-operation mechanisms focused on issues of relatively greater interest to the countries in the region. This might entail, for example, the elaboration of co-operation relating to risks of diversion; notice of transfers across and between states in the region or of imports into the region; information exchange on transit controls and end-use; tracing co-operation, brokering co-operation; and development of rules relating to transfer of surplus and confiscated SALW.

## 5.2 Potential elements of a regional action programme

Whichever option is followed in considering ways to strengthen and develop the code of conduct, a number of weaknesses and possible loopholes will need to be addressed.<sup>48</sup> It is also important to establish common approaches and minimum standards relating to controls on arms brokering activities and systems for end-use certification, monitoring and enforcement. These issues need not be considered within the strict framework of a code of conduct, but they are nevertheless important.

### Information sharing

Potential mechanisms for enhanced information sharing and consultation between countries in the region in the operation of a regional code were discussed in Section 4. The development of such mechanisms could be afforded a higher priority. In the first instance, for example, a regional group of experts could be established to consider some of the options in more detail. Saferworld would be willing to facilitate an initial meeting of such an expert group. As an initial confidence-building mechanism, countries in the region could also begin to share information on relevant national legislation and current practice on export procedures and documentation, and national procedures for the control of the manufacture, export and import of small

<sup>48</sup> These weaknesses and loopholes have been identified and discussed by Saferworld and others in earlier reports. See, for example, the discussion in *Controlling the flow of small arms and light weapons from and through an enlarged EU: Developing a joint action programme for EU and candidate countries*, Saferworld and Institute of Public Affairs, October 2000, pp 17–18.

arms (especially information on national standards for marking, record-keeping and tracing of SALW). Later this information exchange could be extended to the circulation of licence denials, either as they are issued or on an aggregate basis every six months (also see Section 5.2 below).

### End-use controls

As noted in Section 4 above, end-use controls and monitoring systems need to be strengthened. End-use assessment, certification and control systems currently vary significantly across Europe, and they mostly remain too vulnerable to circumvention, forgery or non-compliance. Some initial work on exploring the potential for harmonising elements of end-use/end-user certification in the EU has already been undertaken within the committee known as COARM. Similarly, some of the associate countries have also begun to explore this issue. In December 1999 at a regional conference in Sofia (under the auspices of the Stability Pact), for example, the participants agreed a 'Statement on the Harmonisation of End-Use/End-User Certificates' (see Appendix 2.1) which tables a number of proposals in this area. Bulgaria has also called for a comparative study on 'best practice' for end-use certification.<sup>49</sup> It is particularly important to build on the work in the 'Sofia Statement' to develop common approaches and minimum standards relating to end-use controls for arms transfers. Some elements of such common approaches could include:

- adoption of standardised models for end-use certificates and authorisations, and guidelines on end-use certification requirements (including the information required on end-users);
- procedures involving verification of authorisations from importing states before licences are issued; requirements for detailed information on transit routes and shipping agents; pre-notification of importing and transit states; and use of authenticated documents. These measures are to reduce the risks of forgeries, corrupt practices, and unauthorised diversion.
- procedures to verify delivery of the arms at the authorised end-user in the country of final destination;
- requirements on the end-user of recipient country national authorities to at least notify the exporting country before re-export or change of end-use;
- establishment or reinforcement of information exchange and consultation arrangements among countries in the region to assist with assessments of risks associated with certain end-users, recipient countries, or transit routes.
- establishment or reinforcement of information exchange and co-ordination of responses amongst national systems where there is evidence of non-compliance with end-use agreements; and
- common guidelines restricting transfers of arms and military equipment to non-state actors.

### Controls on arms brokering

Most countries within Europe have no regulatory controls on arms brokering activities by their nationals (or by companies or individuals based within their jurisdiction) and thus lack controls on brokering of arms transfers where the shipments do not pass through their national territory. The few countries that do have such regulations have adopted different approaches which provide scope for arms brokers to exploit in inconsistencies or gaps in regulations. Thus, it will also be important for all countries in the region to adopt common regulations and controls on arms brokering activities. Provisions for controls on arms brokering activities were discussed in the negotiations for the UN 'Firearms Protocol'. Countries in the region need to establish programmes

<sup>49</sup> Regional Conference on Export Controls, Sofia, 14–15 December 1999, Chairman's Summary; and Contribution of the Bulgarian Delegation, Small Arms Workshop, Ljubljana, 27 January 2000.

to accelerate and co-ordinate the implementation of the resulting agreements.

The main elements of a common approach are: shared understandings of definitions of arms brokering (and associated trans-shipment) activities; common approaches to licensing requirements for such activities; and agreement to criminalise unlicensed activities.

We believe that countries should require all arms brokering activities to be licensed where they are carried out by: their citizens; persons domiciled on their territory; or companies based or registers within their jurisdiction. Countries in the region should also consider requiring foreign brokers to have a licence before engaging in arms brokering activities on their territories.

### **CSBMs and information exchange agreements among OSCE member states**

Participating states of the OSCE exchange and verify information on their armed forces and military activities within the framework of the Vienna Document regime. These Confidence and Security Building Measures (CSBMs) also include provisions for principles governing arms transfers. Annex 1-B of the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Accord) Articles IV and V envisage the elaboration and implementation of sub-regional and regional arms control agreements to promote confidence and security building in a specific region. However, none of these major frameworks tackle explicitly the issue of small arms and light weapons.<sup>50</sup> On the other hand the OSCE Small Arms Document adopted in 2000 includes controls on manufacture and export, including export criteria. OSCE missions placed in South Eastern Europe have the capacity to undertake work on small arms collection, but implementation is mainly in the hands of individual nations.

### **Transparency of small arms and light weapons production, holdings and transfers**

There is wide scope to increase transparency in countries in the region on the production, storage and transfer of arms, especially small arms and light weapons. This would be in the interests of democratic accountability and information exchange and co-ordination among the countries concerned. It could also create precedents that would help to establish or develop wider international transparency arrangements in these areas.

Most countries in the region regularly provide information on arms transfers of major conventional weapons for inclusion in the UN Register of Conventional Arms, as well as regularly participating in the confidential information exchanges required by OSCE confidence and security-building measures. However, the public provision of information on holdings and procurement is less uniform, and official information relating to production, holdings and transfers of small arms and light weapons is very limited.

### **Transparency in export control policy**

It is now widely recognised that increased transparency in national and European export control policy and practice is essential if governments are to be held accountable to the commitments contained in their national export control guidelines and multilateral agreements such as the EU Code of Conduct and OSCE Small Arms Document. Increased transparency would allow, for example, the non-governmental community to play an important role in aiding governments' efforts to curb diversion of arms by providing oversight through research, questioning and reporting. Of course, transparency has its limits. In terms of both scope and level of specificity, an appropriate balance is needed between disclosure and secrecy. However, at present,

<sup>50</sup> In December 2001 the Ministerial Council adopted the Concluding Document on Article V of the annex of the Dayton/Paris Peace Accords, which has a special paragraph on small arms and light weapons. According to this paragraph "The participating States will co-operate as appropriate in combating illicit trafficking in all its aspects; in safe and effective management of stockpiles; in reduction and destruction of surpluses; and in early warning, conflict prevention; crisis management, and post-conflict rehabilitation issues related to small arms and light weapons."



secrecy remains excessive in most South Eastern European states.

Some progress has been made by some EU member states, particularly with regard to annual reporting under the EU Code of Conduct.<sup>51</sup> However, in South Eastern Europe only Italy currently publishes an annual report on its strategic exports (and has done so since 1990) which is freely available to public and parliamentarians alike, although Romania is also expected to do so shortly. Similarly, there is little parliamentary scrutiny of export licensing systems within the region.

### Parliamentary scrutiny of arms transfer policies and practices

Parliaments of countries in the region have a variety of potential mechanisms to oversee or control arms transfer policies and practices of their governments. In some countries, these mechanisms are already highly developed and effective, but are not currently being used to monitor export controls. However, in most states in the region, this is not the case. Moreover, in all cases, national parliaments are provided with little detailed information on arms transfers that took place or arms licences issued, particularly for small arms and light weapons and other categories of weapons beyond those covered by the UN Register of Conventional Arms. This implies that there is inadequate capacity for retrospective scrutiny and executive accountability.

Parliamentary Committees could also have some scope for prior scrutiny of arms export licence applications, particularly in relation to sensitive or potentially controversial decisions.

At a roundtable meeting in Prague in October 2000, hosted by the Institute of International Relations, Saferworld and the Czech Ministry of Foreign Affairs, government officials from several EU member states and associate countries met informally with NGO representatives to discuss improvements in transparency and democratic accountability over arms flows. The resulting 'Prague Statement on Transparency Principles and Guidelines' (see Appendix 2.2) sets out a number of ideas for improving accountability and transparency in relation to production, transfers and holdings of arms.<sup>52</sup>

It will be important to work towards improving accountability and transparency in relation to production, transfers and holdings of arms. There are several national and co-operative programmes that countries in the region should consider in this context, including:

- guidelines and programmes to promote and improve annual reporting by participating states on their arms transfers, including transfers of small arms and light weapons. This could include collective reviews of existing good practices by European and other states;
- developing arrangements for the regular exchanges of public information among countries in the region on production, holdings and transfers of SALW;
- developing arrangements for regular exchanges of public information on management and destruction of surplus and confiscated arms, and on authorised arms manufacturers and dealers;
- promoting improvements in democratic accountability and parliamentary oversight over arms transfers, relating both to post-hoc oversight of decisions taken and mechanisms for prior consultation on sensitive export licence applications;
- ensuring adequate marking, record-keeping and co-operation in tracing sources and lines of supply of unauthorised arms of concern;
- programmes to promote arms stockpile security.

<sup>51</sup> For a comparative survey of transparency and parliamentary oversight provisions within the EU, see Bernardo Mariani and Angus Urquhart, *Transparency and accountability in European arms export controls: Towards common standards and best practice*, Saferworld, December 2000.

<sup>52</sup> The proceedings from this roundtable have been published by Saferworld and are available on request.

# 6

## Removing weapons from society and enhancing co-operation between police and civil society

### 6.1 Summary of progress in removing weapons from society

**A NUMBER OF COUNTRIES IN THE REGION** have undertaken weapons collection programmes and/or developed small arms destruction facilities, some with technical or financial assistance (either unilaterally or in bilateral partnerships) from donor countries. Some of the main concrete and practical weapons collection and/or destruction projects are as follows:

#### Albania

In 1999, the Albanian Government's efforts to collect SALW in circulation after the crisis of 1997, where nearly 700,000 SALW and hundreds of tons of ammunition were looted from official stockpiles around the country, were bolstered by the UNDP 'Weapons in Exchange for Development' pilot programme (initially just Gramshi, now extended to Elbasan and Dirba).<sup>53</sup> On 7 September 2000, the US, Germany, Albania and Norway signed a memorandum of understanding (MOU) on the destruction of over 130,000 SALW collected from the civilian population in the aftermath of the 1997 crisis.

In a follow-up to the MOU of September 2000, Albania, and the Norwegian/US Joint Working Group signed a further MOU on the 10 April 2001 on the destruction of SALW. This second MOU allows for the implementation of a six-month project for the destruction of about 60,000 weapons, including the establishment of a permanent centre for destruction in Elbasan that will allow Albania to continue destruction independently in future. The signatories described the MOU as "an indication of

<sup>53</sup> 'US signs memorandum with Albania to destroy over 130,000 SALW', US State Department Press Release, 28.9.00.

Albania's commitment to contribute to the stability of the region".<sup>54</sup>

At a Stability Pact meeting in June 2001, at which Albania circulated a progress report on the collection and destruction of SALW project supported by the US, Germany and Norway, it was noted that 68,000 SALW have been destroyed (out of more than 165,00 SALW collected in total so far).<sup>55</sup>

### Bosnia-Herzegovina

A nation-wide weapons collection and destruction programme 'Operation Harvest' began in 1998. Since then thousands of automatic rifles, machine guns, shotguns, rocket propelled grenades, etc from disbanded Federation units or collected by the police forces have been crushed or cut into useless pieces. The Bosnian police and armed forces of the entities co-operate closely with SFOR in this exercise. Nevertheless, despite official statements according to which the BiH authorities have, for the most part, taken over this responsibility from SFOR, in reality SFOR remains the key player in the collection and destruction of these categories of weapons. Although Operation Harvest has proven to be a highly successful operation, the fact remains that civilian possession of arms is widespread and there is still much work to be done. Therefore the collection of weapons and explosives throughout BiH remains an ongoing process.

### Bulgaria

Following an agreement between the US State Department and the Bulgarian Ministries of Defence and Foreign Affairs (signed in July 2001), an industrial small arms destruction facility 'TEREM' has been established in the town of Veliko Tarnovo. Over 77,500 disused weapons (mainly WWII 7.62 mm sub-machine guns and light machine guns) are expected to be destroyed through plastic deformation and cutting over the next six months. The US is providing \$530,000 for the project.

### Croatia

There have been six 'gun amnesty' periods in Croatia since 1992 when citizens were allowed to hand in or legalise their unregistered firearms (and the latest covers the period from February 2001 to February 2002). From 1992 to 2000 27,024 weapons, 1,603,022 pieces of explosive ordnance and 2,778,952 rounds of ammunition were handed in (and a further 57,673 weapons were legalised). Most of the arms were collected during 1996 and 1997 when citizens received financial compensation for the submitted arms. The former United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) began the weapons buy-back programme in Croatia on 2 October 1996. The programme was financed by the Government of Croatia (at a cost of around Croatian HRK 30 million – DM8 million) and organised by the UNTAES military component.<sup>56</sup> The Croatian Government continued running the buy-back programme, in conjunction with supporting measures such as tightened legislation and amnesty periods for return, until 1999. In presenting its experience to the Stability Pact at the Ljubljana workshop in early 2000, Croatia described the project as "costly but successful".<sup>57</sup>

All weapons seized from or handed in by citizens are registered by the police. A Weapons Commission (established within the Ministry of Internal Affairs in 1993) decides on what should happen to the weapons. Weapons in good repair are normally stored; weapons linked to criminal investigations are retained for forensic purposes; weapons of historical interest are distributed to museums; a few weapons are modified for use as theatre or film accessories; and the remainder of (mainly worn out,

<sup>54</sup> 'US, Norway to Assist Albania in destruction of 60,000 small arms', [FBIS translated text], Tirana TVsh Television in Albanian, 10.04.01.

<sup>55</sup> Chairman's Conclusions: Ambassador Kim Traavik, 4th Meeting of the Working Table on Security Issues, Zagreb, 12–13 June 2001, [www.stabilitypact.org](http://www.stabilitypact.org).

<sup>56</sup> UNTAES and Croatian Army commanders certified the completion of the demilitarisation process on 27 June 1996. It was however noted in the June 1997 report of the Secretary General that considerable quantities of small arms and ammunition were believed to remain in private hands. UNTAES briefing, UN Department of Public Information, [www.un.org](http://www.un.org).

<sup>57</sup> Chairman's Summary, *Workshop on Small Arms and Light Weapons – Possible Contribution to the Stability Pact for South Eastern Europe*, Ljubljana, 27 January 2000, [www.stabilitypact.org](http://www.stabilitypact.org).

malfunctioning or obsolete) weapons are destroyed. Croatia has a weapons destruction facility at the Sisak Steelworks, near Zagreb, which has been operating since 1993. Wooden and plastic parts not suitable for destruction are separated from the weapons at workshops, and the remaining ferrous metal parts of the weapons are transported to the destruction site at Sisak when sufficient quantities (around 400–500 pieces or 700 kg of steel) have been collected by individual police departments. The weapons are destroyed by being thrown into an electric furnace and melted by high voltage electrodes. Between August 1993 and November 1999, 22,122 weapons were received by the Commission and 10,234 (46 percent of the total) were destroyed.<sup>58</sup> By 2001, the total number of weapons destroyed had increased to 15,000.

### Norwegian/US Joint Working Group on Destruction

As discussed in Section 3, and in the context of the discussion on Albania above, a Norwegian/US joint working group on destruction of small arms has been established (within the context of the Stability Pact) to provide tailored technical assistance (on safe storage and destruction of surpluses) to countries in the region. So far, the US/Norwegian team of experts has provided concrete support to Albania and undertaken assessment visits to the FYROM and Bulgaria. The German Government is also supporting this process.

### NATO/EAPC

The Euro-Atlantic Partnership Council (EAPC) began focusing its attention on SALW in late 1999/early 2000, creating an EAPC ad hoc working group on small arms to develop and implement practical measures that use NATO's military capacity and expertise. Negotiated over several months by all NATO and Partnership for Peace (PfP) member states, EAPC's programme addresses three areas:

- stockpile management and security and surplus weapons destruction
- national export control mechanisms, enforcement and embargoes
- peacekeeping training and development

Some programmes are classified as 'generic training', some 'tailored assistance and co-operation' and others will promote 'best practice' standards. NATO has also agreed to help in the destruction of surplus weapons, and SALW is now an established area of EAPC co-operation with the PfP Partnership Work Programme. Under the 2000–2002 EAPC Action Plan a number of seminars and workshops on regional security co-operation have already been held, including the small arms seminar held in Ohrid, the FYROM in June 2000 (see Appendix 2).

## 6.2 Summary of progress in enhancing co-operation between police and civil society

Weapons collection and destruction must be seen as only one element of efforts to reduce and prevent insecurity, crime and violence. It is important to promote other efforts to provide citizens and communities with a secure and just environment. Promotion of appropriate development and reform of the security sector, and particularly the police, needs to be encouraged. In many parts of the region (especially BiH, the FYROM, southern Serbia and Kosovo), police and civil society relations are key to the evolving security dynamic.

The lack of trust that still exists between the police and the communities in some countries in the region is due in part to the repressive role the police used to play in these societies. Consequently, there is a need for training in human rights issues including women's rights and domestic violence. However, the fact that policemen went through the same kind of nationalist indoctrination as other groups in society,

<sup>58</sup> Briefing on the Weapons Destruction Site at Sisak, Prepared by the President of the Weapons Commission, Zagreb, 10 February 2000.

and the high number of ex-servicemen in police ranks creates added difficulties when it comes to changing both society's and police officers' perception of the role a police force plays.

Training of police officers is undertaken with international trainers and local law enforcement officers. Such training was conducted by the Austrian Study Centre for Peace and Conflict Resolution (ASPR) in Eastern Slavonia in Croatia during the transitional administration (1996–98) period when local police forces were composed of mixed ethnic officers. Osijek (where the Centre is based) was one of the last municipalities to be under UN protection, before a Serb-Croat agreement was reached and the Croatian Government guaranteed equal rights for Serbs. The Serb policemen who stayed in the mixed forces are well respected among the Serb minority.

In southern Serbia the OSCE is overseeing a multi-ethnic police training programme as part of the May 2001 peace agreement. The programme has three phases:

**Phase 1** Three five-day refresher courses for former police officers and reserves. This was completed on 7 June 2001, resulting in the successful introduction of mixed Serb-Albanian patrols in the area;

**Phase 2** A five week training programme for 40 candidates with some police background (commenced in June 2001); and

**Phase 3** A 12 week basic training programme for new recruits (to start on 31 July 2001).<sup>59</sup>

The aim of the third phase is to train a larger number of multi-ethnic police officers on a more permanent and systematic basis.<sup>60</sup> The OSCE is also working with the Serb authorities to create a centre for multi-ethnic police training, and is exploring the possibility of obtaining international assistance to improve communication links and establish a network of local police stations in the area.<sup>61</sup>

In Kosovo, the key to restoring law and order was supposed to be the creation of a local police force, trained by international police detailed to the province. This was envisaged in the 10 June 1999 Security Council resolution 1244, but by June 2000, less than half the expected international police had arrived, and the training was proceeding "at a snail's pace".<sup>62</sup> The aim is to recruit and train 6,500 officers within the Kosovo Police Service (KPS) and currently the figure stands at around 4,000. Quota systems are also being applied: the aim is for a maximum of 80 percent to be male; 23 percent are reserved for minority groups, mainly Serbs. So far, the recruitment process has been very competitive (at least among the ethnic Albanians).<sup>63</sup>

Overall, therefore, much more needs to be done in this important area of police reform.

### 6.3 Summary of progress in demobilisation and reintegration of ex-combatants

Similarly, in creating a secure and just environment for citizens and communities within those parts of the region emerging from recent conflict, demobilisation and reintegration of ex-combatants is crucial. One of the most high profile recent demobilisation programmes in the region was the demobilisation of the KLA in Kosovo. The 'Undertaking of Demilitarisation and Transformation', signed by the KLA on 21 June 1999, stipulated that the KLA would hand over its weapons to be stored under

<sup>59</sup> 'First phase of multi-ethnic police training in southern Serbia a success', OSCE Press Release, 7 June 2001.

<sup>60</sup> The graduation ceremony of the second group of multi-ethnic police officers took place on 18 January 2002. The OSCE estimates that by the time the school's third group of trainees has graduated in June 2002, there will be a total of 410 police officers patrolling the streets.

<sup>61</sup> In addition to its successful training programme in Southern Serbia, the Mission in co-operation with the MI over the launch of an advanced training course in Belgrade in January 2002. Every uniformed policeman will have to complete this one-week training course, which will focus on police ethics, self-defence and an update on current and draft legislation concerning the police and its activities.

<sup>62</sup> 'Serbia Loses Another One', IISS Strategic survey, 1999/2000.

<sup>63</sup> Interviews by NGO Expert Group visit to Serbia and Kosovo in May 2001

NATO supervision.<sup>64</sup> The replacement Kosovo Protection Corps (KPC) was envisaged as an unarmed civilian emergency service agency with 3,000 regular and 2,000 reserve members, tasked with:

- providing disaster response;
- performing search and rescue;
- providing humanitarian assistance in isolated areas;
- assisting in de-mining; and
- contributing to rebuilding infrastructure and communities.

It is expected that the ethnic Albanian complement of the KPC will almost exclusively be made up of ex-KLA members. It is stipulated that at least ten percent of the KPC members will be from Kosovo minority groups, although it was hard to envisage that local Serbs would accept serving alongside former KLA members and under the command of Gen Ceku, the former KLA Chief of Staff. Indeed, Serbian representatives withdrew from the Kosovo Provisional Council, an interim political body, in disagreement with the nature and role of the KPC.

The extent of the actual demobilisation is contested, however, according to KFOR, the KLA is now “demilitarised and transformed”, with former combatants “now contributing to the rebuilding of Kosovo as civilians, through their participation in the Kosovo Police service or in the provisional Kosovo Protection Corps”.<sup>65</sup> Others have argued, however, that paramilitary units of the formally disbanded KLA remain the dominant factor in Kosovo as well as among ethnic Albanians in southern Serbia and the FYROM.<sup>66</sup> It is also clear that reintegration of the ‘bridge watchers’ in Mitrovica (a paramilitary group that emerged from the NATO bombing campaign with a strong reputation among local Serbs for defending Serbian territory and honour) will be a vital part of any political settlement in Kosovo.

## 6.4 Potential elements of a regional action programme

### Destruction and disposal of surplus, decommissioned and confiscated weaponry and ammunition

Although much progress has been made, as described above, there is a need to develop guidelines and minimum standards to ensure responsible disposal of surplus weapons and ammunition in official stockpiles or civilian possession and confiscated illicit weapons. Countries in the region should adopt good practices in this area at the same time as working to promote international standards and programmes. Guidelines and programmes in this area could include:

- agreements to ensure that transfers of surplus small arms and light weapons are subject to at least as rigorous controls and restraint as newly-produced weapons; and should be expeditiously destroyed where there is no immediate legitimate requirements for them;
- programmes to facilitate destruction of surplus or confiscated weapons and ammunition, including co-operation in making available equipment and technical expertise in destruction and disposal;
- establishing information exchange systems relating to the collection and destruction of surplus or confiscated weapons and ammunition, including public transparency measures on numbers and types of weapons destroyed;
- putting in place systems in the countries of the region for regularly review and renewal of licences for civilian possession of firearms, and programmes to encourage citizens with surplus arms to hand them in to authorities for destruction;

<sup>64</sup> ‘Disbanded KLA to transform in 60 days’, Zoran Kusovac, *Jane’s Defence Weekly*, 29 July 1999.

<sup>65</sup> KFOR Online, KFOR Achievements. [www.kforonline.com/resources/achievements.htm](http://www.kforonline.com/resources/achievements.htm).

<sup>66</sup> See, for example, ‘Yugoslavia at the Crossroads: Reforms or Disintegration?’ Dr Predrag Simic, Senior Research Fellow, Institute of International Politics and Economics, Belgrade, March/April 2001, p 3. For an independent assessment, see *Wag the Dog: Mobilization and Demobilisation of the KLA*, Andreas Heinemann-Gruder and Wolf-Christian Paes, Bonn International Conversion Centre, November 2001.

- promoting arms and ammunition stockpile security, including stocktaking to ensure good records of arms in security forces, para-military and police possession.

### **Enhancing co-operation between police and community**

Initial steps have already been taken to reform the police forces in the region and set both them and the communities in which they carry out their duties free of the legacies of the past. These efforts play a crucial role in building confidence at a grass root level. It is essential for the sake of a secure environment and the benefit of all to develop co-operative partnerships between the police and the local communities. Programmes in this area are mainly a national responsibility, nevertheless countries in the region can share their experience and lessons learned during this transformation process. It is also advisable to (re)establish formal contacts especially between local police stations/headquarters on the two sides of borders. Guidelines and programmes in this area could include:

- research and analysis of the scope of the problem of armed crime and sources of small arms in the region;
- enhancement of public awareness-raising programmes;
- specific proposals for legal reform where appropriate;
- help in the establishment of training programmes for community-based, police/civil society liaison groups;
- development of regional co-operation between NGOs in order to enhance co-operation between governments, police and civil society.

### **Demobilisation and reintegration of ex-combatants**

The situation in some of the states in the region is analogous to those of the former Soviet Union where a significant proportion of the hundreds of thousands of former soldiers demobilised from the armed forces have joined private security companies. Numerous connections between unemployed ex-soldiers and organised crime are becoming apparent. This is taking place when demand for security is growing.<sup>67</sup> To all intents and purposes the reintegration of ex-combatants is taking place at a very slow pace. Objective (political and economic) as well as subjective (uncertainty about the future both at community and personal levels) factors can serve to explain this. The delay in establishing functioning administrative structures, especially in BiH and Kosovo, carries a heavy price. Demobilisation and reintegration are closely connected to the evolution of a feeling of general well being in the society, but it is in no way a precondition for demobilisation. Therefore demobilisation strategies should be developed and put in place as soon as possible. Guidelines and programmes in this area could include the following:

- the international community should continue efforts to better co-ordinate financial aid and consider further allocation of long-term funding to promote economic development in local communities;
- the free movement of people in the region should be further improved, eg by abolishing unnecessary bureaucratic hurdles and tackling corrupt officialdom;
- as a way of transitional solution, private security firms/companies can absorb some of the former combatants and act as 'supplement' to public policing. This, however, requires a well defined legislative framework to assure their accountability to the public.

<sup>67</sup> Small Arms Survey 2001, p 220.