

SECURITY AND PEACEBUILDING PROGRAMME
MONITORING THE IMPLEMENTATION
OF SMALL ARMS CONTROLS (MISAC)

Small Arms Control in **Eurasia**

EURASIA SERIES NO.3

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January 2004

Small Arms Control in Eurasia

A REGIONAL ASSESSMENT OF SMALL ARMS CONTROL INITIATIVES

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International Alert – Security and Peacebuilding Programme

International Alert

International Alert is an independent non-governmental organisation that is working to help build just and lasting peace in areas of violent conflict. It seeks to identify and address the root causes of violent conflict and contribute to the creation of sustainable peace. International Alert works with partner organisations in the Great Lakes region of Africa, West Africa, Eurasia, South and Southeast Asia and Latin America.

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Acronyms

CEE	Central and Eastern Europe
CTC	Counter-Terrorism Committee (under UN Security Council)
DDR	Disarmament, Demobilisation and Reintegration
EAPC	Euro-Atlantic Partnership Council
EU	European Union
FRY	Federal Republic of Yugoslavia
MISAC	Monitoring the Implementation of Small Arms Controls
NATO	North Atlantic Treaty Organisation
NLA	National Liberation Army (Macedonia)
NGO	Non-governmental Organisation
OSCE	Organisation of Security and Co-operation in Europe
PfP	Partnership for Peace
SACIM	Small Arms Control in the Former Yugoslav Republic of Macedonia
SALW	Small Arms and Light Weapons
SEESAC	South Eastern Europe Clearinghouse for the Control of SALW
SFOR	Stabilisation Force in Bosnia and Herzegovina
UNDDA	United Nations Department for Disarmament Affairs
UNDP	United Nations Development Programme
UNOPS	United Nations Office for Project Services
UN PoA	United Nations Programme of Action
WA	Wassenaar Arrangement

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Acknowledgements

This report was produced as a joint effort by a team of four people: Stephanie Cooper, Michael von Tangen Page, Helena Vázquez and Lada Zimina. The production team is especially grateful to past and present members of the Security and Peacebuilding Programme, namely Ben Buley, Laura Mazal, Charlotte Watson and William Godnick, who assisted in the desk research for, and the conceptualising of this report. Besides we have been able to draw on work produced for us by Suzette Grillot of the University of Oklahoma. The Security and Peacebuilding Programme is also grateful to IA's Eurasia Programme Manager, Gevork Ter-Gabrielian, and IA's Secretary General, Dan Smith, for the comments that they have made on earlier drafts of this report.

This report has been prepared as part of the Security and Peacebuilding Programme's Monitoring the Implementation of Small Arms Controls (MISAC) project, supported by the UK Government's Department for International Development (DfID), Ministry of Defence and the Foreign and Commonwealth Office.

Preface

A key issue in improving conflict prevention and management is the challenge of curbing the proliferation and misuse of small arms and light weapons (SALW). Monitoring the Implementation of Small Arms Controls Project (MISAC) of the Security and Peacebuilding Programme of International Alert (IA) is a three-year initiative to aid countries in Latin America, West Africa and Eastern Eurasia to better implement international and national small arms control measures. By working with governments, donors and NGOs, it intends to not only develop a better level of understanding regarding the scope and nature of international and regional small arms controls, but to also directly assist stakeholders in their implementation.

Through process orientated research and direct interaction with governments, donors and civil society actors, the MISAC project has undertaken this work in three phases. The first was a mapping phase that created a profile of the regional agreements and activities, as well as identified relevant actors and their capacities. This work resulted in publication of a series of reports, namely, on Central and Eastern Europe, the Black Sea region, West Africa, Central and Latin America and the Andes region.

The mapping phase was then followed by regional assessments, which detailed institutional capacities and challenges with regards to the implementation of small arms controls. These studies aimed at supporting state institutions and activities as well as enhancing the capacity of civil society actors to deal with small arms issues. In the course of this work, comprised of analysis by International Alert and its partners as well as consultations with key stakeholders, the state needs were brought to the attention of the international community so that financial and technical support could be provided as applicable.

Finally, the assessments are followed by the project's targeted assistance phase. In this part of the work International Alert has, in cooperation with local and international partners and stakeholders, sought to craft and implement supportive and sustainable policies to strengthen small arms control measures within a small number of previously identified states.

This paper is an overview prepared in coordination with the regional assessments and published by International Alert in English to support the exchange of knowledge and information about small arms controls in Eurasia.

This document, along with all the others in this series, is available for download on IA website in PDF format at <http://www.international-alert.org/publications.htm#security>.

Summary

Over the last ten years the states in the region have had different capacities and different motivations to deal with the SALW issues, and understandably have made different levels of progress in addressing them. As post-Soviet transition states have stabilised, their ability to enforce their international obligations with relation to the export of SALW has improved. The restructuring processes in the defence industries of these states as a result of the end of the Cold War have meant that the number of weapons being produced in this area has reduced. However, levels of national transparency and exemplary conduct in regulating the transfer of SALW, clearly depend on whether a nation is joining the EU in 2004 or can reasonably expect to join it within the next decade.

Increased weapons availability, porous borders and crime and corruption amongst law enforcement and border officials have facilitated the illicit trafficking of SALW to black markets all over the world. It is therefore of utmost concern to address the problems associated with small arms control in the region. All the countries in Eurasia have established a legal basis for small arms control and a government agency to oversee SALW licensing, exports and imports. However, the most evident challenge is not the development of control norms but the actual implementation of existing control policies. There is some limited non-governmental involvement in the SALW issue, and there is a need for Western partners to strengthen such efforts.

The key issues addressed in this broad overview are, first of all, the relevant treaties and international instruments relating to SALW, secondly, which of them have been adopted by the countries under study, and thirdly, what are the achievements and areas of concern for these countries in implementing these international instruments. The report concludes by giving specific recommendations in such spheres as legislation and implementation, transparency and accountability, sustainable economic development, role of civil society and international cooperation, issues of stockpile management and border control, as well as resolution of conflicts in the region.

1. Introduction

This study examines and provides an analytical mapping of the countries in Eurasia in an attempt to assess the implementation of SALW controls throughout the region. The examination of multilateral agreements relevant to Eurasia is followed by an analysis of key implementation issues in each sub-region.

The problems related to SALW have received greater attention in recent years, as Eurasia has been identified as one of the main suppliers of small arms into various conflict zones worldwide. Throughout the 1990s the region supplied weapons to a number of states and non-state actors. Small arms sales were conducted through a variety of channels: ranging from semi-sanctioned government sales to sales controlled by organised crime groups.

Despite the region's geographical spread, which includes: Central and Eastern Europe and the Balkans; South Eastern Europe and Turkey; Western CIS and the Russian Federation; the Caucasus; and Central Asia; there is a certain contextual similarity, which includes a common communist legacy (with the exception of Turkey) and recent profound economic transformations. From a small arms perspective, the relatively recent economical and political developments have impacted on the region's arms industry. The arms industry that previously supplied the military structures of the Soviet bloc has been prompted to seek out new markets, relying on contacts that had been established during the Cold War. This has consequently led to exports to conflict zones or to weak states that often act as intermediaries in the world's arms trade.

Furthermore, the region has experienced the re-emergence of ethnic tensions that in some cases have eroded into violent conflicts, such as in the Former Yugoslavia, Moldova, Caucasus and Central Asia. The potential for armed conflict in Eurasia and the proliferation of small arms are closely linked and can to a certain extent reflect some of the challenges in the implementation of small arms controls. However, while differences in the sub-regions do require looking at the implementation of small arms controls in each context, a number of cross cutting factors is outlined below.

All the countries in the region participate in one or another international small arms control mechanism. However, it is evident that there remains a significant gap between policy developments and the institutional implementation of SALW control



measures. All the countries in Eurasia have export criteria on SALW, and have agreed on the common OSCE export criteria. However, the region remains one of the largest producers of illegal small arms in the world. On the whole, the Eurasia region suffers from a significant lack of human, financial and technical resources and to a certain degree political will, which hampers the effective implementation of small arms controls.

The engagement of civil society in the Eurasia region on this issue is necessary in order to successfully implement existing SALW control agreements. The legacy of the communist era, where arms concern was not perceived as a civil topic, but defined as a national security issue, is still present and to a certain extent prevents the emergence of non-governmental organisations working on security issues. Most of the civil society engagement with SALW is dependent on such issues as government transparency and organised crime. Thus, international SALW issues and implementation of international SALW control agreements are very seldom addressed or are seen as irrelevant to the different countries in Eurasia.

It is difficult to univocally assess how the expansion of regional institutions such as the EU (European Union), NATO (North Atlantic Treaty Organisation) and the OSCE has impacted national legislation of the Eurasian countries. Membership in NATO is often perceived as a pre-condition to enter the EU which in turn offers prosperous economic development as well as integration into the Western European economy. The states that are in the process of obtaining membership in these institutions are more likely to be motivated to implement existing agreements and legislation. For example, the CEE countries admit that the prospective membership in NATO or the EU encouraged the governments to integrate the relevant documents, such as the EU Code of Conduct, into their national legislation. However, in terms of the impact on SALW control implementation, the potential membership in these two institutions should not be overstated.

In the course of their research the authors found the following:

- Although presently all the countries examined in the study provide some legal basis for regulating SALW controls, including export control, the enforcement of these is sometimes non-existent. There is therefore an urgent need to address the practical implementation of export criteria for SALW;
- The management of existing SALW stockpiles for combatting the illegal proliferation of SALW is of utmost concern to the majority of the countries. The issues include building capacities of relevant agencies for verifying the quantity of stockpiled arms, ensuring their safety and conducting weapons destruction programmes;

- Civil society involvement with the SALW issues remains limited. In the case of much of Central, Eastern and South Eastern Europe, the NGO community does not appear to consider the international SALW issue to be relevant for their region. Civil society engagement further east in Europe is more limited and is often constrained by the authoritarian regimes in these countries. Western partners need to engage with their counterparts in Eurasia in order to strengthen their efforts; and
- The development of interagency cooperation is crucial for combatting illegal proliferation of SALW. In the light of this the authors would strongly recommend donor support in the enforcement and implementation of, first and foremost, export controls and stockpile management.

2. Relevant International Agreements

There are a number of major international treaties that are relevant to the regulation of SALW issues within the Eurasia area, including the UN, EU, OSCE and NATO instruments, as well as the Wassenaar Arrangement.

2.1. The United Nations (UN)

2.1.1 The 2001 UN Programme of Action

The UN Programme of Action (UN PoA) was adopted at the UN Conference on Preventing, Combatting, and Eradicating the Illicit Trade in Small Arms and Light Weapons in All its Aspects in July 2001. The adoption of the UN PoA was the culmination of several years of efforts to put the devastating effects of SALW and the need to address this issue on the international agenda. It has become the main framework for further elaboration and development of international cooperation in SALW control.

The UN PoA defines some of the norms and principles that guide the work of the international community on SALW issues. It establishes that the consequences of SALW proliferation and misuse are multiple and that long-term and sustainable approaches are necessary to tackle this issue. It underlines the importance of conflict prevention, development, crime control and public health in the fight against SALW proliferation. However, in an effort to reach consensus, many of the important dimensions of SALW proliferation had to be sacrificed, including some of the key human rights, humanitarian, development and crime prevention dimensions.¹

2.1.2 The UN Firearms Protocol

The UN Firearms Protocol was adopted in May 2001 as a supplement to the UN Convention Against Transnational Organised Crime. It incorporates such measures as marking and record-keeping to support identification and tracing of firearms, and criminalises illicit manufacturing, trafficking and defacing of firearm markings. These measures aim at dealing with military-style SALW in the context of international peace and security. It is a legally binding document for those states that choose to ratify it.

2.1.3 Security Council Resolution 1373

The events on and after the 11 September 2001 lead to the adoption of a resolution by the UN Security Council that has highlighted the need to prevent the

flow of SALW into the hands of terrorist groups and states sponsoring terrorism. As an expression of condemning the attacks, the UN Security Council formed the Counter-Terrorism Committee acting under Chapter VII of the United Nations Charter (concerning threats to international peace and security) in Resolution 1373, expressing determination to prevent such acts. The Counter-Terrorism Committee (the CTC), is made up of all 15 members of the Security Council. It monitors the implementation of Resolution 1373 by all states and tries to increase the capability of states to fight terrorism. The CTC has already stated that SALW issues are highly relevant to its mandate. There are two parts of the Stage B of the CTC's priority list that states need to address: first, customs, immigration and border controls to prevent the movement of terrorists and the establishment of safe havens, and secondly, the establishment of controls preventing terrorists access to weapons.²

2.2 The European Union (EU)

2.2.1 European Convention on the Control of the Acquisition and Possession of Firearms by Individuals

The European Convention on the Control of the Acquisition and Possession of Firearms by Individuals was adopted in June 1978 and entered into force in July 1982. The Convention sets up a system of controlling the movements of firearms (including SALW) from one country to another, by way of two methods: notification and double authorisation. Turkey has been a party to the Convention since 1979; among the post-communist states, however, Romania was the first to sign it in 1995.

2.2.2 The EU Code of Conduct on Arms Exports

All EU member states subscribe to the Code of Conduct that was adopted in June 1998. A further 13 non-EU member states chose to associate themselves with the principles of this Code of Conduct two months after it was agreed. It is a politically, but not legally binding document and therefore does not require implementation or ratification.

This Code includes eight criteria, through which the members pledge not to export weapons that would exacerbate regional tensions or conflict, be used in internal repression or human rights violations. The Code also prohibits the export of land mines. Among its shortcomings is the failure to address such areas as international arms brokering, licensed production agreements, end-user certification and monitoring.³

The non-EU member states that have adopted the Code are excluded from the key implementation tool of the Code since they are not taking part in the information exchange procedure, by which refusals of export licences are circulated to other member states; this is reserved for EU member states only due, to the commercially sensitive nature of the information gathered. This is the key deficiency of the Code, which needs to be addressed.

2.2.3 Council Joint Action on the European Union's contribution to combatting the destabilising accumulation and spread of small arms and light weapons

The European Union Joint Action on SALW was signed in December 1998; in July 2002 it was replaced with the new Joint Action that incorporated the regulation regarding ammunition. This document is legally binding for EU member states and is implemented through national laws and procedures. The Joint Action aims, first, to combat, and contribute to ending the destabilising accumulation and spread of small arms, second, to contribute to the reduction of existing accumulations of these weapons and their ammunition to levels consistent with countries' legitimate security needs, and third, to help solve the problems caused by such accumulations.⁴

2.2.4 The Stability Pact for South Eastern Europe

The Stability Pact was adopted in June 1999 with the aim to provide a comprehensive long-term conflict prevention strategy for the countries of South-Eastern Europe. One of its components is the Regional Implementation Plan for combatting the proliferation of SALW, which envisages initiatives in such areas as preventing and combatting illicit trafficking; disarmament, demobilisation and reintegration; security sector weapons management; transparency and accountability; public awareness; legislative and administrative capacity; and collection, storage and disposal programmes.

2.3 The Organisation for Security and Cooperation in Europe (OSCE)

2.3.1 The OSCE Document on Small Arms and Light Weapons

The OSCE Document on SALW was officially agreed on in November 2000. The responsibilities of states under this document include combatting illicit trafficking; controlling the spread and accumulation of SALW; confidence-, security- and transparency building; recognising the role of OSCE in addressing the security situation in a country; and addressing the issue of SALW in a post-conflict environment.

2.3.2 The OSCE Principles on Conventional Arms Transfers

The OSCE Principles on Conventional Arms Transfers, adopted in November 1993, require states to take into account the following factors in arms transfers: respect for human rights; the internal and regional situation of the recipient state; the nature and cost of the arms; the requirements of the recipient state; the legitimate security needs of the recipient; peacekeeping requirements. Member states should avoid transfers that will be used for violating human rights and threaten the national security of states.

2.3.3 The OSCE Document on Stockpiles of Conventional Ammunition

The OSCE Document on Stockpiles of Conventional Ammunition is a politically binding instrument, adopted in November 2003. It provides practical procedures and mechanisms for the destruction of surplus stockpiles of ammunition. Its final goal is to enable participating states to strengthen their national capacities so that they can deal with specific problems on their own. The procedures and mechanisms include security measures, based on the principles of voluntariness, transparency, complementarity and sustainability.

2.4 North Atlantic Treaty Organisation (NATO)

2.4.1 The Euro-Atlantic Partnership Council

The Euro-Atlantic Partnership Council (EAPC) was signed in May 1997. It consists of 46 members, including the 19 NATO member states and the 27 partner countries. The EAPC has replaced the North Atlantic Co-operation Council and is the principal forum for consultation and cooperation between NATO and its partners in the Partnership for Peace. The EAPC Work Programme, adopted in July 1999, makes special reference to combatting the problems of SALW proliferation and misuse. However, in contrast to the other international initiatives, NATO aims to develop tailored assistance to target countries.⁵ So far, members have participated in peacekeeping operations in the Balkans and have assisted the Disarmament, Demobilisation and Reintegration (DDR) process in the region.

2.4.2 The Partnership for Peace

The Partnership for Peace (PfP) has been established in 1994 and currently involves 30 partner countries.⁶ It complements the EAPC in promoting transparency and building confidence between the old Eastern and Western bloc countries by instituting practical cooperation activities. These activities directly relate to national defence planning and military budgeting, regulation of national armed

forces, and the development of capacity for joint action in the area of peacekeeping or disaster-response operations. Besides, a PFP trust fund supports the safe destruction of stockpiled antipersonnel landmines and other munitions.

2.5 The Wassenaar Arrangement (WA) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies

The Wassenaar Arrangement (WA) emerged as the heir to the COCOM (the Coordinating Committee for Multilateral Export Controls), a Cold War export control regime that aimed to prevent acquisition of arms by communist countries. As a result of a series of meetings between 1993 and 1996, the COCOM was terminated and the Wassenaar Arrangement emerged, with both a wider participation of countries and the establishment of new control lists and an information exchange mechanism.

The Wassenaar Arrangement requires participating states to ensure, through their national policies, that transfers of arms and dual-use goods and technologies do not contribute to the development or enhancement of military capabilities that undermine international and regional security and stability, and are not diverted to support such capabilities. The WA information exchange requirements involve semi-annual notifications of arms transfers, covering seven categories derived from the UN Register of Conventional Arms.

In December 2002, echoing the UN PoA and the OSCE Document, the WA member states adopted the 'Best Practice Guidelines for Exports of Small Arms and Light Weapons'. The Guidelines point at the need to adopt legislation and ensure its implementation in such areas as evaluation of SALW exports, exports licensing, re-export/re-transfer, unlicensed manufacture, requirements to the potential SALW recipients, and SALW marking, record-keeping and cooperation.⁷

3. Assessment of Implementation Patterns in Eurasia

3.1 Central and Eastern Europe and the Baltic States

After the end of the Cold War, especially in the early 1990s, many of the Central and Eastern European and the Baltic states have been implicated in illegal sales and transfers of the SALW produced and accumulated during the communist era. However, this trend has reversed, and states have begun to put significant effort into constructing both legal frameworks and practical mechanisms ensuring comprehensive regulation of SALW issues.

The governments of these states, acting with the incentive of potential economic benefits from the EU membership and sharing many of the basic values of Western Europe, have both a strong motivation and an understanding of liberal norms to take active steps to bring the legislation in compliance with international SALW control instruments.

One of the issues of concern in this sub-region remains the management of the existing SALW stockpiles. Since the NATO requires its member states to use NATO-compatible weaponry, significant quantities of former Warsaw Pact weapons will have become obsolete. Some countries such as Poland have dealt with this by transferring the Warsaw Pact weaponry to the police and homeland defence forces. However, significant numbers of these weapons remain in the countries' arms stockpiles, and potentially might fall into criminal hands. While the US and other Western countries have supported weapons destruction programmes in these states, it is important to continue encouraging the governments to sustain or initiate programmes on destroying surplus weapon stocks, instead of keeping them in storage or selling them to third-party states, which increases the overall volume of weapons on the international market.

The interest of civil society in these countries in dealing with the SALW issues has been very limited, with the main spheres of interest being criminal violence and private ownership of weapons. Generally, as small arms are not seen as an internal problem, NGOs often feel that there are more important issues to deal with.



Table 1. Ratification of International Agreements within Central and Eastern Europe and the Baltic States

	UN PoA	UN Firearms Protocol	EU Convention on Firearms Possession by Individuals	EU Code of Conduct	EU Joint Action on SALW	Stability Pact	OSCE SALW Document	OSCE Principles	OSCE Ammunitions document	PIP	EAPC	Wassenaar Arrangement
Czech Republic	NP, NR (2002)	No	S (07.05.99), R (18.01.02)	A (1998)	A (1998)	Yes	Yes	Yes	Yes	S (1994)	Yes	S (1995)
Estonia	NP	S (20.10.02), nyr	No	A (1998)	A (1998)	N/a	Yes	Yes	Yes	S (1994)	Yes	No
Hungary	NP, NR (2001)	No	No	A (1998)	A (1998)	Yes	Yes	Yes	Yes	S (1994)	Yes	S (1995)
Latvia	NP, NR (2002)	No	No	A (1998)	A (1998)	N/a	Yes	Yes	Yes	S (1994)	Yes	No
Lithuania	NP, NR (2001)	S, (12.12.02) nyr.	No	A (1998)	A (1998)	N/a	Yes	Yes	Yes	S (1994)	Yes	No
Poland	NR (2001, 2002)	S (12.12.02), nyr	S (23.05.02), nyr	A (1998)	A (1998)	Yes	Yes	Yes	Yes	S (1994)	Yes	S (1995)
Slovak Republic	No	S (26.08.02), nyr	No	A (1998)	A (1998)	Yes	Yes	Yes	Yes	S (1994)	Yes	S (1995)
Slovenia	NP, NR (2002)	S (15.11.01), nyr	S (09.06.99), R (29.05.00)	A (1998)	A (1998)	Yes	Yes	Yes	Yes	S (1994)	Yes	No

Key: A-Aligned, NP-National Point of Contact, NR-National Reports (year), nyr-not yet ratified, N/a – not applicable, R-Ratified, S-Signed

3.1.1 The Czech Republic

During the Warsaw Pact era, the Czech Republic was one of the largest weapons exporters in the world. The transition period in the 1990s brought about a deep financial crisis and the subsequent downsizing of the arms production industry, which was also facilitated by official governmental policy. However, both the economic conditions and the government's attitudes have changed since, and currently there are more than 20 Czech companies producing and exporting SALW.⁸

The Czech Republic has one of the oldest legal systems for the control of SALW exports among the post-communist countries, with the first legal acts on SALW export dating back to 1990. Together with a number of subsequent acts it establishes a comprehensive control system. A number of loopholes do remain however, including lack of licensing procedures for foreign companies and domestic transport companies. Besides, the international SALW export criteria have not been explicitly incorporated to the Czech legislation.⁹

Although the Czech Republic has made considerable progress so far, a number of issues remain to be addressed. These primarily refer to the implementation of the existing laws. The coordination among agencies charged with implementation needs to be further improved. Besides, control of the brokering activities presents a significant problem.¹⁰ Lack of human and technical capacities prevents the Czech authorities from rigorously verifying the documentation that accompanies the transfers.

On the positive side, there is strong political will to enhance the SALW controls. The Czech Republic has already made additional efforts to increase transparency: the 'Czech Republic and Small Arms and Light Weapons' report was produced by the Ministry of Foreign Affairs in 2001 in the wake of the June 2001 UN Small Arms Conference.

3.1.2 Estonia

Since the break-up of the Soviet Union, Estonia has become one of the major centres for illicit trafficking of SALW owned by the Soviet military stationed on Estonian territory, with a number of military officials and politicians implicated in various scandals.

The prospects of EU membership have served as a driving force behind transformation of the SALW legislation and practice in Estonia. The arms transit is regulated by the 1999 law 'On the Import, Export and Transit of Strategic Goods', complemented by a number of legislative acts, including the March 2002 'Weapons Act', the January 2003 'International Sanctions Act' and the forthcoming 'Export Control Act'.¹¹ The Estonian list of strategic goods reflects the Wassenaar Arrangement and EU lists.¹²

With considerable progress in legislation, the enforcement capacities of the Estonian authorities do remain in need of enhancement. Issues of particular concern are the need for more transparency, anti-corruption measures and addressing the perceptions of impunity.¹³

3.1.3 Hungary

The relatively small defence industry that Hungary possessed in the 1980s shrank further in the 1990s, both due to the loss of external markets and to internal military downsizing. While weapons production and export are currently rather limited, the management of surplus weaponry remains of serious concern. The stockpile management is not covered by the existing legislation and the financial considerations make the export a more attractive alternative to storage, maintenance and destruction.¹⁴

The legal basis for arms export control dates back to the early 1990s, with the 1990 decree on 'Licensing the trade of Some Internationally Controlled Products and Technologies', and the 1991 decree on 'Export, Import and Re-export of Military Equipment and Services'.¹⁵ Although the decrees

do not specifically spell out procedures to regulate brokering activities or transit shipments, the regulation is claimed to have become a standard practice.¹⁶ However, there is a clear need for a more comprehensive legal system, to which end a draft law has been recently submitted to the parliament. It remains unclear however when the law will be adopted.¹⁷

Hungary has taken an active role in promoting the EU Stability Pact for South Eastern Europe. In November 2000 the Hungarian Ministry of Foreign Affairs in conjunction with the Szeged Centre for Security Policy and a UK-based NGO 'Saferworld', organised a conference that later evolved into an informal 'Szeged process', which serves as a forum for governments, civil society and international organisations to develop policies and practical projects that combat the proliferation and misuse of SALW across South Eastern Europe.¹⁸

3.1.4 Latvia

Although Latvia neither possesses any SALW or ammunition manufacturing facilities, nor has any significant arms stockpiles, the issues of ultimate concern are SALW transfers. In the early and mid 1990s, Latvia acquired a bleak arms trafficking record, serving as a transit point for Polish and Russian weapons smuggling to UN-embargoed countries throughout the world. Although up to date, Latvia does not maintain a 'blacklist' of prohibited exports destinations, it claims to be complying with UN or EU embargoes.

The 1997 regulation 'On the Control of Strategic Goods' has been replaced by the 'Law on Arms Circulation' that took effect in January 2003.¹⁹ It is complemented by a number of regulations issued by the Committee on Monitoring Goods of Strategic Nature. Besides, the 'Law on Circulation of Goods of Strategic Nature' is currently being drafted.²⁰ As with other countries of the region however, the questions remain about the ability of the Latvian authorities to enforce these legal instruments. Therefore, the greater transparency, inter-agency and international cooperation should remain among Latvia's priorities.²¹

3.1.5 Lithuania

Lithuania does not produce SALW, therefore, it is the issues of SALW trafficking and stockpile management that dominate the government agenda. The geographical position of Lithuania – being a transit route between mainland Russia and its Kaliningrad province – necessitated the establishment of broad legislative basis for arms control.²² The initial law on arms control was passed in 1995, and comprehensively amended in 2001-03. This has brought Lithuanian legislation into compliance with the UN and EU mechanisms of SALW control.

The existing legislation has, however, a number of loopholes regarding stockpile management and security: it does not offer a definition of a surplus weapon; besides, it does not specify a policy on how the surplus arms should be destroyed.²³

Concerning the export control, in addition to internal legislation, Lithuania has signed a number of bilateral customs agreements, which aim to facilitate customs cooperation.²⁴ However, Lithuania's status as one of the principal transit hubs in the region calls for further enhancement of implementation and interagency cooperation efforts.

3.1.6 Poland

Despite a defence industry decline of about 80% in the 1990s, Poland remains one of the largest weapons producers in Central and Eastern Europe. In 1999 a programme of restructuring and privatisation of the defence industry was adopted; however up to now the industry remains largely state-owned.

In the early-mid 1990s Poland has been reportedly involved in a number of ambiguous arms exports to various state and non-state actors. The government claims however, that it is currently exercising

full control over export activities. It claims that it has addressed and regulated the excessive stockpiles issue as well.²⁵

The legislative basis for SALW control has been gradually built up in the 1990s, culminating in the law on 'International Trade in Goods, Technologies and Service of Strategic Significance for State Security and Maintenance of Peace and Security' adopted in November 2000, which addresses major issues regarding the SALW trade. According to the law, the primary responsibility for ensuring the legitimacy of the export procedures lies with the private companies, with government merely overseeing the process. The false documentation and smuggling do remain a problem; however the lack of personnel, funds and training limits the capacities of the relevant government authorities to address these.

Poland is a member of major control regimes, and subscribes to the OSCE, EU and UN actions on SALW; it has also participated in a number of conferences and regional meetings initiated by NATO-EAPC, the Canadian government and the EU. However, there is clearly room for further development since, for example, the export criteria indicated in the domestic law do not fully reflect those listed in the EU Code of Conduct. Besides, although Poland regularly provides reports to the relevant international bodies, the domestic transparency still remains an issue.

3.1.7 The Slovak Republic

After the division of Czechoslovakia in 1993, the Slovak Republic inherited the largest segment of the country's significant defence industry. In contrast to the Czech Republic, the development of the military industry became a priority for the new country's economy. The defence industry in the Slovak Republic is primarily state-owned, however, only eight companies out of the existing 140 produce SALW.

The SALW-related issues are regulated by the government act of 1998 'On Trading with Military Equipment' and the decree of 2002, the latter serving as a draft for amending the Act and filling its gaps. However, the amended version would still need further improvements to cover such issues as control over weapons in transit, as well as greater transparency in reporting and stricter penalties. Besides, the lack of resources forces the Slovak Government to rely heavily on the assistance of the other states in the verification process. Another area of concern is the surplus weaponry, partly because the information on its quantity and status remains unavailable.

The Slovak government is part of the EU, OSCE and UN processes for SALW control. The realisation of agreements on armament control, disarmament and proliferation are included in the national defence strategy.

3.1.8 Slovenia

Due to its strong links to Yugoslavia, the defence industry in Slovenia has had a relatively low status in the early 1990s. However the climate for arms production has improved since the majority of manufactured weapons are for domestic military consumption, with export remaining insignificant.

Perhaps this is the reason why Slovenia has been reportedly less implicated in illegal arms transfers than its CEE counterparts, with major cases limited to the smuggling of SALW to the war-affected former Yugoslavian Republics in the early 1990s.

SALW issues are regulated by the 'Law on Arms' adopted in January 2001, bringing the domestic legislation in compliance with EU requirements. However, its implementation is marred by a lack of coordination among the bodies responsible for licensing, as well as by a lack of personnel and resources. The punishments for violation of those laws are not explicitly defined in law and even when enforced are not strong enough to serve as deterrents. Transparency is a matter of equal concern, with the Ministry of Defence not making relevant information available to the public, and rather irregularly – to the Government.²⁶



Slovenia has played an active role in a number of regional and international initiatives regarding the SALW, including serving as a host for the 1997 UN conference on arms smuggling, and sponsoring in 2000 a Stability Pact workshop on small arms. However, the incentive of joining the EU and NATO plays a weaker role in the Slovenian policy compared to other CEE countries.

3.2 South Eastern Europe and Turkey

Implementation of international SALW treaties in South Eastern Europe has lagged behind the efforts of Central Europe and the Baltic states. Less economically and politically developed (perhaps with the exception of Turkey), the states of this region are not major contenders for NATO or EU accession. Progress has been hampered by the instability of the past decade during which many of these states have become embroiled in violent armed conflict and ethnic warfare. The violent ethnic conflict that accompanied the dissolution of Yugoslavia, followed by conflict in Kosovo and Macedonia, has left a lasting mark on the region. These legacies of ethnic conflict, as well as continuing tension in Southern Serbia, Bosnia, Kosovo and Macedonia, have increased the demand for SALW. Coupled with weak judicial and law enforcement institutions, crime and corruption are rampant in the region. Indeed, one of the key SALW problems is the impact of organised crime in many of the countries, as well as the scope of illegal weapons flows into and out of the sub-region.

In response to many of these issues, NATO initiated the 'Stability Pact for South Eastern Europe', an initiative designed to increase transparency and co-operation in former Yugoslavia countries as well as their neighbours, in order to prevent conflict overspill. With regard to SALW, the key issue is to facilitate information exchange. With the possible exception of Macedonia, the Stability Pact has largely been successful in containing regional conflicts. The issue with Macedonia concerned the transfer of significant weaponry by non-state actors from the conflict zones in Kosovo, as well as unofficial imports from Albania. These transfers followed the emptying of the Albanian military weapons arsenal by the general public in 1997, which could not have been covered by the Stability Pact.

Under the Stability Pact, a South Eastern Europe Clearinghouse for Control of SALW was established in May 2002 in cooperation with UNDP, which aims to stop the flow and availability of SALW in the region, consolidate the achievements, and support the socio-economic conditions for peace and development in South Eastern Europe.²⁷ The OSCE has a number of initiatives in the region as well, and is actively engaged in combating SALW proliferation.

Table 2. Ratification of International Agreements within South Eastern Europe and Turkey

	UN PoA	UN Firearms Protocol	EU Convention on Firearms Possession by Individuals	EU Code of Conduct	EU Joint Action on SALW	Stability Pact	OSCE SALW Document	OSCE Principles	OSCE Ammunitions document	PIP	EAPC	Wassenaar Arrangement
Albania	NP, NR (2002)	No	No	No	No	Yes	Yes	Yes	Yes	S (1994)	Yes	No
Bulgaria	NP, NR (2001, 2002)	S (15.02.02), R (06.08.02)	No	A (1998)	A (1998)	Yes	Yes	Yes	Yes	S (1994)	Yes	S (1996)
Bosnia and Herzegovina	NP	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes	No
Croatia	NP	No	No	A (2002)	No	Yes	Yes	Yes	Yes	S (2000)	Yes	No
Macedonia	No	No	No	No	No	Yes	Yes	Yes	Yes	S (1995)	Yes	No
Romania	NP, NR) (2002	No	S (24.07.95), R (07.12.98)	A (1998)	A (1998)	Yes	Yes	Yes	Yes	S (1994)	Yes	S (1996)
Serbia and Montenegro	NP	No	No	No	No	Yes	Yes	Yes	Yes	No	No	No
Turkey	NP, NR) (2002)	S (28.10.02), nyr	S (03.04.79), nyr	A (2001)	A (2002)	Yes	Yes	Yes	Yes	No	No	S (1952)

Key: A-Aligned, NP-National Point of Contact, NR-National Reports (year), nyr-not yet ratified, N/a – not applicable, R-Ratified, S-Signed

3.2.1 Albania

After the collapse of the communist regime in 1997, during a period of power vacuum, the general public looted army depots and government SALW supplies, obtaining some 500,000 SALW and 1.5 billion rounds of ammunition.²⁸ In order to address the growing sense of lawlessness and weapons proliferation, the UNDP (in conjunction with the UN Office for Project Services and UN Department for Disarmament Affairs) launched in 1998 a weapons-in-exchange-for-development programme, with a pilot phase in the district of Gramsh. The programme managed to gather some 5,890 weapons and 137 metric tons of ammunition, and was followed by weapons collection projects in other regions. To date, projects run by the Stability Pact have led to the destruction of 150,000 weapons in the country. Despite these efforts however, the ownership of illegal military weapons remains widespread.

In order to harmonise domestic laws and initiatives with those of the international community, the Albanian government has entered into cooperative relationships with such international organisations as the UN and the OSCE. The Albanian government has signed the EAPC and the Stability Pact for South-Eastern Europe. However, Albanian participation in combatting the spread of illicit weapons is hampered by its failure to adhere to the EU Code of Conduct, the EU Joint Action and the Wassenaar Arrangement.

SALW continue to be readily available in Albania and public ownership remains high, especially in rural areas. The traditional "gun culture" needs to be addressed if SALW issues in Albania are to be resolved. One consequence of the widespread use and availability of SALW in Albania has been the flourishing of organised crime, including SALW trafficking. Highly developed trafficking networks exist

within Albania and the wider region, allowing Albanian criminals to export SALW throughout Europe. In order to address these problems, the government has to develop national infrastructure, improve information sharing methods and resources, and strengthen border control.

3.2.2 Bosnia and Herzegovina

After the 1992-95 civil war, Bosnia and Herzegovina faced SALW problems typical to post-war societies. These imply prioritising urgent activities, such as weapons collection and destruction, and consolidation of the army and the police service, over developing legislation and interagency coordination.

However, Bosnia and Herzegovina has made progress in both directions. While the size of the international military presence in Bosnia has reduced since the end of the war, a sizeable NATO force remains. Although one of the tasks within the NATO Stabilisation Force (SFOR) troops was to implement weapons collection and destruction, the ongoing reduction of the mission has had a negative impact on their ability to collect and destroy weapons.

In terms of international arms control treaties, Bosnia and Herzegovina subscribes to both the OSCE Principles and the OSCE Document. Like other states in the region, the NATO Stability Pact has been one of the most active mechanisms for addressing SALW issues. SEESAC, designed to assist with the implementation of the Stability Pact, has also been important in the Bosnian case.

3.2.3 Bulgaria

During the communist era, Bulgaria's arms production sector was one of the largest components of the Bulgarian economy, accounting for 20% of Bulgaria's GDP.²⁹ However, as the Cold War drew to an end, Bulgaria's military industrial complex floundered, hastened by the loss of contracts with its Warsaw Pact counterparts. In recent years, the government has attempted to privatise and revive the defence industry, keeping up with the NATO accession standards. This however entails streamlining and restructuring, which invariably lead to SALW excess. Concern about the stockpile has led to a recent US-funded project subsidising the destruction of 500,000 Bulgarian SALW. This effort is aimed in part to combat the spread of SALW from Bulgaria to Balkan conflict zones. Furthermore, in 2001 the Bulgarian government commissioned a private company to destroy an additional 77,000 weapons.³⁰ Although in the early-mid 1990s the Bulgarian government had been accused of exporting SALW to conflict zones and of having lax export regulations, currently it appears to be moving towards a more transparent export regime.

Bulgaria has made positive steps towards implementing international treaties on SALW such as the EU Code of Conduct and the Wassenaar Arrangement. It is the only country in the region under consideration that not only signed, but also ratified the UN Firearms Protocol. Bulgaria has made considerable efforts to strengthen arms export legislation and standards, as well as adopted measures to curb the illicit trafficking of SALW. Its desire to join the EU and NATO has undoubtedly provided an impetus for adherence to international treaties on SALW. Through its role in the Stability Pact, it hosted a Regional Conference on Export Controls in December 1999.³¹

Civil society engagement with the SALW issue in Bulgaria has been relatively weak, although there are a small number of NGOs working on arms issues, largely in co-operation with the UK-based NGO 'Saferworld'. Consensus amongst these NGOs is that while current initiatives by the state are positive, much still needs to be done, particularly in terms of tracing and export legislation.

3.2.4 Croatia

The 1992-1995 civil war in neighbouring Bosnia is the cause of the current excess of SALW in circulation in Croatia. Continuing tensions along its borders with Bosnia and a militarised public feed the demand for illicit SALW; however, the Croatian government, often with international aid, has made positive strides towards lessening the grip of SALW. Although Croatia is not an immediate contender for EU or NATO

accession, it is still motivated by the desire to join at a later date. This motivation, along with the need to restore general security and stability in the country, have resulted in an increased drive to bring the Croatian arms control regime in line with international standards. Since the end of hostilities within Croatia in 1995, the government has passed a number of acts on weapons control. It has also stated its commitment to the OSCE Document and the UN PoA. At the domestic level, the Croatian government initiated the National Programme, which is an arms gathering programme that combines buy-back schemes, amnesty and increasing weapons awareness. In December 2002 the period of grace on illegal weapons ownership terminated and the government is now working to introduce proper registration and licensing of SALW. Although the programme was successful, many households are still thought to possess a weapon of some sort. Furthermore, surplus weapons are not often destroyed, which increases the rate of potential and actual illegal acquisition and use.

Croatia has a relatively weak NGO network dedicated to combating SALW. However, recent projects have included awareness-raising campaigns to encourage more responsible weapons use, education in schools, as well as national media campaigns.

3.2.5 Macedonia

The conflict in 2000 between the ethnic-Albanian and the Slav population has increased the circulation of SALW in Macedonia. Despite the formal cessation of hostilities, agreed upon at the Ohrid peace conference in August 2001, ethnic tensions continue to run high and many Macedonians keep guns for personal safety. Under the Ohrid Framework Agreement, the ethnic-Albanian National Liberation Army (NLA) rebels were granted amnesty if they handed over their weapons; however, while many weapons were in fact collected by the NATO peacekeeping mission (3,875 weapons in the month after the Ohrid conference³²), it is estimated that many others were not given in. Although the NLA was formally disbanded, the potential for further destabilisation remains high due to the continuing ethnic-Albanian agitation in nearby southern Serbia and Kosovo. The EU's first military mission took over from NATO in Macedonia in March 2003, charged with maintaining security in the country.

Macedonia is actively engaged in working with SEESAC and the UNDP on arms issues. Recently the government and the UNDP in Macedonia signed the Small Arms Control in the Former Yugoslav Republic of Macedonia (SACIM) Preparatory Assistance Document. During the six-month preparatory phase the UNDP will help the government design a national arms programme. This initiative will also focus on confidence-building measures, community building and weapons awareness. Key to addressing the SALW issue in Macedonia is the improvement of border controls, and local law enforcement capabilities will need to be stepped up in the fight against the weapons trade.

3.2.6 Romania

During the Cold War era Romania was a significant SALW exporter.³³ Although the military industrial complex has mostly reduced after the end of the Cold War and previous markets have been lost, the government has made various attempts to revitalise its arms producing and exporting industry. Besides, there remains a large SALW surplus in Romania, which has increased due to the re-equipment, streamlining and restructuring process of the armed forces in order to meet NATO membership criteria. The security of these weapons stockpiles is of some concern given their potential to fall into the black market.

Romanian action in tackling illegal SALW proliferation and trade is spurred by the governments' desire to be welcomed in the EU and NATO. The EU extended an invitation to begin accession talks in December 1999 and since then Romania has focused on meeting EU membership criteria. The government has aligned itself with the EU Code of Conduct and the Wassenaar Arrangement. It has also worked with the EAPC to engage in dialogue on the SALW issues in the region. Romania is a

member of the OSCE and the Stability Pact and has been involved in tackling SALW trafficking in South Eastern Europe. Concerning the large weapons stockpiles, the Romanian government has been working with the US and Norwegian governments to destroy approximately 200,000 SALW.³⁴

However, Romania's record in tackling the SALW issue has been tarnished in recent years by several scandals, involving transfers of large quantities of weapons to UN-embargoed countries. Besides, corruption plagues Romanian society and transparency in SALW issues needs to be improved.

3.2.7 Serbia and Montenegro

The republics of the former Yugoslavia have experienced a great deal of armed conflict in the past two decades (most recently the conflict in Kosovo), and the ensuing intervention by NATO. The war in Bosnia, the Kosovo conflict and ongoing ethnic-Albanian clashes in southern Serbia have all contributed to an unstable security environment, exacerbated by a wide accessibility of illicit SALW in the region. SALW circulation is especially high in Southern Serbia and Kosovo where tensions between ethnic Albanians and the Serbs are still high.

The efforts of Serbia and Montenegro to tackle SALW have been carried out in cooperation with the OSCE and in implementation of the OSCE Document on SALW. Serbia and Montenegro is not part of NATO's PFP programme and is not likely to become involved unless it agrees to drop war crime charges against NATO members in relation to the 1999 intervention.

In July 2001 the government pledged to destroy surplus quantities of SALW, especially the seized illegal weapons. Additionally, border patrols are key to preventing the spread of illicit SALW. The OSCE has recently launched a new border-patrol operation aimed at combating trafficking and criminal activity.

Local NGO capacity in Serbia and Montenegro remains limited, although there is a large international NGO presence which addresses military and security issues, even if not addressing the SALW issues directly.

3.2.8 Turkey

Turkey is a large producer, exporter and importer of SALW. Weapons availability is high, particularly in the South Eastern region of the country where the Turkish Army is engaged in an ongoing struggle with Kurdish separatists. This is the region where the government has concentrated most of its efforts on arms reduction and control.

Besides, due to its strategic geographical location as a meeting point between Europe, the Middle East and Asia, Turkey has long been a centre for the transit of various goods, including illegal SALW.³⁵ Curbing the spread of illicit SALW in Turkey is rendered more difficult due to the well-developed smuggling network, which transports all types of contraband goods, including SALW, both through and into Turkey.

Therefore, one of priority areas for Turkey is improving the border patrols and enforcement in order to reduce potential for smuggling and criminal activity. Besides, transparency and information sharing also need to be improved.

The Turkish Government, motivated by its desire to join the EU, has been active in adopting and implementing international conventions and treaties on the control of SALW, and has made some important steps in this area. It has joined the major international control mechanisms, including the Wassenaar Arrangement and the EU Code of Conduct. Turkey has aligned itself with the UN PoA, and is an active member of the Stability Pact. Furthermore, there is an active and flourishing NGO network in Turkey working on international peace and security issues, although groups focusing specifically on SALW are still few in number.³⁶



3.3 The Western Commonwealth of Independent States and the Russian Federation

The countries of this sub-region, especially Russia and Ukraine, are significant arms producers and therefore are a matter of serious concern regarding the spread of SALW. While they have signed up to a number of major international treaties on the regulation of SALW exports, there remain concerns as to whether these commitments are actually adhered to. In addition, in the absence of strong incentives to adhere to such regimes as there exist in Central and Eastern Europe, and South Eastern Europe, it is difficult to see whether enforcement could be strengthened in the near future. The problem of stockpile management within the Russian military is also a vital concern as there have been a number of allegations that underpaid soldiers have sold arms to illegal groups and criminals. The role of organised crime groups in smuggling illegal SALW westwards is also a major concern. Civil society, the media and academic institutions working on the SALW issues are developed unequally throughout the sub-region, which allows for different expectations concerning transparency in each of these countries.

Table 3. Ratification of International Agreements within the Western CIS and the Russian Federation

	UN PoA	UN Firearms Protocol	EU Convention on Firearms Possession by Individuals	EU Code of Conduct	EU Joint Action on SALW	Stability Pact	OSCE SALW Document	OSCE Principles	OSCE Ammunitions document	PIP	EAPC	Wassenaar Arrangement
Belarus	NP, NR (2001, 2002)	No	No	No	A (1999)	N/a	Yes	Yes	Yes	S (1995)	Yes	No
Republic of Moldova	NP, NR (2002)	S (03.11.98), R (05.03.03)	No	No	No	Yes	Yes	Yes	Yes	S (1994)	Yes	No
Russia	NP, NR (2001, 2002)	No	S (10.12.99), nyr	No	No	N/a	Yes	Yes	Yes	S (1994)	Yes	S (1995)
Ukraine	NP	No	No	No	No	N/a	Yes	Yes	Yes	S (1994)	Yes	S (1996)

Key: A-Aligned, NP-National Point of Contact, NR-National Reports (year), nyr-not yet ratified, N/a – not applicable, R-Ratified, S-Signed

3.3.1 Belarus

Although not a SALW-producing state, Belarus inherited large amounts of surplus military stock from the USSR in 1991, and like many of the post-Communist countries, has been accused of illegal SALW sales in violation of the UN sanctions, as well as of serving as a transit point for Russian-produced SALW.³⁷ The Belarus government, however, denies these allegations and asserts instead that it has a well-developed export control system, whereby four specialised agencies are authorised by the president to trade in SALW.³⁸

The SALW issues in Belarus are regulated by the 2001 law 'On Arms', the 1998 law 'On Export Control', as well as a number of governmental and presidential decrees.³⁹ The Belarus government claims that the existing legislation complies with major non-proliferation agreements.⁴⁰

3.3.2 Moldova

The conflict in the early 1990s in the Transdnister region of Moldova has increased the demand for SALW. It has been alleged in the Russian media that illegal arms production is still taking place within the region.⁴¹ The Moldovan government's efforts to end the conflict have been hampered by its lack of authority as well as by the continued Russian military presence. The parallel state system operating in the breakaway region has made no effort to attempt to control weapons production or transfers on its territory. Restoring security is thus closely linked to reducing the ebb and flow of SALW in the area. Establishing effective policing of the border is also of paramount importance.

The Transdnister region aside, the Moldovan government has made certain efforts to work within international arms control regimes. It is a member of the PfP. The UNDP's SEESAC programme, closely tied to the Stability Pact, is actively engaged in SALW issues and seeks to implement cross-border initiatives and the establishment of a national firearms database.⁴² However, civil society engagement in SALW issues remains very limited; therefore, there is a clear need for capacity building in this area.

3.3.3 Russia

Having inherited most of the Soviet SALW production facilities, Russia is one of the major world players in production of and trade in SALW, as well as other military products. Although SALW production capacity has considerably decreased in the 1990s, Russia remains the second largest producer after the US, with small arms sales amounting to USD 250 million in 2001.⁴³

One of the major issues concerning SALW in Russia is the management of military stockpiles. The instability of the 1990s has had a negative impact on the army, with funding being considerably reduced. Military personnel, from private soldiers to generals, have therefore become one of the main sources for illegal arms. SALW have been also reportedly stolen from army stockpiles. Although the customs service has reported considerable seizures, and a weapons collection programme has reportedly destroyed 421,000 pieces of SALW between 1998 and 2001⁴⁴, the true extent of the problem remains unclear.

Another issue of great concern is the proliferation of SALW in the North Caucasus, especially in Chechnya and Dagestan, resulting from the two Chechen wars, in 1994-96 and in 1999-2000, as well as from the ongoing conflict. Arms have been both smuggled into the region and illegally produced there. A weapons amnesty and a buy-back programme were initiated in Dagestan in October 2003, but these have not proved very successful so far.⁴⁵ Clearly, the resolution of the SALW problem would depend on the peaceful resolution of the conflict in Chechnya.

The government has made comprehensive steps to develop both its policy on small arms and the relevant legislation. In 2000 it decided to merge all Russian SALW manufacturers into two government-owned holding companies: the Small Arms and Cartridges Corporation and the High-Precision Weapons Corporation.⁴⁶ Similarly on the export side, in 2000 the 'Rosoboronexport' state enterprise was created in 2000 as a merger of two government agencies. The 1998 law 'On Export Control' and its implementing instruments establish a comprehensive system, which is highly compatible with that of Western states.⁴⁷ It



does have its loopholes, such as lack of control on the arms broker activities; however, the main shortcoming of the existing system is in its implementation. These difficulties include frequent changes of responsible agencies and rules, lack of inter-departmental cooperation, lack of personnel, funding and equipment, as well as corruption.⁴⁸

Russia is an active member of a number of international weapons control regimes, including the UN and OSCE documents, and has been regularly providing relevant national reports. However, problem of transparency remains, since according to the June 2002 presidential decree, data on weapons exports are classified as state secrets.⁴⁹ One of the challenges in increasing transparency lies in changing attitudes of the Russian officials, who often consider the international SALW mechanisms as interference in Russia's internal affairs.⁵⁰

Civil society does play a certain role in addressing SALW issues in Russia. For example, the local NGO 'Centre on Export Control' has been working on the issues of awareness raising and promoting non-proliferation culture among military enterprises in Russia.⁵¹

3.3.4 Ukraine

As with the other former Soviet states, Ukraine inherited a large arsenal from the Soviet Army after the collapse of the Soviet Union. Much of this was sold off with scant regard as to where the weapons would end up and, as a result, during the early 1990s the Ukrainian-origin SALW made their way to conflict zones across the globe. At present, surplus weapons that were not sold off, are not being considered for destruction. There still are concerns about the safety of the remaining stockpiles, despite the government aligning itself with international conventions such as the EU Code of Conduct. However, implementation of these is hampered by the fact that the Ukrainian laws on exports do not refer to the criteria set out in these international treaties.⁵² Other areas of concern include Ukrainian land boundaries, in particular the border with Moldova's Transdnister region, and its unofficial status as a SALW hub.⁵³

At present, civil society networks are relatively weak in Ukraine and there are very few NGOs working on the SALW issues. Concerns about personal security and persecution may serve as a deterrent to action in the arms realm. Besides, accessing reliable information is often difficult and may act as another barrier.⁵⁴

3.4 The Caucasus

A key issue in the Caucasus is the widespread availability of weapons, which has fed into and resulted from the various conflicts in the region. The widespread ownership of SALW is thought to have largely resulted from leakages from the Soviet Army bases in the region in the late 1980s-early 1990s. This has resulted in significant problems including the growth of paramilitary groups and the increase in organised criminal violence across the region. Therefore, stockpile management and the need for more rigorous control of the military are among the priorities regarding the SALW in the area. In terms of transparency, there is relatively little information available on how (and whether) the governments implement their international

commitments. Clearly, the successful management of the SALW problems is dependent on whether lasting solutions to the conflicts in the Caucasus are found.

In the South Caucasus, there has been no systematic regional action on SALW issues; however, there has been some work undertaken by individual governments, such as voluntary weapons collection programmes (in Georgia) and joint government-civil society meetings (in Armenia).⁵⁵ Further, a project to facilitate the implementation of the OSCE Document on SALW has been implemented by a UK-based NGO 'Saferworld', which included both regional seminars and comprehensive research on the issue. The 'Saferworld' report on SALW in the Caucasus (referred to throughout this paper) remains one of the most comprehensive and authoritative studies on the issue.

There is a relatively large civil society presence in the Caucasus, including NGOs with an interest in issues of civil-military relations and security. However, there has been limited interest in the issue of SALW, most likely because other conflict issues seem more immediate, and because of the threats such involvement might pose to the NGO activists.

Table 4. Ratification of International Agreements in the Caucasus

	UN PoA	UN Firearms Protocol	EJ Convention on Firearms Possession by Individuals	EJ Code of Conduct	EJ Joint Action on SALW	Stability Pact	OSCE SALW Document	OSCE Principles	OSCE Ammunitions document	PP	EAPC	Wassenaar Arrangement
Armenia	NP, NR (2002)	No	No	No	No	N/a	Yes	Yes	Yes	S (1994)	Yes	No
Azerbaijan	No	No	R (28.03.00)	No	No	N/a	Yes	Yes	Yes	S (1994)	Yes	No
Georgia	No	No	S (15.10.02), nyr	No	No	N/a	Yes	Yes	Yes	S (1994)	Yes	No

Key: NP-National Point of Contact; NR-National Reports (year), nyr-not yet ratified, N/a – not applicable, R-Ratified, S-Signed

3.4.1 Armenia

Under the Soviet rule, the ownership of SALW in Armenia was strictly regulated, and the level of unauthorised or civilian possession of weapons was minimal. However from 1988 onwards, the rising tensions in Nagorno Karabakh, an Armenian-populated region of Azerbaijan, caused Armenia to become the main source of arms (mainly stolen from storage facilities) supplies to Nagorno Karabakh. By 1990 the uncontrolled proliferation of SALW within Armenia, fuelled by the influx of Soviet weapons, led the Armenian government to initiate attempts to tackle the problem, through a number of weapons collection initiatives and measures to disband the paramilitary units and consolidate the army. While these have been quite successful, a number of paramilitary units associated with political parties allegedly continue to exist⁵⁶; besides, the spread of private security companies and lack of their regulation raise concerns regarding the overall security situation in the country.

The legislation regulating SALW issues consists of the 1998 law 'On Arms', and government decisions of 1999 and 2002, on civilian weapons and licensing arms production respectively.⁵⁷

The government claims that it fully controls the import of SALW, and that no illegal transfers of arms have taken place since the ceasefire in Nagorno Karabakh in 1994.⁵⁸ However, this information is hard to verify because of lack of reliable information on numbers and distribution of the SALW in the country.

3.4.2 Azerbaijan

Azerbaijan was the site of several Soviet Army bases with their large stockpiles of SALW. The disintegration of the Soviet Union and the subsequent withdrawal of the Soviet forces left most of these stockpiles on Azerbaijan territory – some through pre-negotiated transfers, but most of the arms – illegally sold to paramilitary groups.

As on the Armenian side, the war in Nagorno Karabakh was led to a large extent by paramilitary units equipped with the illegally smuggled or craft weapons. There has also been a similar weapons collection scheme, and in the immediate aftermath of the ceasefire agreement in 1994 the Azeri Government attempted to consolidate the army and collect illegal arms.

The law 'On the Service and Civil Arms' and the presidential decree on 'Guidelines regulating operations on export and import in the Republic of Azerbaijan' regulate the circulation of and the trade in SALW respectively.⁵⁹ Although Azerbaijan joined the OSCE mechanisms on SALW control, as well as the EAPC, lack of transparency within the country makes it difficult to assess its compliance.

3.4.3 Georgia

The 2003 Small Arms Survey indicates that in the early 1990s Georgia acquired weapons from five different sources: seizure of weapons stockpiles, free distribution by Soviet and Russian forces, sales from Russian military stockpiles, regional trade in surplus Soviet weapons, and external procurement (specifically, from Romania and the Czech Republic).⁶⁰ The rough estimate is that around 40,000 weapons were available in Georgia in 1992-93.⁶¹ Despite the government's efforts to collect weapons, they are assessed to be still widely available. Arms from Georgia may have leaked to Chechnya, as well as to Armenia and Azerbaijan, although not on a mass scale.⁶²

About 2500 Russian peacekeepers are currently present on the territories of South Ossetia and Abkhazia. There are also a number of Russian military bases in Georgia, however their status remains unclear. The security sector in Georgia remains inefficient, since various army and police structures have overlapping functions and are not well coordinated; besides, there exist a number of informal and foreign armed groups, whose relationship with the government and legal status is unclear, and who are subordinate to local actors.⁶³ A number of paramilitary and guerrilla groups allegedly operate in the zone of the Georgia-Abkhazia conflict. Georgia has a number of SALW producing plants on its territory; however, the scale of production is not significant.⁶⁴ There are about 200 thousand legal SALW in Georgia of which between 20 and 40 thousand are in private hands.⁶⁵

In 1998, under US pressure, Georgia adopted a law governing the production and export of arms, military equipment and dual-use goods. The US has been providing military support to Georgia since 2000, which has had an overall limiting influence on arms trade. However, SALW control mechanisms, both domestic and international, remain rather weak. The existing legislation has many gaps and is generally not implemented. Parliament has very limited control over the military expenditures or military reforms.⁶⁶

The OSCE has also been addressing the issues of illegal possession of arms in Georgia, with two projects currently underway: the collection of small arms from the population in the Georgian-South Ossetian zone of conflict in exchange for fuel, and recycling and destruction of ammunition and bombs on former military bases in Georgia.⁶⁷

With the recent political changes in Georgia it may be expected that the SALW situation will further improve. Despite the strong potential for violence, there occurred a peaceful transfer of power to the leading opposition politician, Mikhail Saakashvili. Saakashvili has also stated that his key objective is to combat state corruption – if he is successful this will lead to improvements in the overall SALW situation in the country.



3.5 Central Asia

The key problems regarding SALW in Central Asia are related to the fact that very little SALW-related information is available. The countries possess a limited production capacity, but have inherited stockpiles from the Soviet Union; little is known about the exact number of these, as well as what happened to them afterwards. These problems are exacerbated by the fact that the states of the region view SALW issues as concerns to national security rather than subject to international accountability. An alleged link between drug smuggling and weapons smuggling in the region, as well as porous borders, complicate the issue further. Several routes allegedly exist in the region for illicit SALW trafficking, mainly from Tajikistan and Afghanistan, via all the remaining countries, making their way to the Caucasus, Russia, China and Europe.⁶⁸

In July 2000 the UN General Assembly adopted a resolution on 'Arms trade resulting from weapons stockpiles in Central Asian Republics', calling on them to expand the Cooperative Threat Reduction Program, a US Department of Defence initiative to combat proliferation in the former Soviet Union states, and to incorporate work on small arms proliferation.⁶⁹ No information could be found however on whether the Central Asian states responded to this resolution and in what manner.

The aftermath of the September 11 attacks has affected Central Asia on a large scale. The US-led anti-terrorist coalition has increased military cooperation with all the Central Asian countries, with coalition bases established in Kyrgyzstan and Uzbekistan. In order to facilitate cooperation on SALW issues, the OSCE organised in November 2001 a series of workshops on combating illicit arms trafficking in all the Central Asian states, leading to an international conference which adopted a declaration and a programme of action.

Regional efforts on small arms control have developed around the theme of combating terrorism and ensuring regional stability. One of the key regional instruments is the Shanghai Cooperation Organisation (SCO), established in 1996 and consisting of Kazakhstan, China, Kyrgyzstan, Russia, Tajikistan and Uzbekistan. It has a mandate to combat terrorism, separatism, and extremism. Within its framework, a regional anti-terrorism centre has been established in Bishkek. Besides, the defence ministers of the member states have been meeting annually to discuss issues ranging from fighting international terrorism and separatism, to combating cross-border drug and arms trafficking. There is a potential that the SCO might serve a platform for combating SALW issues; however, the issue has not been explored so far.

Table 5. Ratification of International Agreements within Central Asia

	UN PoA	UN Firearms Protocol	EU Convention on Firearms Possession by Individuals	EU Code of Conduct	EU Joint Action on SALW	Stability Pact	OSCE SALW Document	OSCE Principles	OSCE Ammunitions document	PIP	EAPC	Wassenaar Arrangement
Kazakhstan	NP	No	No	No	No	N/a	Yes	Yes	Yes	S (1994)	Yes	No
Kyrgyzstan	No	No	No	No	No	N/a	Yes	Yes	Yes	S (1994)	Yes	No
Tajikistan	NP, NR (2002)	No	No	No	No	N/a	Yes	Yes	Yes	S (2002)	Yes	No
Turkmenistan	No	No	No	No	No	N/a	Yes	Yes	Yes	S (1994)	Yes	No
Uzbekistan	No	No	No	No	No	N/a	Yes	Yes	Yes	S (1994)	Yes	No

Key: NP-National Point of Contact, NR-National Reports (year), nyr-not yet ratified, N/a – not applicable, S-Signed

3.5.1 Kazakhstan

During the Soviet era Kazakhstan had the most significant defence industry in Central Asia, with an estimated 200 industrial enterprises involved in military production in the mid-1990s.⁷⁰ Some of this capacity has been preserved so far, with the SALW produced by the state-owned 'Metallist' plant. However, with significant surplus weapons inherited from the Soviet Union, it is the area of stockpile management that is currently of greatest concern. The exact number of SALW is not known and an attempt by the Ministry of Defence to conduct an inventory in 2002 faced significant resistance (such as arsons in storage facilities), allegedly to conceal the scope of theft.

SALW exports are regulated by the June 1996 law 'On Export Control'. While civilian possession is strictly regulated, the implementation loopholes suggest that SALW might have leaked to criminal and/or terrorist groups. Around 36 thousand illegally possessed SALW have been collected in 2001-03.⁷¹ The export criteria are claimed to comply with the OSCE principles⁷², but the implementation of these are questionable. Similarly, despite the attempts at cross-border cooperation among the Central Asian states, the borders are porous and the technical capacities of the border guards remain limited.

Overall, Kazakhstan needs to enhance its political will as well as administrative ability to implement its legislation and international commitments. However, domestic ownership of SALW is probably small and the level of SALW crime is limited.

3.5.2 Kyrgyzstan

During the Soviet era Kyrgyzstan was not a SALW producing state, however its large ammunition plant still remains operational. SALW problems in Kyrgyzstan are thought to be related to the fact that the country has become one of the major transit countries for drug smuggling from the neighbouring Afghanistan and Tajikistan. Besides, leakages of SALW from the armed forces have been an issue. UN Sanctions Committee's Report mentioned that weapons from Kyrgyzstan have been illegally smuggled into Liberia.⁷³ Furthermore, of great concern is the stockpile management of SALW in the armed forces, but the lack of information makes it difficult to judge the extent of the problem.

The legislative basis on SALW regulation in Kyrgyzstan consists of the 1999 'Law on Weapons' and a number of government decrees, one of the most significant among them being the 2001 'Rules on Circulation of Civilian and Service Weapons and their Munitions'. However, the law does not cover a number of issues, such as arms brokering, including end-user certification, and government accountability and transparency.⁷⁴ In general, the security sector lacks technical, administrative and personnel capacities to fulfil its role.

The US, EU and Austria have been providing assistance to improve border guard capacities. This, however, has caused some public resistance, as it has been perceived as building the capacity of the Kyrgyz government to crush public discontent.

3.5.3 Tajikistan

The SALW situation in Tajikistan is marked by the civil war that raged in this country between 1992 and 1997. During the war, the main sources of SALW were the Russian military bases on Tajik territory. Small arms were often stolen, bought or bartered, or transferred. The weapons were also reportedly intentionally given out to non-state armed groups by the military.⁷⁵ Military shipments were also supplied by Uzbekistan and Russia, with minor shipments reportedly from Pakistan, Iran, India, Belarus and Chechnya⁷⁶, while opposition factions were supplied with arms from Afghanistan. The need to purchase arms has thus become a major impetus for the warring factions to start producing and smuggling drugs.

After the war, one of the tasks of the Commission of National Reconciliation was to organise a disarmament campaign, which was officially declared complete in August 1999. However, the number of collected weapons was relatively low.⁷⁷ The police regularly report finding caches of SALW and ammunition, often together with drugs. The quantity of SALW available in the country remains unknown, which hampers efforts to address the issue. Indirect sources suggest that the level of civilian possession of arms is high, however usage remains low.

SALW issues are regulated by the 1996 'Law on Weapons', by relevant articles in the Criminal Code, as well as a number of additional regulations and legislative acts. The legislative basis remains scattered and incomplete and is largely modelled on the Soviet legislation.⁷⁸ Besides, there is no specialist state agency involved in coordinating SALW control efforts.⁷⁹

The challenges facing the Tajik government in ensuring compliance with the international SALW regimes include tackling the threat of illegal personal weapons possession, dealing with confiscated weapons, managing official stockpiles, understanding and confronting the upsurge in illicit trafficking, and establishing open and effective governance of SALW issues.⁸⁰

3.5.4 Turkmenistan

Turkmenistan is perhaps the most isolated country in the region. Proclaiming itself neutral in 1993 enabled it to reduce its military spending⁸¹; however, it has also meant that Turkmenistan has avoided participating in any security-related regional or international initiatives. Turkmenistan inherited significant amounts of military equipment from the Soviet Union, which was under joint command with Russia until 2002. In the 1990s additional military equipment was bartered from Russia in exchange for natural gas.

Drug trafficking remains a cause of continuous armed clashes on the Afghan-Turkmen border. Although border guards reportedly seize large quantities of drugs, considerably larger shipments go through. Starting from the mid-1990s, Turkmenistan allegedly became part of one of the major routes for the smuggling of arms from the Taliban regime in Afghanistan, via the Caspian Sea, to the Caucasus, Russia and ultimately Europe. Today, following recent events in Afghanistan, this link has probably stopped or at least significantly reduced. Turkmenistan has also been accused of illicit small arms transfers⁸², although due to the current political situation in the country this information is difficult to verify.

Turkmenistan has received assistance through military training from Pakistan, Turkey, Iran, Russia and Ukraine, as well as from NATO programmes in the US and Western Europe. However, Western military support to Turkmenistan appears to be negligible.⁸³

3.5.5 Uzbekistan

As with Turkmenistan, the lack of government transparency makes assessments of the SALW situation in Uzbekistan difficult. During the Soviet period there were a number of weapons-producing plants in Uzbekistan; officials now claim that Uzbekistan currently possesses no SALW manufacturing capacities.⁸⁴ No information regarding domestic possession and regulation of SALW appears available and as for the military, their structure and operation mode largely resemble those of the Soviet Union.

A number of international assistance efforts have been initiated in Uzbekistan: in the year following the 11 September attacks, security assistance and related aid from the USA to Uzbekistan increased by US\$ 45 million.⁸⁵ In 2002 and 2003 the OSCE conducted seminars for border guards and custom officials, which aimed at assisting Uzbekistan and Afghanistan in re-establishing cross border movements and enhancing their capacity to respond to the trafficking of SALW. However, little is known about how these have impacted the situation regarding SALW.

4. Conclusions and Recommendations

Over the last ten years the states in the Eurasia region have had different capacities and motivation to deal with SALW issues, and have understandably made different levels of progress in addressing them. As post-Soviet transition states have stabilised, their ability to enforce international obligations with relation to the export of SALW has improved. The restructuring in the defence industry as a result of the end of the Cold War has meant that the number of weapons produced in the area has reduced. There is however a clear connection between levels of national transparency and conduct in regulating the transfer of SALW and those nations that are joining the EU in 2004 or can reasonably expect to join the EU in the foreseeable future.

Civil society engagement regarding SALW is very limited across the entire region. Its interest in this issue appears dependent on a number of issues, the most obvious being the geographical position of the country or sub-region and the level of government transparency within the region. In the case of much of Eastern and Central Europe and South Eastern Europe, the main SALW concern within civil society focuses on the illegal possession of small arms by criminal groups. The growth of organised crime across this region is alarming, since these criminal groups represent one of the greatest threats with regards to SALW proliferation. NGO community in each country does not appear to consider international SALW issues and implementation of relevance to their respective regions. Linked to the problem of criminality is the issue of stockpile management, in particular regarding the risk that surplus weapons may fall into criminal hands and can potentially be exported to conflict regions or be circulated amongst criminal networks elsewhere in Europe. Civil society engagement further east remains often limited to the media (if that), and is generally constrained by the more authoritarian nature of the governments in power in these countries.

The areas of greatest concern with regards to the signing, ratification, implementation and enforcement of international SALW treaty obligations lie to the east of the region

discussed. It is in these areas that issues such as whether there exists the ability within states or even the will to enforce the provisions of international treaties are most significant. Besides, the links between drug smuggling and porous borders on the one hand, and SALW proliferation on the other, needs to be further studied as well.

The primary objective of this report has been to assess the implementation of small arms control in Eurasia, rather than to provide an in-depth analysis of each individual country. Nor is it our aim to pronounce a final verdict regarding the situations in any of the countries examined. The authors fully realise that the findings of this report represent snapshots of time and might omit information not encountered during the research. However, the most evident research finding is the existing significant gap between policy development and policy implementation. It is crucial to strengthen the capacities of implementing bodies, including the customs, border authorities, police as well as the licensing structures. Furthermore, development of interagency cooperation is a crucial aspect for combatting the illegal proliferation of SALW. In light of the discussion the authors would strongly recommend donor support in the enforcement and implementation of, first and foremost, export controls and stockpile management.

Main Recommendations

• Export Controls

Presently all the countries examined in the study provide some legal basis for regulating SALW control including export controls to a varying degree. Moreover, they all adhere to the OSCE principles on export controls. However, given that the region is the main supplier of SALW worldwide, and that the enforcement of the existing controls is far from satisfactory, this issue is of utmost importance for combatting the SALW problems.

• SALW Stockpiles

SALW leakages from stockpiles have been a systematic problem in Eurasia. SALW find their way to various conflict zones or areas of grave human rights concerns. Stockpile management and the safe disposal of surplus stocks of SALW are vital measures to ensure not only the security in the region but also proliferation of small arms worldwide. Donors need to consider funding national programmes and initiatives to enhance SALW stockpile security, and investing into the much-needed capacity of relevant government authorities.

Futher Recommendations

In order to maintain policy coherence and obtain substantive implementation on export controls and stockpile management, the regional dynamics must be taken into consideration and the following recommendations should be taken into account.

• Revision of legislation

As mentioned earlier, each country examined in this report provides some legal basis for regulating SALW issues; while all of them have established a legal basis for weapons control, not all aspects of the arms trade are covered in the legal instruments. The legislation should therefore be improved and loopholes covered in order to adequately cover all aspects of SALW management.

• Transparency and Accountability

Lack of accountability and transparency is a widespread problem in the Eurasia region, but commitments to transparency on weapons transfers differ from country to country. Mechanisms should be developed to ensure greater transparency and accountability concerning these, as well as to combat corruption within the government. This should be seen as a part of strengthening democracy and good governance more generally.

- **Sustainable Economic Development**

In many countries of the region the SALW trade is seen as a source of much-needed hard currency. In the past, this has spurred a number of sales to the conflict zones and embargoed destinations. While the international mechanisms adopted by many of these countries aim to control the legality of the SALW sales and transfers, the more generic issue of ensuring sustainable economic development has to be addressed as well.

- **International cooperation**

The countries covered in this report have engaged in numerous bilateral and multilateral activities and have signed cooperative agreements regarding SALW. However, the translation of these agreements into practice remains questionable. International lobbying and pressure should be complemented with the financial and technical assistance for the practical implementation of the commitments made.

- **Governmental capacity**

Many of the countries examined lack the capacity to comply with international SALW control agreements and in some cases key implementing agencies lack information on the existence of these agreements. One donor priority should be to support the creation of national coordination agencies and points of contacts as an essential point to implement relevant international instruments. Technical support should be provided to enhance reporting mechanisms and build capacity of government officials that are required to report on the implementation status, i.e. of the UN Programme of Action.

- **Role of civil society**

Throughout the Eurasia region, civil society plays a limited role. There are relatively few NGOs engaged in SALW issues. In general, the public is not involved in national and international security issues either. Civil society organisations are often instrumental in holding governments accountable for their weapons practices or pressuring them to engage in certain arms trade mechanisms, and their activities should therefore be supported and strengthened by both governments and international donors.

- **Border control**

For a number of countries in the Eurasia region (especially in Central Asia, Caucasus and the Baltic states), border control is an outstanding issue. Porous borders facilitate SALW, drug and other contraband smuggling. This calls for both strengthening the borders and customs authorities, and for developing regional cooperation.

- **Resolution of conflicts**

Regional instability and latent or dormant conflicts, especially in the areas of former Yugoslavia, North and South Caucasus, and Central Asia, continue to fuel the demand for SALW. Therefore, the political solution of these conflicts is an important factor in addressing SALW issues in these regions. It is also important to develop integrated regional approach in tackling SALW issues.

5. Annexes

5.1 PROGRAMME OF ACTION TO PREVENT, COMBAT AND ERADICATE THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

I. PREAMBLE

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, having met in New York from 9 to 20 July 2001,
2. *Gravely concerned* about the illicit manufacture, transfer and circulation of small arms and light weapons and their excessive accumulation and uncontrolled spread in many regions of the world, which have a wide range of humanitarian and socio-economic consequences and pose a serious threat to peace, reconciliation, safety, security, stability and sustainable development at the individual, local, national, regional and international levels,
3. *Concerned also* by the implications that poverty and underdevelopment may have for the illicit trade in small arms and light weapons in all its aspects,
4. *Determined* to reduce the human suffering caused by the illicit trade in small arms and light weapons in all its aspects and to enhance the respect for life and the dignity of the human person through the promotion of a culture of peace,
5. *Recognizing* that the illicit trade in small arms and light weapons in all its aspects sustains conflicts, exacerbates violence, contributes to the displacement of civilians, undermines respect for international humanitarian law, impedes the provision of humanitarian assistance to victims of armed conflict and fuels crime and terrorism,
6. *Gravely concerned* about its devastating consequences on children, many of whom are victims of armed conflict or are forced to become child soldiers, as well as the negative impact on women and the elderly, and in this context, taking into account the special session of the United Nations General Assembly on children,
7. *Concerned also* about the close link between terrorism, organized crime, trafficking in drugs and precious minerals and the illicit trade in small arms and light weapons, and stressing the urgency of international efforts and cooperation aimed at combating this trade simultaneously from both a supply and demand perspective,
8. *Reaffirming* our respect for and commitment to international law and the purposes and principles enshrined in the Charter of the United Nations, including the sovereign equality of States, territorial integrity, the peaceful resolution of international disputes, non-intervention and non-interference in the internal affairs of States,
9. *Reaffirming* the inherent right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,
10. *Reaffirming also* the right of each State to manufacture, import and retain small arms and light weapons for its self-defence and security needs, as well as for its capacity to participate in peacekeeping operations in accordance with the Charter of the United Nations,
11. *Reaffirming* the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognizing the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples,
12. *Recalling* the obligations of States to fully comply with arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations,
13. *Believing* that Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects and, accordingly, should intensify their efforts to define the problems associated with such trade and find ways of resolving them,
14. *Stressing* the urgent necessity for international cooperation and assistance, including financial and technical assistance, as appropriate, to support and facilitate efforts at the local, national, regional and global levels to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,

15. *Recognizing* that the international community has a duty to deal with this issue, and acknowledging that the challenge posed by the illicit trade in small arms and light weapons in all its aspects is multi-faceted and involves, inter alia, security, conflict prevention and resolution, crime prevention, humanitarian, health and development dimensions,
16. *Recognizing also* the important contribution of civil society, including non-governmental organizations and industry in, inter alia, assisting Governments to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,
17. *Recognizing further* that these efforts are without prejudice to the priorities accorded to nuclear disarmament, weapons of mass destruction and conventional disarmament,
18. *Welcoming* the efforts being undertaken at the global, regional, subregional, national and local levels to address the illicit trade in small arms and light weapons in all its aspects, and desiring to build upon them, taking into account the characteristics, scope and magnitude of the problem in each State or region,
19. *Recalling* the Millennium Declaration and also welcoming ongoing initiatives in the context of the United Nations to address the problem of the illicit trade in small arms and light weapons in all its aspects,
20. *Recognizing* that the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, establishes standards and procedures that complement and reinforce efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects,
21. *Convinced* of the need for a global commitment to a comprehensive approach to promote, at the global, regional, subregional, national and local levels, the prevention, reduction and eradication of the illicit trade in small arms and light weapons in all its aspects as a contribution to international peace and security,
22. *Resolve* therefore to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects by:

- (a) Strengthening or developing agreed norms and measures at the global, regional and national levels that would reinforce and further coordinate efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects;
- (b) Developing and implementing agreed international measures to prevent, combat and eradicate illicit manufacturing of and trafficking in small arms and light weapons;
- (c) Placing particular emphasis on the regions of the world where conflicts come to an end and where serious problems with the excessive and destabilizing accumulation of small arms and light weapons have to be dealt with urgently;
- (d) Mobilizing the political will throughout the international community to prevent and combat illicit transfers and manufacturing of small arms and light weapons in all their aspects, to cooperate towards these ends and to raise awareness of the character and seriousness of the interrelated problems associated with the illicit manufacturing of and trafficking in these weapons;
- (e) Promoting responsible action by States with a view to preventing the illicit export, import, transit and retransfer of small arms and light weapons.

II. PREVENTING, COMBATING AND ERADICATING THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

1. We, the States participating in this Conference, bearing in mind the different situations, capacities and priorities of States and regions, undertake the following measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects:

At the national level

2. To put in place, where they do not exist, adequate laws, regulations and administrative procedures to exercise effective control over the production of small arms and light weapons within their areas of jurisdiction and over the export, import, transit or retransfer of such weapons, in order to prevent illegal manufacture of and illicit trafficking in small arms and light weapons, or their diversion to unauthorized recipients.
3. To adopt and implement, in the States that have not already done so, the

necessary legislative or other measures to establish as criminal offences under their domestic law the illegal manufacture, possession, stockpiling and trade of small arms and light weapons within their areas of jurisdiction, in order to ensure that those engaged in such activities can be prosecuted under appropriate national penal codes.

4. To establish, or designate as appropriate, national coordination agencies or bodies and institutional infrastructure responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. This should include aspects of the illicit manufacture, control, trafficking, circulation, brokering and trade, as well as tracing, finance, collection and destruction of small arms and light weapons.

5. To establish or designate, as appropriate, a national point of contact to act as liaison between States on matters relating to the implementation of the Programme of Action.

6. To identify, where applicable, groups and individuals engaged in the illegal manufacture, trade, stockpiling, transfer, possession, as well as financing for acquisition, of illicit small arms and light weapons, and take action under appropriate national law against such groups and individuals.

7. To ensure that henceforth licensed manufacturers apply an appropriate and reliable marking on each small arm and light weapon as an integral part of the production process. This marking should be unique and should identify the country of manufacture and also provide information that enables the national authorities of that country to identify the manufacturer and serial number so that the authorities concerned can identify and trace each weapon.

8. To adopt where they do not exist and enforce, all the necessary measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked small arms and light weapons.

9. To ensure that comprehensive and accurate records are kept for as long as possible on the manufacture, holding and transfer of small arms and light weapons under their jurisdiction. These records should be organized and maintained in such a way as to ensure that accurate information can be promptly retrieved and collated by competent national authorities.

10. To ensure responsibility for all small arms and light weapons held and issued by the State and effective measures for tracing such weapons.

11. To assess applications for export authorizations according to strict national regulations and procedures that cover all small arms and light weapons and are consistent with the existing responsibilities of States under relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade. Likewise, to establish or maintain an effective national system of export and import licensing or authorization, as well as measures on international transit, for the transfer of all small arms and light weapons, with a view to combating the illicit trade in small arms and light weapons.

12. To put in place and implement adequate laws, regulations and administrative procedures to ensure the effective control over the export and transit of small arms and light weapons, including the use of authenticated end-user certificates and effective legal and enforcement measures.

13. To make every effort, in accordance with national laws and practices, without prejudice to the right of States to re-export small arms and light weapons that they have previously imported, to notify the original exporting State in accordance with their bilateral agreements before the retransfer of those weapons.

14. To develop adequate national legislation or administrative procedures regulating the activities of those who engage in small arms and light weapons brokering. This legislation or procedures should include measures such as registration of brokers, licensing or authorization of brokering transactions as well as the appropriate penalties for all illicit brokering activities performed within the State's jurisdiction and control.

15. To take appropriate measures, including all legal or administrative means, against any activity that violates a United Nations Security Council arms embargo in accordance with the Charter of the United Nations.

16. To ensure that all confiscated, seized or collected small arms and light weapons are destroyed, subject to any legal constraints associated with the preparation of criminal prosecutions, unless another form of disposition or use has been officially authorized and provided that such weapons have been duly marked and registered.

17. To ensure, subject to the respective constitutional and legal systems of States, that the armed forces, police or any other body authorized to hold small arms and light weapons establish adequate and detailed standards and procedures relating to the management and security of their stocks of these weapons. These standards and procedures should, inter alia, relate to:

appropriate locations for stockpiles; physical security measures; control of access to stocks; inventory management and accounting control; staff training; security, accounting and control of small arms and light weapons held or transported by operational units or authorized personnel; and procedures and sanctions in the event of thefts or loss.

18. To regularly review, as appropriate, subject to the respective constitutional and legal systems of States, the stocks of small arms and light weapons held by armed forces, police and other authorized bodies and to ensure that such stocks declared by competent national authorities to be surplus to requirements are clearly identified, that programmes for the responsible disposal, preferably through destruction, of such stocks are established and implemented and that such stocks are adequately safeguarded until disposal.

19. To destroy surplus small arms and light weapons designated for destruction, taking into account, inter alia, the report of the Secretary-General of the United Nations on methods of destruction of small arms, light weapons, ammunition and explosives (S/2000/1092) of 15 November 2000.

20. To develop and implement, including in conflict and post-conflict situations, public awareness and confidence-building programmes on the problems and consequences of the illicit trade in small arms and light weapons in all its aspects, including, where appropriate, the public destruction of surplus weapons and the voluntary surrender of small arms and light weapons, if possible, in cooperation with civil society and non-governmental organizations, with a view to eradicating the illicit trade in small arms and light weapons.

21. To develop and implement, where possible, effective disarmament, demobilization and reintegration programmes, including the effective collection, control, storage and destruction of small arms and light weapons, particularly in post-conflict situations, unless another form of disposition or use has been duly authorized and such weapons have been marked and the alternate form of disposition or use has been recorded, and to include, where applicable, specific provisions for these programmes in peace agreements.

22. To address the special needs of children affected by armed conflict, in particular the reunification with their family, their reintegration into civil society, and their appropriate rehabilitation.

23. To make public national laws, regulations and procedures that impact on the prevention, combating and eradicating of the illicit trade in small arms and light weapons in all its aspects and to submit, on a voluntary basis, to relevant regional and international organizations and in accordance with their national practices, information on, inter alia, (a) small arms and light weapons confiscated or destroyed within their jurisdiction; and (b) other relevant information such as illicit trade routes and techniques of acquisition that can contribute to the eradication of the illicit trade in small arms and light weapons in all its aspects.

At the regional level

24. To establish or designate, as appropriate, a point of contact within subregional and regional organizations to act as liaison on matters relating to the implementation of the Programme of Action.

25. To encourage negotiations, where appropriate, with the aim of concluding relevant legally binding instruments aimed at preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects, and where they do exist to ratify and fully implement them.

26. To encourage the strengthening and establishing, where appropriate and as agreed by the States concerned, of moratoria or similar initiatives in affected regions or subregions on the transfer and manufacture of small arms and light weapons, and/or regional action programmes to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects, and to respect such moratoria, similar initiatives, and/or action programmes and cooperate with the States concerned in the implementation thereof, including through technical assistance and other measures.

27. To establish, where appropriate, subregional or regional mechanisms, in particular trans-border customs cooperation and networks for information-sharing among law enforcement, border and customs control agencies, with a view to preventing, combating and eradicating the illicit trade in small arms and light weapons across borders.

28. To encourage, where needed, regional and subregional action on illicit trade in small arms and light weapons in all its aspects in order to, as appropriate, introduce, adhere, implement or strengthen relevant laws, regulations and administrative procedures.

29. To encourage States to promote safe, effective stockpile management and security, in particular physical security measures, for small arms and

light weapons, and to implement, where appropriate, regional and subregional mechanisms in this regard.

30. To support, where appropriate, national disarmament, demobilization and reintegration programmes, particularly in post-conflict situations, with special reference to the measures agreed upon in paragraphs 28 to 31 of this section.

31. To encourage regions to develop, where appropriate and on a voluntary basis, measures to enhance transparency with a view to combating the illicit trade in small arms and light weapons in all its aspects.

At the global level

32. To cooperate with the United Nations system to ensure the effective implementation of arms embargoes decided by the United Nations Security Council in accordance with the Charter of the United Nations.

33. To request the Secretary-General of the United Nations, within existing resources, through the Department for Disarmament Affairs, to collate and circulate data and information provided by States on a voluntary basis and including national reports, on implementation by those States of the Programme of Action.

34. To encourage, particularly in post-conflict situations, the disarmament and demobilization of ex-combatants and their subsequent reintegration into civilian life, including providing support for the effective disposition, as stipulated in paragraph 17 of this section, of collected small arms and light weapons.

35. To encourage the United Nations Security Council to consider, on a case-by-case basis, the inclusion, where applicable, of relevant provisions for disarmament, demobilization and reintegration in the mandates and budgets of peacekeeping operations.

36. To strengthen the ability of States to cooperate in identifying and tracing in a timely and reliable manner illicit small arms and light weapons.

37. To encourage States and the World Customs Organization, as well as other relevant organizations, to enhance cooperation with the International Criminal Police Organization (Interpol) to identify those groups and individuals engaged in the illicit trade in small arms and light weapons in all its aspects in order to allow national authorities to proceed against them in accordance with their national laws.

38. To encourage States to consider ratifying or acceding to international legal instruments against terrorism and transnational organized crime.

39. To develop common understandings of the basic issues and the scope of the problems related to illicit brokering in small arms and light weapons with a view to preventing, combating and eradicating the activities of those engaged in such brokering.

40. To encourage the relevant international and regional organizations and States to facilitate the appropriate cooperation of civil society, including non-governmental organizations, in activities related to the prevention, combat and eradication of the illicit trade in small arms and light weapons in all its aspects, in view of the important role that civil society plays in this area.

41. To promote dialogue and a culture of peace by encouraging, as appropriate, education and public awareness programmes on the problems of the illicit trade in small arms and light weapons in all its aspects, involving all sectors of society.

III. IMPLEMENTATION, INTERNATIONAL COOPERATION AND ASSISTANCE

1. We, the States participating in the Conference, recognize that the primary responsibility for solving the problems associated with the illicit trade in small arms and light weapons in all its aspects falls on all States. We also recognize that States need close international cooperation to prevent, combat and eradicate this illicit trade.

2. States undertake to cooperate and to ensure coordination, complementarity and synergy in efforts to deal with the illicit trade in small arms and light weapons in all its aspects at the global, regional, subregional and national levels and to encourage the establishment and strengthening of cooperation and partnerships at all levels among international and intergovernmental organizations and civil society, including non-governmental organizations and international financial institutions.

3. States and appropriate international and regional organizations in a position to do so should, upon request of the relevant authorities, seriously consider rendering assistance, including technical and financial assistance where needed, such as small arms funds, to support the implementation of the measures to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects as contained in the Programme of Action.

4. States and international and regional organizations should, upon request by the affected States, consider assisting and promoting conflict prevention. Where requested by the parties concerned, in accordance with the principles of the Charter of the United Nations, States and international and regional organizations should consider promotion and assistance of the pursuit of negotiated solutions to conflicts, including by addressing their root causes.

5. States and international and regional organizations should, where appropriate, cooperate, develop and strengthen partnerships to share resources and information on the illicit trade in small arms and light weapons in all its aspects.

6. With a view to facilitating implementation of the Programme of Action, States and international and regional organizations should seriously consider assisting interested States, upon request, in building capacities in areas including the development of appropriate legislation and regulations, law enforcement, tracing and marking, stockpile management and security, destruction of small arms and light weapons and the collection and exchange of information.

7. States should, as appropriate, enhance cooperation, the exchange of experience and training among competent officials, including customs, police, intelligence and arms control officials, at the national, regional and global levels in order to combat the illicit trade in small arms and light weapons in all its aspects.

8. Regional and international programmes for specialist training on small arms stockpile management and security should be developed. Upon request, States and appropriate international or regional organizations in a position to do so should support these programmes. The United Nations, within existing resources, and other appropriate international or regional organizations should consider developing capacity for training in this area.

9. States are encouraged to use and support, as appropriate, including by providing relevant information on the illicit trade in small arms and light weapons, Interpol's International Weapons and Explosives Tracking System database or any other relevant database that may be developed for this purpose.

10. States are encouraged to consider international cooperation and assistance to examine technologies that would improve the tracing and detection of illicit trade in small arms and light weapons, as well as measures to facilitate the transfer of such technologies.

11. States undertake to cooperate with each other, including on the basis of the relevant existing global and regional legally binding instruments as well as other agreements and arrangements, and, where appropriate, with relevant international, regional and intergovernmental organizations, in tracing illicit small arms and light weapons, in particular by strengthening mechanisms based on the exchange of relevant information.

12. States are encouraged to exchange information on a voluntary basis on their national marking systems on small arms and light weapons.

13. States are encouraged, subject to their national practices, to enhance, according to their respective constitutional and legal systems, mutual legal assistance and other forms of cooperation in order to assist investigations and prosecutions in relation to the illicit trade in small arms and light weapons in all its aspects.

14. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance in the destruction or other responsible disposal of surplus stocks or unmarked or inadequately marked small arms and light weapons.

15. Upon request, States and appropriate international or regional organizations in a position to do so should provide assistance to combat the illicit trade in small arms and light weapons linked to drug trafficking, transnational organized crime and terrorism.

16. Particularly in post-conflict situations, and where appropriate, the relevant regional and international organizations should support, within existing resources, appropriate programmes related to the disarmament, demobilization and reintegration of ex-combatants.

17. With regard to those situations, States should make, as appropriate, greater efforts to address problems related to human and sustainable development, taking into account existing and future social and developmental activities, and should fully respect the rights of the States concerned to establish priorities in their development programmes.

18. States, regional and subregional and international organizations, research centres, health and medical institutions, the United Nations system, international financial institutions and civil society are urged, as appropriate, to develop and support action-oriented research aimed at facilitating greater awareness and better understanding of the nature and scope of the problems associated with the illicit trade in small arms and light weapons in all its aspects.

IV. FOLLOW-UP TO THE UNITED NATIONS CONFERENCE ON THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

1. We, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, recommend to the General Assembly the following agreed steps to be undertaken for the effective follow-up of the Conference:

- (a) To convene a conference no later than 2006 to review progress made in the implementation of the Programme of Action, the date and venue to be decided at the fifty-eighth session of the General Assembly;
- (b) To convene a meeting of States on a biennial basis to consider the national, regional and global implementation of the Programme of Action;
- (c) To undertake a United Nations study, within existing resources, for examining the feasibility of developing an international instrument to enable States to identify and trace in a timely and reliable manner illicit small arms and light weapons;
- (d) To consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

2. Finally, we, the States participating in the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects:

- (a) Encourage the United Nations and other appropriate international and regional organizations to undertake initiatives to promote the implementation of the Programme of Action;
- (b) Also encourage all initiatives to mobilize resources and expertise to promote the implementation of the Programme of Action and to provide assistance to States in their implementation of the Programme of Action;
- (c) Further encourage non-governmental organizations and civil society to engage, as appropriate, in all aspects of international, regional, subregional and national efforts to implement the present Programme of Action.

5.2 PROTOCOL AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, THEIR PARTS AND COMPONENTS AND AMMUNITION, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

The General Assembly,

Recalling its resolution 53/111 of 9 December 1998, in which it decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea,

Recalling also its resolution 54/126 of 17 December 1999, in which it requested the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify that work in order to complete it in 2000,

Recalling further its resolution 55/25 of 15 November 2000, by which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Reaffirming the inherent right to individual or collective self-defence recognized in Article 51 of the Charter of the United Nations, which implies that States also have the right to acquire arms with which to defend themselves, as well as the right of self-determination of all peoples, in particular peoples under colonial or other forms of alien domination or foreign occupation, and the importance of the effective realization of that right,

1. Takes note of the report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on its twelfth session, and commends the Ad Hoc Committee for its work;

2. Adopts the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, annexed to the present resolution, and opens it for signature at United Nations Headquarters in New York;

3. Urges all States and regional economic organizations to sign and ratify the United Nations Convention against Transnational Organized Crime and the protocols thereto as soon as possible in order to ensure the speedy entry into force of the Convention and the protocols thereto.

Annex 3 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

PREAMBLE

The States Parties to this Protocol,

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, owing to the harmful effects of those activities on the security of each State, region and the world as a whole, endangering the well-being of peoples, their social and economic development and their right to live in peace,

Convinced, therefore, of the necessity for all States to take all appropriate measures to this end, including international cooperation and other measures at the regional and global levels,

Recalling General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental

ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Bearing in mind the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,²¹ A/55/383/Add.2.2 Resolution 2625 (XXV), annex.

Convinced that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition will be useful in preventing and combating those crimes,

Have agreed as follows:

I. GENERAL PROVISIONS

ARTICLE 1

Relation with the United Nations Convention Against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.
2. The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.
3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

ARTICLE 2

Statement of purpose

The purpose of this Protocol is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

ARTICLE 3

Use of terms

For the purposes of this Protocol:

- (a) "Firearm" shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;
- (b) "Parts and components" shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;
- (c) "Ammunition" shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party;
- (d) "Illicit manufacturing" shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:
 - (i) From parts and components illicitly trafficked;
 - (ii) Without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or
 - (iii) Without marking the firearms at the time of manufacture, in accordance with article 8 of this Protocol; Licensing or authorization of the manufacture of parts and components shall be in accordance with domestic law;
- (e) "Illicit trafficking" shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol;
- (f) "Tracing" shall mean the systematic tracking of firearms and, where possible, their parts and components and ammunition from manufacturer to

purchaser for the purpose of assisting the competent authorities of States Parties in detecting, investigating and analysing illicit manufacturing and illicit trafficking.

ARTICLE 4

Scope of application

1. This Protocol shall apply, except as otherwise stated herein, to the prevention of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to the investigation and prosecution of offences established in accordance with article 5 of this Protocol where those offences are transnational in nature and involve an organized criminal group.
2. This Protocol shall not apply to state-to-state transactions or to state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

ARTICLE 5

Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct, when committed intentionally:
 - (a) Illicit manufacturing of firearms, their parts and components and ammunition;
 - (b) Illicit trafficking in firearms, their parts and components and ammunition;
 - (c) Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol.
2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct:
 - (a) Subject to the basic concepts of its legal system, attempting to commit or participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and
 - (b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of an offence established in accordance with paragraph 1 of this article.

ARTICLE 6

Confiscation, seizure and disposal

1. Without prejudice to article 12 of the Convention, States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked.
2. States Parties shall adopt, within their domestic legal systems, such measures as may be necessary to prevent illicitly manufactured and trafficked firearms, parts and components and ammunition from falling into the hands of unauthorized persons by seizing and destroying such firearms, their parts and components and ammunition unless other disposal has been officially authorized, provided that the firearms have been marked and the methods of disposal of those firearms and ammunition have been recorded.

II. PREVENTION

ARTICLE 7

Record-keeping

Each State Party shall ensure the maintenance, for not less than ten years, of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition that is necessary to trace and identify those firearms and, where appropriate and feasible, their parts and components and ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:

- (a) The appropriate markings required by article 8 of this Protocol;
- (b) In cases involving international transactions in firearms, their parts and components and ammunition, the issuance and expiration dates of the appropriate licences or authorizations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles.

ARTICLE 8

Marking of firearms

1. For the purpose of identifying and tracing each firearm, States Parties shall:
 - (a) At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture

and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture;

(b) Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of firearms for verifiable lawful purposes;

(c) Ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by all States Parties of the transferring country.

2. States Parties shall encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings.

ARTICLE 9

Deactivation of firearms

A State Party that does not recognize a deactivated firearm as a firearm in accordance with its domestic law shall take the necessary measures, including the establishment of specific offences if appropriate, to prevent the illicit reactivation of deactivated firearms, consistent with the following general principles of deactivation:

(a) All essential parts of a deactivated firearm are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;

(b) Arrangements are to be made for deactivation measures to be verified, where appropriate, by a competent authority to ensure that the modifications made to a firearm render it permanently inoperable;

(c) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm.

ARTICLE 10

General requirements for export, import and transit licensing or authorization systems

1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.

2. Before issuing export licences or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:

(a) That the importing States have issued import licences or authorizations; and

(b) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.

3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country

of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.

4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms, their parts and components or ammunition.

5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.

6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.

ARTICLE 11

Security and preventive measures

In an effort to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and

components and ammunition, each State Party shall take appropriate measures:

(a) To require the security of firearms, their parts and components and ammunition at the time of manufacture, import, export and transit through its territory; and

(b) To increase the effectiveness of import, export and transit controls, including, where appropriate, border controls, and of police and customs transborder cooperation.

ARTICLE 12

Information

1. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant case-specific information on matters such as authorized producers, dealers, importers, exporters and, whenever possible, carriers of firearms, their parts and components and ammunition.

2. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

(a) Organized criminal groups known to take part or suspected of taking part in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition;

(b) The means of concealment used in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition and ways of detecting them;

(c) Methods and means, points of dispatch and destination and routes customarily used by organized criminal groups engaged in illicit trafficking in firearms, their parts and components and ammunition; and

(d) Legislative experiences and practices and measures to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

3. States Parties shall provide to or share with each other, as appropriate, relevant scientific and technological information useful to law enforcement authorities in order to enhance each other's abilities to prevent, detect and investigate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to prosecute the persons involved in those illicit activities.

4. States Parties shall cooperate in the tracing of firearms, their parts and components and ammunition that may have been illicitly manufactured or trafficked. Such cooperation shall include the provision of prompt responses to requests for assistance in tracing such firearms, their parts and components and ammunition, within available means.

5. Subject to the basic concepts of its legal system or any international agreements, each State Party shall guarantee the confidentiality of and comply with any restrictions on the use of information that it receives from another State Party pursuant to this article, including proprietary information pertaining to commercial transactions, if requested to do so by the State Party providing the information. If such confidentiality cannot be maintained, the State Party that provided the information shall be notified prior to its disclosure.

ARTICLE 13

Cooperation

1. States Parties shall cooperate at the bilateral, regional and international levels to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

2. Without prejudice to article 18, paragraph 13, of the Convention, each State Party shall identify a national body or a single point of contact to act as liaison between it and other States Parties on matters relating to this Protocol.

3. States Parties shall seek the support and cooperation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect the illicit activities referred to in paragraph 1 of this article.

ARTICLE 14

Training and technical assistance

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties may receive, upon request, the training and technical assistance necessary to enhance their ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

including technical, financial and material assistance in those matters identified in articles 29 and 30 of the Convention.

ARTICLE 15

Brokers and brokering

1. With a view to preventing and combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, States Parties that have not yet done so shall consider establishing a system for regulating the activities of those who engage in brokering. Such a system could include one or more measures such as:

- (a) Requiring registration of brokers operating within their territory;
- (b) Requiring licensing or authorization of brokering; or
- (c) Requiring disclosure on import and export licences or authorizations, or accompanying documents, of the names and locations of brokers involved in the transaction.

2. States Parties that have established a system of authorization regarding brokering as set forth in paragraph 1 of this article are encouraged to include information on brokers and brokering in their exchanges of information under article 12 of this Protocol and to retain records regarding brokers and brokering in accordance with article 7 of this Protocol.

III. FINAL PROVISIONS

ARTICLE 16

Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.
2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.
3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.
4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

ARTICLE 17

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature at United Nations Headquarters in New York from the thirtieth day after its adoption by the General Assembly until 12 December 2002.
2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of such organization has signed this Protocol in accordance with paragraph 1 of this article.
3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.
4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

ARTICLE 18

Entry into force

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later.

ARTICLE 19

Amendment

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.
3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.
4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.
5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

ARTICLE 20

Denunciation

1. A State Party may denounce this Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.
2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

ARTICLE 21

Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Protocol.
2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

5.3 EU CONVENTION ON THE CONTROL OF THE ACQUISITION AND POSSESSION OF FIREARMS BY INDIVIDUALS

PREAMBLE

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Considering the threat posed by the increasing use of firearms in crime;

Conscious of the fact that such firearms are often obtained abroad;

Desirous of instituting on an international scale effective methods of controlling the movement of firearms across frontiers;

Aware of the need to avoid measures that may hamper legitimate international trade or result in impracticable or unduly onerous frontier controls that conflict with modern goals of freedom of movement of goods and of persons,

Have agreed as follows:

CHAPTER I – DEFINITIONS AND GENERAL PROVISIONS

ARTICLE 1

For the purpose of this Convention:

- a "firearm" has the meaning assigned to it in Appendix I to this Convention;
- b "person" shall also mean a legal person having a place of business in the territory of a Contracting Party;
- c "dealer" means a person whose trade or business consists wholly or partly in the manufacture, sale, purchase, exchange or hire of firearms;
- d "resident" refers to a person who has habitual residence in the territory of a Contracting Party within the meaning of Rule No. 9 of the annex to Resolution (72) 1 of the Committee of Ministers of the Council of Europe.

ARTICLE 2

The Contracting Parties undertake to afford each other mutual assistance through the appropriate administrative authorities in the suppression of illegal traffic in firearms and in the tracing and locating of firearms transferred from the territory of one State to the territory of another.

ARTICLE 3

Each Contracting Party shall remain free to prescribe laws and regulations concerning firearms provided that such laws and regulations are not incompatible with the provisions of this Convention.

ARTICLE 4

This Convention does not apply to any transaction concerning firearms to which all the parties are States or acting on behalf of States.

Chapter II – Notification of transactions

ARTICLE 5

- 1 If a firearm situate within the territory of Contracting Party is sold, transferred or otherwise disposed of to a person resident in the territory of another Contracting Party, the former Party shall notify the latter in the manner provided in Articles 8 and 9.
- 2 For the purpose of the application of the provisions of paragraph 1 of this Article, each Contracting Party shall take the steps necessary to ensure that any person who sells, transfers or otherwise disposes of a firearm situate within its territory shall furnish particulars of the transaction to the competent authorities of that Party.

ARTICLE 6

If a firearm situate within the territory of a Contracting Party is transferred permanently and without change in the possession thereof to the territory of another Contracting Party, the former Party shall notify the latter in the manner provided in Articles 8 and 9.

ARTICLE 7

The notifications referred to in Article 5 and 6 shall also be made to the Contracting Parties through whose territory a firearm passes in transit when the State from whose territory it is sent deems such information to be useful.

ARTICLE 8

- 1 The notifications referred to in Articles 5, 6 and 7 shall be made as expeditiously as possible. The Contracting Parties shall use their best endeavours to ensure that notification is made prior to the transaction or the transfer to which it relates, failing which it shall be made as soon as possible thereafter.
- 2 The notifications referred to in Articles 5, 6 and 7 shall, in particular, indicate:
 - a the identity, the number of passport or identity card and the address of the person to whom the firearm in question is sold, transferred or otherwise disposed of or of the person who is transferring a firearm permanently to the territory for another Contracting Party without change of possession;
 - b the type, make and characteristics of the firearm in question as well as its number or any other distinguishing mark.

ARTICLE 9

- 1 The notifications referred to in Article 5, 6 and 7 shall be made between such national authorities as the Contracting Parties shall designate.
- 2 When appropriate the notifications may be sent through the International Criminal Police Organisation (Interpol).
- 3 Any State shall, at the time of depositing its instrument of ratification, acceptance, approval or accession, by declaration addressed to the Secretary General of the Council of Europe, indicate the authority to which notifications should be addressed. It shall forthwith notify the Secretary General of the Council of Europe of any subsequent modification of the identity of such authorities.

CHAPTER III – DOUBLE AUTHORISATION

ARTICLE 10

- 1 Each Contracting Party shall take the measures appropriate to ensure that no firearm situate within its territory is sold, transferred or otherwise disposed of to a person not resident there who has not first obtained authorisation from the competent authorities of the said Contracting Party.
- 2 This authorisation shall not be granted unless the competent authorities shall first have been satisfied that an authorisation in respect of the transaction in question has been granted to the said person by the competent authorities of the Contracting Party in which he is resident.
- 3 If this person takes possession of the firearm in the territory of the Contracting Party in which the transaction takes place, the authorisation referred to in paragraph 1 shall only be granted on the terms and conditions on which an authorisation would be granted in a transaction involving residents of the Contracting Party concerned. If the firearm is immediately exported, the authorities referred to in paragraph 1 are only obliged to ascertain that the authorities of the Contracting Party in which the said person is a resident have authorised this particular transaction or such transactions in general.
- 4 The authorisations referred to in paragraphs 1 and 2 of this Article may be replaced by an international licence.

ARTICLE 11

Any State shall, at the time of depositing its instrument of ratification, acceptance, approval or accession, specify which of its authorities is competent to issue the authorisations referred to in paragraph 2 of Article 10. It shall forthwith notify the Secretary General of the Council of Europe of any subsequent modification of the identity of such authorities.

Chapter IV – Final provisions

ARTICLE 12

- 1 This Convention shall be open to signature by the member States of the Council of Europe. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
- 2 The Convention shall enter into force on the first day of the month following the expiration of three months after the date of the deposit of

the third instrument of ratification, acceptance or approval.

- 3 In respect of any signatory State ratifying, accepting or approving it subsequently, the Convention shall come into force on the first day of the month following the expiration of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

ARTICLE 13

- 1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any non-member State to accede thereto. The decision containing this invitation shall be in accordance with Article 20.d of the Statute of the Council of Europe and receive the unanimous agreement of the member States of the Council of Europe which are Contracting Parties to the Convention.
- 2 Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect three months after the date of its deposit.

ARTICLE 14

- 1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
- 2 Any State may, when depositing its instrument of ratification, acceptance, approval or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.
- 3 Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn by means of a notification addressed to the Secretary General. Such a withdrawal shall take effect six months after the date of receipt by the Secretary General of such notification.

ARTICLE 15

- 1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it avails itself of one or more of the reservations provided for in Appendix II to this Convention.
- 2 Any Contracting Party may wholly or partly withdraw a reservation it has made in accordance with the foregoing paragraph by means of a declaration addressed to the Secretary General of the Council of Europe which shall become effective as from the date of its receipt.
- 3 A Contracting Party which has made a reservation in accordance with paragraph 1 of this Article may not claim the application by any other Party of the provision on which the reservation has been made; it may, however, if its reservation is partial or conditional, claim the application of that provision insofar as it has itself accepted it.

ARTICLE 16

- 1 The Contracting Parties may not conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, except in order to supplement its provisions or facilitate application of the principles embodied in it.
- 2 However, should two or more Contracting Parties establish or have already established their relations in this matter on the basis of uniform legislation or a special system of their own, providing for more extensive obligations, they shall be entitled to regulate those relations accordingly notwithstanding the provisions of this Convention.
- 3 Contracting Parties ceasing in accordance with paragraph 2 of this Article to apply the terms of this Convention to their mutual relations in this matter shall notify the Secretary General of the Council of Europe to that effect.

ARTICLE 17

- 1 The European Committee on Crime Problems of the Council of Europe shall be kept informed regarding the application of this Convention and shall do whatever is needed to facilitate a friendly settlement of any difficulty which may arise out of its execution.
- 2 The European Committee on Crime Problems may, in the light of future technical, social and economic developments, formulate and submit to the Committee of Ministers of the Council of Europe proposals designed to amend or supplement the provisions of this Convention and in particular to alter the contents of Appendix I.

ARTICLE 18

- 1 In the event of war or other exceptional circumstances any Contracting Party may make rules temporarily derogating from the provisions of this Convention and having immediate effect. It shall forthwith notify the Secretary General of the Council of Europe of any such derogation and of its cesser.
- 2 Any Contracting Party may denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe. Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.

ARTICLE 19

- The Secretary General of the Council of Europe shall notify the member States of the Council and any State that has acceded to this Convention of:
- a any signature;
 - b any deposit of an instrument of ratification, acceptance, approval or accession;
 - c any date of entry into force of this Convention in accordance with Articles 12 and 13;
 - d any declaration or notification received in pursuance of the provisions of Article 9, paragraph 3;
 - e any declaration or notification received in pursuance of the provisions of Article 11;
 - f any declaration or notification received in pursuance of the provisions of Article 14;
 - g any reservation made in pursuance of the provisions of Article 15, paragraph 1;
 - h the withdrawal of any reservation made in pursuance of the provisions of Article 15, paragraph 2;
 - i any notification received in pursuance of the provisions of Article 16, paragraph 3, and concerning uniform legislation or a special system;
 - j any notification received in pursuance of the provisions of Article 18, paragraph 1, and the date on which the derogation is made or ceases, as the case may be;
 - k any notification received in pursuance of the provisions of Article 18, paragraph 2, and the date on which denunciation takes effect.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg, this 28th day of June 1978, in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.

APPENDIX I

- A For the purposes of this Convention "firearm" shall mean:
- 1 Any object which i is designed or adapted as a weapon from which a shot, bullet or other missile, or a noxious gas, liquid or other substance may be discharged by means of explosive, gas or air pressure or by any other means of propulsion, and ii. falls within one of the specific descriptions below, it being understood that sub-paragraphs a to f inclusive and i include only objects utilising an explosive propellant:
 - a automatic arms;
 - b short arms with semi-automatic, repeating or single-shot mechanism;
 - c long arms with semi-automatic or repeating mechanism with at least one rifled barrel;
 - d single-shot long arms with at least one rifled barrel;
 - e long arms with semi-automatic or repeating mechanism and smooth-bore barrel(s) only;
 - f portable rocket launchers;
 - g any arms or other instruments designed to cause danger to life or health of persons by firing stupefying toxic or corrosive substances;
 - h flame-throwers meant for attack or defence;
 - i single-shot long arms with smooth-bore barrel(s) only;
 - j long arms with gas propellant mechanism;
 - k short arms with gas propellant mechanism;
 - l long arms with compressed air propellant mechanism;
 - m short arms with compressed air propellant mechanism;
 - n arms propelling projectiles by means of a spring only.
- Provided always that there shall be excluded from this paragraph 1 any object otherwise included therein which:
- i has been permanently rendered unfit for use;

- ii on account of its low power is not subject to control in the State from which it is to be transferred;
 - iii is designed for alarm, signalling, life saving, animal slaughtering, harpooning or for industrial or technical purposes on condition that such objects are usable for the stated purpose only;
 - iv on account of its antiquity is not subject to control in the State from which it is to be transferred.
- 2 The firing mechanism, chamber, cylinder or barrel of any object comprised in paragraph 1 above.
 - 3 Any ammunition specially designed to be discharged by an object comprised in sub-paragraphs a to f inclusive, i, j, k or n of paragraph 1 above and any substance or matter specially designed to be discharged by an instrument comprised in sub-paragraph g of paragraph 1 above.
 - 4 Telescope sights with light beam or telescope sights with electronic light amplification device or infra-red device provided that they are designed to be fitted to any object comprised in paragraph 1 above.
 - 5 A silencer designed to be fitted to any object comprised in paragraph 1 above.
 - 6 Any grenade, bomb or other missile containing explosive or incendiary devices.
- B For the purposes of this Appendix:
- a "automatic" denotes a weapon which is capable of firing in bursts each time the trigger is operated;
 - b "semi-automatic" denotes a weapon which fires a projectile each time the trigger alone is operated;
 - c "repeating mechanism" denotes a weapon the mechanism of which in addition to the trigger must be operated each time the weapon is to be fired;
 - d "single-shot" denotes a weapon whereof the barrel or barrels must be loaded before each shot;
 - e "short" denotes a weapon with a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres;
 - f "long" denotes a weapon with a barrel exceeding 30 centimetres whose overall length exceeds 60 centimetres.

APPENDIX II

Any State may declare that it reserves the right:

- a not to apply Chapter II of this Convention in respect of any one or more of the objects comprised in sub-paragraphs i to n inclusive of paragraph 1 or in paragraphs 2, 3, 4, 5 or 6 of Appendix I to this Convention;
- b not to apply Chapter III of this Convention;
- c not to apply Chapter III of this Convention in respect of any one or more of the objects comprised in sub-paragraphs i to n inclusive of paragraph 1 or in paragraphs 2, 3, 4, 5 or 6 of Appendix I to this Convention;
- d not to apply Chapter III of this Convention to transactions between dealers resident in the territories of two Contracting Parties.

5.4 THE EU CODE OF CONDUCT FOR ARMS EXPORTS

The Council of the European Union,

BUILDING on the Common Criteria agreed at the Luxembourg and Lisbon European Councils in 1991 and 1992,

RECOGNISING the special responsibility of arms exporting states,

DETERMINED to set high common standards which should be regarded as the minimum for the management of, and restraint in, conventional arms transfers by all EU Member States, and to strengthen the exchange of relevant information with a view to achieving greater transparency,

DETERMINED to prevent the export of equipment which might be used for internal repression or international aggression, or contribute to regional instability,

WISHING within the framework of the CFSP to reinforce their cooperation and to promote their convergence in the field of conventional arms exports,

NOTING complementary measures taken by the EU against illicit transfers, in the form of the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms,

ACKNOWLEDGING the wish of EU Member States to maintain a defence industry as part of their industrial base as well as their defence effort,

RECOGNISING that states have a right to transfer the means of self-defence, consistent with the right of self-defence recognised by the UN Charter,

have adopted the following Code of Conduct and operative provisions:

CRITERION ONE

Respect for the international commitments of EU member states, in particular the sanctions decreed by the UN Security Council and those decreed by the Community, agreements on non-proliferation and other subjects, as well as other international obligations

An export licence should be refused if approval would be inconsistent with, inter alia:

- a) the international obligations of member states and their commitments to enforce UN OSCE and EU arms embargoes;
- b) the international obligations of member states under the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention;
- c) their commitments in the frameworks of the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Wassenaar Arrangement;
- d) their commitment not to export any form of anti-personnel landmine.

CRITERION TWO

The respect of human rights in the country of final destination

Having assessed the recipient country's attitude towards relevant principles established by international human rights instruments, Member States will:

- a) not issue an export licence if there is a clear risk that the proposed export might be used for internal repression;
- b) exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of the equipment, to countries where serious violations of human rights have been established by the competent bodies of the UN, the Council of Europe or by the EU.

For these purposes, equipment which might be used for internal repression will include, inter alia, equipment where there is evidence of the use of this or similar equipment for internal repression by the proposed end-user, or where there is reason to believe that the equipment will be diverted from its stated end-use or end-user and used for internal repression. In line with operative paragraph 1 of this Code, the nature of the equipment will be

considered carefully, particularly if it is intended for internal security purposes. Internal repression includes, inter alia, torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions and other major violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

CRITERION THREE

The internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts

Member States will not allow exports which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination.

CRITERION FOUR

Preservation of regional peace, security and stability

Member States will not issue an export licence if there is a clear risk that the intended recipient would use the proposed export aggressively against another country or to assert by force a territorial claim.

When considering these risks, EU Member States will take into account inter alia:

- a) the existence or likelihood of armed conflict between the recipient and another country;
- b) a claim against the territory of a neighbouring country which the recipient has in the past tried or threatened to pursue by means of force;
- c) whether the equipment would be likely to be used other than for the legitimate national security and defence of the recipient;
- d) the need not to affect adversely regional stability in any significant way.

CRITERION FIVE

The national security of the member states and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries

Member States will take into account:

- a) the potential effect of the proposed export on their defence and security interests and those of friends, allies and other member states, while recognising that this factor cannot affect consideration of the criteria on respect of human rights and on regional peace, security and stability;
- b) the risk of use of the goods concerned against their forces or those of friends, allies or other member states;
- c) the risk of reverse engineering or unintended technology transfer.

CRITERION SIX

The behaviour of the buyer country with regard to the international community, as regards in particular to its attitude to terrorism, the nature of its alliances and respect for international law

Member States will take into account inter alia the record of the buyer country with regard to:

- a) its support or encouragement of terrorism and international organised crime;
- b) its compliance with its international commitments, in particular on the non-use of force, including under international humanitarian law applicable to international and non-international conflicts;
- c) its commitment to non-proliferation and other areas of arms control and disarmament, in particular the signature, ratification and implementation of relevant arms control and disarmament conventions referred to in sub-paragraph b) of Criterion One.

CRITERION SEVEN

The existence of a risk that the equipment will be diverted within the buyer country or re-exported under undesirable conditions

In assessing the impact of the proposed export on the importing country and the risk that exported goods might be diverted to an undesirable end-user, the following will be considered:

- a) the legitimate defence and domestic security interests of the recipient country, including any involvement in UN or other peace-keeping activity;
- b) the technical capability of the recipient country to use the equipment;
- c) the capability of the recipient country to exert effective export controls;
- d) the risk of the arms being re-exported or diverted to terrorist organisations (anti-terrorist equipment would need particularly careful consideration in this context).

CRITERION EIGHT

The compatibility of the arms exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should achieve their legitimate needs of security and defence with the least diversion for armaments of human and economic resources

Member States will take into account, in the light of information from relevant sources such as UNDP, World Bank, IMF and OECD reports, whether the proposed export would seriously hamper the sustainable development of the recipient country. They will consider in this context the recipient country's relative levels of military and social expenditure, taking into account also any EU or bilateral aid.

OPERATIVE PROVISIONS

1. Each EU Member State will assess export licence applications for military equipment made to it on a case-by-case basis against the provisions of the Code of Conduct.
2. This Code will not infringe on the right of Member States to operate more restrictive national policies.
3. EU Member States will circulate through diplomatic channels details of licences refused in accordance with the Code of Conduct for military equipment together with an explanation of why the licence has been refused. The details to be notified are set out in the form of a draft pro-forma at Annex A. Before any Member State grants a licence which has been denied by another Member State or States for an essentially identical transaction within the last three years, it will first consult the Member State or States which issued the denial(s). If following consultations, the Member State nevertheless decides to grant a licence, it will notify the Member State or States issuing the denial(s), giving a detailed explanation of its reasoning. The decision to transfer or deny the transfer of any item of military equipment will remain at the national discretion of each Member State. A denial of a licence is understood to take place when the member state has refused to authorise the actual sale or physical export of the item of military equipment concerned, where a sale would otherwise have come about, or the conclusion of the relevant contract. For these purposes, a notifiable denial may, in accordance with national procedures, include denial of permission to start negotiations or a negative response to a formal initial enquiry about a specific order.
4. EU Member States will keep such denials and consultations confidential and not to use them for commercial advantage.
5. EU Member States will work for the early adoption of a common list of military equipment covered by the Code, based on similar national and international lists. Until then, the Code will operate on the basis of national control lists incorporating where appropriate elements from relevant international lists.
6. The criteria in this Code and the consultation procedure provided for by paragraph 2 of the operative provisions will also apply to dual-use goods as specified in Annex 1 of Council Decision 94/942/CFSP as amended, where there are grounds for believing that the end-user of such goods will be the armed forces or internal security forces or similar entities in the recipient country.
7. In order to maximise the efficiency of this Code, EU Member States will work within the framework of the CFSP to reinforce their cooperation and to promote their convergence in the field of conventional arms exports.
8. Each EU Member State will circulate to other EU Partners in confidence

an annual report on its defence exports and on its implementation of the Code. These reports will be discussed at an annual meeting held within the framework of the CFSP. The meeting will also review the operation of the Code, identify any improvements which need to be made and submit to the Council a consolidated report, based on contributions from Member States.

9. EU Member States will, as appropriate, assess jointly through the CFSP framework the situation of potential or actual recipients of arms exports from EU Member States, in the light of the principles and criteria of the Code of Conduct.
10. It is recognised that Member States, where appropriate, may also take into account the effect of proposed exports on their economic, social, commercial and industrial interests, but that these factors will not affect the application of the above criteria.
11. EU Member States will use their best endeavours to encourage other arms exporting states to subscribe to the principles of this Code of Conduct.
12. This Code of Conduct and the operative provisions will replace any previous elaboration of the 1991 and 1992 Common Criteria.

5.5 JOINT ACTION ADOPTED BY THE COUNCIL ON THE BASIS OF ARTICLE J.3 OF THE TREATY ON EUROPEAN UNION ON THE EUROPEAN UNION'S CONTRIBUTION TO COMBATING THE DESTABILISING ACCUMULATION AND SPREAD OF SMALL ARMS AND LIGHT WEAPONS

THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

1. On 17 December 1998 the Council adopted Joint Action 1999/34/CFSP on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons
2. The report of the Panel of Governmental Experts on Small Arms recognises ammunition as a cause for concern in conflicts affected by small arms and light weapons.
3. new Joint Action should be adopted in order to include, where appropriate, ammunition of small arms and light weapons and Joint Action 1999/34/CFSP should therefore be repealed,

HAS ADOPTED THIS JOINT ACTION:

ARTICLE 1

1. The objectives of this Joint Action are:
 - to combat, and contribute to ending, the destabilising accumulation and spread of small arms,
 - to contribute to the reduction of existing accumulations of these weapons and their ammunition to levels consistent with countries' legitimate security needs, and
 - to help solve the problems caused by such accumulations.
2. This Joint Action shall entail the following elements:
 - building consensus on the principles and measures referred to in Title I,
 - making a multifaceted contribution as referred to in Title II.
3. This Joint Action shall apply to weapons listed in the Annex.

TITLE I

PRINCIPLES ON PREVENTIVE AND REACTIVE ASPECTS

ARTICLE 2

The Union shall enhance efforts to build consensus in the relevant regional and international forums (for example, the UN and OSCE) and among affected States on the principles and measures set out in Article 3 and on those set out in Articles 4 and 5 as the basis for regional and incremental approaches to the problem and, where appropriate, global international instruments on small arms.

ARTICLE 3

In pursuing the objectives set out in Article 1, the Union shall aim at building consensus in the relevant international forums, and in a regional context as appropriate, for the realisation of the following principles and measures to prevent the further destabilising accumulation of small arms:

- a) a commitment by all countries to import and hold small arms only for their legitimate security needs, to a level commensurate with their legitimate self-defence and security requirements, including their ability to participate in UN peacekeeping operations;
- b) a commitment by exporting countries to supply small arms only to governments (either directly or through duly licensed entities authorised to procure weapons on their behalf) in accordance with appropriate international and regional restrictive arms export criteria, as provided in particular in the EU code of conduct, including officially authorised end-use certificates or, when appropriate, other relevant information on end-use;
- c) a commitment by all countries to produce small arms only for holdings as outlined in (a) or exports as outlined in (b);

- d) in order to ensure control, the establishment and maintenance of national inventories of legally-held weapons owned by the country 's authorities and the establishment of restrictive national weapons legislation for small arms including penal sanctions and effective administrative control;
- e) the establishment of confidence-building measures, including measures to promote increased transparency and openness, through regional registers on small arms and regular exchanges of available information, on exports, imports, production and holdings of small arms, and on national weapons legislation, and through consultations between the relevant parties on the information exchanged;
- f) the commitment to combat illicit trafficking of small arms through the implementation of effective national controls, such as efficient border and customs mechanisms, regional and international cooperation and enhanced information exchange;
- g) the commitment to challenge and reverse 'cultures of violence ', by enhancing public involvement through public education and awareness programmes.

ARTICLE 4

In pursuing the objectives set out in Article 1, the efforts of the Union shall aim at building consensus in the relevant international forums, and in a regional context as appropriate, for the realisation of the following principles and measures to reduce existing accumulations of small arms and their ammunition:

- a) the assistance as appropriate to countries requesting support for controlling or eliminating surplus small arms and their ammunition on their territory, in particular where this may help to prevent armed conflict or in post-conflict situations;
- b) the promotion of confidence-building measures and incentives to encourage the voluntary surrender of surplus or illegally-held small arms and their ammunition, the demobilisation of combatants and their subsequent rehabilitation and reintegration, such measures to include compliance with peace and arms control agreements under combined or third party supervision, respect of human rights and humanitarian law, the protection of the rule of law, in particular as regards the personal safety of former combatants and small arms amnesties, as well as community-based development projects and other economic and social incentives;
- c) the effective removal of surplus small arms encompassing safe storage as well as quick and effective destruction of these weapons and their ammunition, preferably under international supervision;
- d) the rendering of assistance through appropriate international organisations, programmes and agencies as well as regional arrangements.

ARTICLE 5

Member States shall promote, where appropriate, in the context of resolving armed conflicts:

- a) the inclusion of provisions with regard to demobilisation, elimination of surplus weapons and their ammunition and integration of ex-combatants into peace agreements between the parties to the conflict, into mandates of peace-support operations or other relevant missions in support of the peaceful settlement;
- b) the consideration of the possibility of making necessary provision for measures ensuring the removal of small arms and their ammunition in the context of demobilisation by the UN Security Council in case the country or parties concerned are not in a position to comply with the relevant obligations.

TITLE II

Contribution by the Union to specific actions

ARTICLE 6

1. The Union shall provide financial and technical assistance to programmes and projects which make a direct and identifiable contribution to the principles and measures referred to in Title I, including relevant programmes or projects conducted by the UN, the International Committee of the Red Cross, other international

organisations and regional arrangements and NGOs. Such projects might include, inter alia ,weapons collection, security sector reform and demobilisation and reintegration programmes as well as specific victim assistance programmes.

2. In providing such assistance, the Union shall take into account in particular the recipients 'commitments to comply with the principles mentioned in Article 3;their respect of human rights; their compliance with international humanitarian law and the protection of the rule of law; and their compliance with their international commitments, in particular with regard to existing peace treaties and international arms control agreements.

ARTICLE 7

1. The Council shall decide on:
 - the allocation of the financial and technical assistance referred to in Article 6,
 - the priorities for the use of those funds,
 - the conditions for implementing specific actions of the Union, including the possibility of designating, in certain instances, a person responsible for its implementation.
2. The Council shall decide on the principle, arrangements and financing of such projects on the basis of concrete and properly-costed project proposals and on a case-by-case basis, without prejudice to Member States 'bilateral contributions and operation of the Community.
3. The Presidency shall under the conditions set out in Article 18(2)of the Treaty:
 - ensure liaison with the United Nations and any other relevant organisation involved,
 - establish, with regional arrangements and third countries, the contacts needed to implement the Union's specific actions.

ARTICLE 8

The Council notes that the Commission intends to direct its action towards achieving the objectives and the priorities of this Joint Action, where appropriate by pertinent Community measures.

ARTICLE 9

1. The Council and the Commission shall be responsible for ensuring the consistency of the Union 's activities in the field of small arms, in particular with regard to its development policies. For this purpose, Member States and the Commission shall submit any relevant information to the relevant Council bodies. The Council and the Commission shall ensure implementation of their respective action, each in accordance with its powers.
2. Member States shall equally seek to increase the effectiveness of their national actions in the field of small arms. As far as possible, actions taken pursuant to Article 6 shall be coordinated with those of Member States and of the Community.

ARTICLE 10

JointAction 1999/34/CFSP is hereby repealed.

ARTICLE 11

The Council shall review annually the actions taken in the framework of this Joint Action.

ARTICLE 12

This Joint Action shall enter into force on the date of its adoption.

ARTICLE 13

This Joint Action shall be published in the Official Journal.

ANNEX

The Joint Action shall apply to the following categories of weapons, while not prejudging any future internationally agreed definition of small arms and light weapons. These categories may be subject to further clarification, and may

be reviewed in the light of any such future internationally agreed definition.

- a) Small arms and accessories specially designed for military use:
 - machine-guns (including heavy machine-guns),
 - sub-machine guns, including machine pistols,
 - fully automatic rifles,
 - semi-automatic rifles, if developed and/or introduced as a model for an armed force,
 - moderators (silencers).
- b) Man or crew-portable light weapons:
 - cannon (including automatic cannon), howitzers and mortars of less than 100 mm calibre,
 - grenade launchers,
 - anti-tank weapons, recoilless guns (shoulder-fired rockets),
 - anti-tank missiles and launchers,
 - anti-aircraft missiles/man-portable air defence systems (MANPADS).

5.6 OSCE DOCUMENT ON SMALL ARMS AND LIGHT WEAPONS

PREAMBLE

1. The participating States of the Organization for Security and Co-operation in Europe (OSCE):
2. Recalling the Lisbon Document 1996, Decision No. 8/96, "A Framework for Arms Control", and Decision No. 6/99 of the OSCE's Forum for Security Co-operation, endorsed by our Heads of State and Government at the OSCE Summit at Istanbul in November 1999,
3. Recognizing the need to strengthen confidence and security among the participating States through appropriate measures on small arms and light weapons* manufactured or designed for military use (hereinafter referred to as "small arms"),
 - * There is not yet an internationally agreed definition of small arms and light weapons. This document will apply to the following categories of weapons while not prejudging any future internationally agreed definition of small arms and light weapons. These categories may be subject to further clarification and will be reviewed in the light of any such future internationally agreed definition. For the purposes of this document, small arms and light weapons are man-portable weapons made or modified to military specifications for use as lethal instruments of war. Small arms are broadly categorized as those weapons intended for use by individual members of armed or security forces. They include revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns. Light weapons are broadly categorized as those weapons intended for use by several members of armed or security forces serving as a crew. They 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-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100 mm
4. Recalling progress made in dealing with the problems associated with small arms in other international fora and resolved to make an OSCE contribution to such progress,
5. Mindful also of the opportunity for the OSCE, as a regional arrangement under Chapter VIII of the Charter of the United Nations, to provide a substantial contribution to the process underway in the United Nations on the illicit trade in small arms and light weapons in all its aspects,
6. Have decided to adopt and implement the norms, principles and measures set out in the following sections.

SECTION I: GENERAL AIMS AND OBJECTIVES

1. The participating States recognize that the excessive and destabilizing accumulation and uncontrolled spread of small arms are problems that have contributed to the intensity and duration of the majority of recent armed conflicts. They are of concern to the international community because they pose a threat and a challenge to peace, and undermine efforts to ensure an indivisible and comprehensive security.
2. The participating States agree to co-operate to address these problems and to do so in a comprehensive way. Reflecting the OSCE's concept of co-operative security and working in concert with other international fora, they agree to develop norms, principles and measures covering all aspects of the issue. These include manufacture, the proper marking of small arms, accurate sustained record keeping, export control criteria, transparency about transfers (i.e. commercial and non-commercial imports and exports) of small arms through effective national export and import documentation and procedures. All of these are essential elements of any response to the problems, as are the proper national management and security of stockpiles coupled with effective action to reduce the global surplus of small arms. They also agree that the problem of small arms should be an integral part of the OSCE's wider efforts in the fields of early warning, conflict prevention, crisis management and post conflict rehabilitation.
3. In particular, the participating States commit themselves to:
 - (i) Combat illicit trafficking in all its aspects through the adoption and implementation of national controls on small arms, including manufacture, proper marking and accurate sustained record keeping (both of which contribute to improving the traceability of small arms), effective export control, border and customs

- mechanisms, and through enhanced co-operation and information exchange among law enforcement and customs agencies at international, regional and national levels;
- (ii) Contribute to the reduction, and prevention of, the excessive and destabilizing accumulation and uncontrolled spread of small arms, taking into account legitimate requirements for national and collective defence, internal security and participation in peacekeeping operations under the Charter of the United Nations or in the framework of the OSCE;
 - (iii) Exercise due restraint to ensure that small arms are produced, transferred and held only in accordance with legitimate defence and security needs as outlined in 3(ii) above, and in accordance with appropriate international and regional export criteria, in particular as provided for in the OSCE document on Principles Governing Conventional Arms Transfers adopted by the Forum for Security Co-operation on 25 November 1993;
 - (iv) Build confidence, security and transparency through appropriate measures on small arms;
 - (v) Ensure that, in line with its comprehensive concept of security, the OSCE addresses, in its appropriate fora, concerns related to the issue of small arms as part of an overall assessment of the security situation of a particular country, and takes practical measures which will assist in this respect;
 - (vi) Develop appropriate measures on small arms at the end of armed conflicts including their collection, safe storage and destruction linked to the disarmament, demobilization and reintegration (DD and R) of combatants.

SECTION II: COMBATING ILLICIT TRAFFICKING IN ALL ITS ASPECTS: MANUFACTURING, MARKING AND RECORD-KEEPING

INTRODUCTION

1. Combating illicit trafficking in all its aspects constitutes a major element of any action needed to deal with the problem of the destabilizing accumulation and uncontrolled spread of small arms. National control of manufacture is essential to the combating of illicit trafficking. In addition, the proper marking of small arms, coupled with accurate, sustained record-keeping and exchanges of information outlined within this document, will help relevant investigative authorities to trace illicit small arms and, if a legal transfer has been diverted into the illegal market, to identify the point at which the diversion took place.
2. This section therefore sets out the norms, principles and measures covering manufacture, marking and record-keeping of small arms.

A) National control over manufacture of small arms

1. The participating States agree to ensure effective national control over the manufacture of small arms through the issue, regular review and renewal of licences and authorizations for manufacture. Licences and authorizations should be revoked if the conditions under which they were granted are no longer met. The participating States will ensure that those engaged in illegal production can, and will, be prosecuted under appropriate penal codes.

(B) Marking small arms

1. While it is for each participating State to determine the exact nature of the marking system for small arms manufactured or in use on its territory, the participating States agree to ensure that all small arms manufactured on their territory after 30 June 2001 are marked in such a way as to enable individual small arms to be traced. The marking should contain information which would allow the investigating authorities to determine, at a minimum, the year and country of manufacture, the manufacturer and the weapon's serial number. This information provides an identifying mark which is unique to each small arm. All such marks should be permanent and placed on the small arm at the point of manufacture. Participating States will also ensure as far as possible and within their competence that all small arms manufactured under their authority outside their territory are marked to the same standard.
2. In addition, participating States agree that, should any unmarked small arms be discovered in the course of the routine management of their current stockpiles, they will destroy them, or if those small arms are brought into service or exported, that they will mark them beforehand with an identifying mark unique to each small arm.

C) Record keeping

1. The participating States will ensure that comprehensive and accurate records of their own holdings of small arms, as well as those held by manufacturers, exporters and importers of small arms within their territory, are maintained and held as long as possible with a view to improving the traceability of small arms.

D) Transparency measures

1. As a confidence-building measure and to assist the relevant authorities in tracing illicit small arms, the participating States agree to conduct an information exchange by 30 June 2001 on their national marking systems used in the manufacture and/or import of small arms. They will also exchange with each other available information on national procedures for the control of the manufacture of small arms. Participating States will ensure that such information is up-dated, as and when necessary, to reflect any changes in their national marking systems and in their procedures for the control of manufacture.

SECTION III: COMBATING ILLICIT TRAFFICKING IN ALL ITS ASPECTS: COMMON EXPORT CRITERIA AND EXPORT CONTROLS

INTRODUCTION

1. The establishment and implementation of effective criteria governing the export of small arms will help meet the shared objective of preventing the destabilizing accumulation and uncontrolled spread of small arms, as will national controls covering export documentation and procedures, and the activities of international brokers. Co-operation on law enforcement is also essential to the combating of illicit trafficking. This section sets out the norms, principles and measures aimed at fostering responsible behaviour with regard to the transfer of small arms and, thereby, reducing opportunities to engage in illicit trafficking.

A) Common export criteria

1. The participating States agree to the following criteria to govern exports of small arms and technology related to their design, production, testing and upgrading, which are based on the OSCE document on "Principles Governing Conventional Arms Transfers".
2. a) Each participating State will, in considering proposed exports of small arms, take into account:
 - (i) The respect for human rights and fundamental freedoms in the recipient country;
 - (ii) The internal and regional situation in and around the recipient country, in the light of existing tensions or armed conflicts;
 - (iii) The record of compliance of the recipient country with regard to international obligations and commitments, in particular on the non-use of force, and in the field of non-proliferation, or in other areas of arms control and disarmament, and the record of respect for international law governing the conduct of armed conflict;
 - (iv) The nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and to the objective of the least diversion of human and economic resources to armaments;
 - (v) The requirements of the recipient country to enable it to exercise its right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations;
 - (vi) The question of whether the transfers would contribute to an appropriate and proportionate response by the recipient country to the military and security threats confronting it;
 - (vii) The legitimate domestic security needs of the recipient country;
 - (viii) The requirements of the recipient country to enable it to participate in peacekeeping or other measures in accordance with decisions of the United Nations or the OSCE.
- b) Each participating State will avoid issuing licences for exports where it deems that there is a clear risk that the small arms in question might:
 - (i) Be used for the violation or suppression of human rights and fundamental freedoms;
 - (ii) Threaten the national security of other States;
 - (iii) Be diverted to territories whose external relations are the internationally acknowledged responsibility of another State;
 - (iv) Contravene its international commitments, in particular in

relation to sanctions adopted by the Security Council of the United Nations, decisions taken by the OSCE, agreements on non-proliferation, small arms, or other arms control and disarmament agreements;

- (v) Prolong or aggravate an existing armed conflict, taking into account the legitimate requirement for self-defence, or threaten compliance with international law governing the conduct of armed conflict;
 - (vi) Endanger peace, create an excessive and destabilizing accumulation of small arms, or otherwise contribute to regional instability;
 - (vii) Be either re-sold (or otherwise diverted) within the recipient country or re-exported for purposes contrary to the aims of this document;
 - (viii) Be used for the purpose of repression;
 - (ix) Support or encourage terrorism;
 - (x) Facilitate organized crime;
 - (xi) Be used other than for the legitimate defence and security needs of the recipient country.
- c) In addition to these criteria, participating States will take into account the stockpile management and security procedures of a potential recipient country.
3. Participating States will make every effort within their competence to ensure that licensing agreements for small arms production concluded with manufacturers located outside their territory will contain, where appropriate, a clause applying the above criteria to any exports of small arms manufactured under licence in that agreement.
 4. Further, each participating State will:
 - (i) Ensure that these principles are reflected, as necessary, in its national legislation and/or in its national policy documents governing the export of conventional arms and related technology;
 - (ii) Consider assisting other participating States in the establishment of effective national mechanisms for controlling the export of small arms.

B) Import, export and transit procedures

1. The participating States agree to follow the procedures described below on the import, export and international transit of small arms.
2. The participating States agree to ensure that all shipments of small arms imported into, or exported from, their territory are subject to effective national licensing or authorization procedures which allow the participating State concerned to retain adequate control over such transfers and to prevent the diversion of the small arms to any party other than the declared recipient. Each participating State will decide whether to apply appropriate national procedures to small arms in transit through its territory en route to a final destination outside its territory, in order to maintain effective control over that transit.
3. Before a participating State permits a shipment of small arms to another State, that participating State will ensure that it has received from the importing State the appropriate import licence or some other form of official authorization. When a participating State is asked to act as a transit point for shipments of small arms between the exporting and importing States, the exporter, or the authorities in the exporting state, will ensure that where the State of transit requires a shipment to be authorized, the appropriate authorization has been issued.
4. At the request of either of the two participating States engaged in a transaction to export and import a shipment of small arms, the States will inform each other when the consignment has been dispatched from the exporting State and when it has been received by the importing State.
5. Without prejudice to the right of participating States to re-export small arms that they had previously imported, participating States will make every effort within their competence to encourage the insertion of a clause within contracts for the sale or transfer of small arms requiring that the original exporting State be advised before the re-transfer of those small arms.
6. In order to prevent the illegal diversion of small arms, the participating States are encouraged to establish appropriate procedures that would permit the exporting State to assure itself of the secure delivery of transferred small arms. These procedures could, where appropriate, include a physical check of the shipment of small arms at the point of delivery.
7. The participating States will not allow any transfer of unmarked small

arms. In addition they will only transfer or re-transfer small arms which bear an identifying mark unique to each small arm.

8. The participating States agree to ensure that the appropriate national mechanisms are in place to enhance the co-ordination of policy and co-operation between their agencies involved in the import, export and transit procedures for small arms.

C) Import, export and transit documentation

1. The participating States agree to observe the following key standards underpinning export documentation: that no export licence is issued without an authenticated end-user certificate, or some other form of official authorization (for example, an International Import Certificate) issued by the receiving State; that the number of government officials entitled to sign or otherwise authorize export documentation is kept to a minimum consistent with the current practice of each participating State; and that import, export and transit documentation contains a common minimum standard of information which will be explored by participating States with a view to developing recommendations based on the "best practice" among participating States.
2. The participating States agree to ensure that comprehensive and accurate records of small arms transactions effected under a particular license or authorization are maintained and held for as long as possible with a view to improving the traceability of small arms. They also agree that the relevant information contained in these records, together with any other information required to trace and identify illegal small arms, is made available in accordance with the procedures in paragraphs (E) 3 and 4 below.

D) Control over international arms-brokering

1. The regulation of the activities of international brokers in small arms is a critical element in a comprehensive approach to combating illicit trafficking in all its aspects. Participating States will consider the establishment of national systems for regulating the activities of those who engage in such brokering. Such a system could include measures such as:
 - (i) Requiring registration of brokers operating within their territory;
 - (ii) Requiring licensing or authorization of brokering; or
 - (iii) Requiring disclosure of import and export licenses or authorizations, or accompanying documents, and of the names and locations of brokers involved in the transaction.

E) Improving co-operation in law enforcement

1. In order to enforce its international commitments on small arms, each participating State should ensure that it has an effective capability to enforce those commitments through its relevant national authorities and judicial system.
2. Each participating State will treat any transfer of small arms that is in violation of a United Nations Security Council arms embargo as a crime, and will, if it has not yet done so, reflect this in its domestic law.
3. The participating States agree to enhance their mutual legal assistance and other mutual forms of co-operation in order to assist investigations and prosecutions conducted and pursued by other participating States in relation to the illicit trafficking of small arms. For this purpose, they will endeavour to conclude relevant agreements with each other.
4. The participating States agree to co-operate with each other on the basis of customary diplomatic procedures or relevant agreements and with intergovernmental organizations such as Interpol, in tracing illegal small arms. Such co-operation will include making available, upon request, relevant information to the investigating authorities of other participating States. They will also encourage and facilitate regional, subregional and national training programmes and joint training exercises for law enforcement, customs and other appropriate officials in the small arms field.
5. The participating States agree to consider appropriate technical, financial and consultative assistance to other participating States to increase the capacity of enforcement agencies.
6. The participating States agree to share, in conformity with their national laws, and on a confidential basis through appropriate and established channels (for example Interpol, police forces or customs agencies) information in the following areas:
 - (i) Duly authorized manufacturers and international armsbrokers;
 - (ii) Seizures of illicitly trafficked small arms, including the quantity and type of weapons seized, their markings and details of their subsequent disposal;
 - (iii) Information on individuals or corporations convicted for violations of national export control regulations;

(iv) Information on their enforcement experiences and the measures that they have found effective in combating illicit trafficking in small arms. This might include, but need not be limited to, scientific and technological information; information on means of concealment and the methods used to detect them; routes used for illicit trafficking and information on embargo violations.

F) Exchanges of information and other transparency measures

1. The participating States will, as a first step, conduct an information exchange among themselves and on an annual basis, not later than 30 June, beginning in 2002, about their small arms exports to, and imports from, other participating States during the previous calendar year. The information exchanged will also be provided to the Conflict Prevention Centre (CPC). The format for this exchange is set out in the Annex to this document. Participating States also agree to study ways to further improve the information exchange on transfers of small arms.
2. The participating States will exchange with each other, by 30 June 2001, available information on relevant national legislation and current practice on export policy, procedures, documentation and on control over international brokering in small arms in order to use such an exchange to spread awareness of "best practice" in these areas. They will also submit updated information when necessary.

SECTION IV: MANAGEMENT OF STOCKPILES, REDUCTION OF SURPLUSES AND DESTRUCTION

INTRODUCTION

1. Effective action to reduce the global surplus of small arms, coupled with proper management and security of national stockpiles, is central to the reduction of destabilizing accumulations and uncontrolled spread of small arms and the prevention of illicit trafficking. This section sets out the norms, principles and measures through which participating States will effect reductions where applicable and promote "best practice" in managing national inventories and securing stockpiles of small arms.

A) Indicators of a surplus

1. It is for each participating State to assess in accordance with its legitimate security needs whether its holdings of small arms include a surplus.
2. When assessing whether it has a surplus of small arms, each participating State could take into account the following indicators:
 - (i) The size, structure and operational concept of the military and security forces;
 - (ii) The geopolitical and geostrategic context including the size of the State's territory and population;
 - (iii) The internal or external security situation;
 - (iv) International commitments including international peacekeeping operations;
 - (v) Small arms no longer used for military purposes in accordance with national regulations and practices.
3. The participating States should carry out regular reviews and in particular in connection with:
 - (i) Changes of national defence policies;
 - (ii) The reduction or re-structuring of military and security forces;
 - (iii) The modernization of small arms stocks or the acquisition of additional small arms.

B) Improving national stockpile management and security

1. The participating States recognize that proper national control over their stockpiles of small arms (including any stockpiles of decommissioned or deactivated weapons) is essential in order to prevent loss through theft, corruption and neglect. To that end, they agree to ensure that their own stockpiles are subject to proper national inventory accounting and control procedures and measures. These procedures and measures, the selection of which is at the discretion of each participating State, could include:
 - (i) The appropriate characteristics for stockpile locations;
 - (ii) Access control measures;
 - (iii) The measures needed to provide adequate protection in emergency situations;
 - (iv) Lock-and-key and other physical security measures;
 - (v) Inventory management and accounting control procedures;
 - (vi) The sanctions to be applied in the event of loss or theft;
 - (vii) The procedures for the immediate reporting of any loss;
 - (viii) The procedures to maximize the security of small arms transport;
 - (ix) The security training of stockpile staff.

C) Destruction and deactivation

1. The participating States agree that the preferred method for the disposal of small arms is destruction. Destruction should render the weapon both permanently disabled and physically damaged. Any small arms identified as surplus to a national requirement should, by preference, be destroyed. However, if their disposal is to be effected by export from the territory of a participating State, such an export will only take place in accordance with the export criteria set out in Section IIIA, paragraphs 1 and 2 of this document.
2. Destruction will generally be used to dispose of illicitly trafficked weapons seized by national authorities, once the legal due process is complete.
3. The participating States agree that the deactivation of small arms will be carried out only in such a way as to render all essential parts of the weapon permanently inoperable and therefore incapable of being removed, replaced or modified in a way that might permit the weapon to be reactivated.

D) Financial and technical assistance

1. The participating States agree to consider, on a voluntary basis and in co-operation with other international organizations and institutions, technical, financial and consultative assistance with the control or the elimination of surplus small arms to other participating States that request it.
2. The participating States agree to support, in co-operation with other international efforts and in response to a request from a participating State, stockpile management and security programmes, training and on-site confidential assessments.

E) Transparency measures

1. The participating States agree to share available information on an annual basis not later than 30 June, beginning in 2002 on the category, sub-category and quantity of small arms that have been identified as surplus and/or seized and destroyed on their territory during the previous calendar year.
2. The participating States will, by 30 June 2002, exchange information of a general nature about their national stockpile management and security procedures. They will also submit updated information when necessary. The Forum for Security Co-operation will consider developing a "best practice" guide, designed to promote effective stockpile management and security and to guarantee a multi-level safety system for the storage of small arms taking into account the work of other international organisations and institutions.
3. The participating States also agree to exchange information by 30 June 2001 on their techniques and procedures for the destruction of small arms. They will also submit updated information when necessary. The Forum for Security Co-operation will consider developing a "best practice" guide, of techniques and procedures for the destruction of small arms taking into account the work of other international organizations and institutions.
4. As a confidence-building measure participating States agree to consider on a voluntary basis invitations to each other, particularly in a regional or subregional context, to observe the destruction of small arms on their territory.

SECTION V: EARLY WARNING, CONFLICT PREVENTION, CRISIS MANAGEMENT AND POST-CONFLICT REHABILITATION

INTRODUCTION

1. The problem of small arms should be an integral part of the OSCE's wider efforts in early warning, conflict prevention, crisis management and post-conflict rehabilitation. The destabilizing accumulation and uncontrolled spread of small arms are elements which can impede conflict prevention, exacerbate conflicts and, where peaceful settlements have been attained, impede both peace-building and social and economic development. In some cases, it may contribute to a breakdown in order, fuel terrorism and criminal violence or lead to a resumption of conflict. This section sets out the norms, principles and measures which the participating States agree to follow.

A) Early warning and conflict prevention

1. The identification of a destabilizing accumulation or the uncontrolled spread of small arms that might contribute to a deteriorating security situation could be a major element in early warning and, therefore, conflict prevention. It is for each participating State to identify potentially

destabilizing accumulations or uncontrolled spreads of small arms linked to its security situation. Each participating State may raise within the OSCE at the Forum for Security Co-operation or the Permanent Council its concerns about such accumulations or spreads.

B) Post-conflict rehabilitation

1. The participating States recognize that an accumulation, and the uncontrolled spread, of small arms can contribute to the destabilization of the security environment in a post-conflict situation. It is therefore necessary to consider the value of small arms collection and control programmes in these circumstances.
2. The participating States recognize that a stable security situation, including public confidence in the security sector, is essential for any successful small arms collection and control programme (combined with, as appropriate, amnesties) and other important post-conflict programmes related to DD and R, such as those on the disposal of small arms.

C) Procedures for assessments and recommendations

1. The participating States agree that an assessment by the Forum for Security Co-operation or the Permanent Council in conflict prevention or a post-conflict situation should include the role (if any) played in that situation by small arms taking into account, as necessary, the indicators found in Section IV(A) paragraph 2, and the need to address that issue.
2. As necessary, at the request of the host participating State, the participating States could be invited to make available, including, if appropriate and in accordance with a decision of the Permanent Council, through the Rapid Expert Assistance and Co-operation Teams (REACT) programme, individuals with relevant expertise in small arms issues. These experts should work with national governments and relevant organizations to ensure a comprehensive assessment of the security situation before providing recommendations for action by the OSCE.

D) Measures

1. In response to recommendations from experts, the Permanent Council should consider a range of measures including:
 - (i) Responses to requests for assistance on the security and management of stockpiles of small arms;
 - (ii) Assistance with, and possible monitoring of, the reduction and disposal of small arms in the State in question;
 - (iii) The encouragement of and, as necessary, the provision of advice or mutual assistance to implement and reinforce border controls to reduce illicit trafficking in small arms;
 - (iv) Assistance with small arms collection and control programmes;
 - (v) As appropriate, the expansion of the mandate of an OSCE field mission or presence to cover small arms issues;
 - (vi) Consultation and co-ordination, in accordance with the OSCE Platform for Co-operative Security, with other international organizations and institutions.
2. In addition the participating States agree that the mandates of future OSCE missions adopted by the Permanent Council and any peacekeeping operations conducted by the OSCE should, as appropriate, include the capacity to advise, contribute to, implement and monitor small arms collection and destruction programmes and small arms related DD and R measures. Such OSCE missions could include a suitably qualified person tasked with developing, in conjunction with peacekeeping operations, national authorities and other international organizations and institutions, a series of measures related to small arms.
3. The participating States will promote stable security situations and ensure, within their competence that small arms collection programmes and small arms related DD and R measures are included in any peace agreements and, as appropriate, in the mandates of any peacekeeping operations. Participating States will promote the destruction of all small arms thus collected as the preferred method of disposal.
4. As a supporting measure, the participating States could also promote subregional co-operation, in particular in areas such as border control in order to prevent the re-supply of small arms through illicit trade.
5. The participating States will consider sponsoring, on a national level, public education and awareness programmes highlighting the negative aspects of small arms. They will also consider providing within available financial and technical resources appropriate incentives to encourage the voluntary surrender of illegally held small arms. Participating States will consider providing support for all appropriate post-conflict programmes related to DD and R, such as those on the disposal and destruction of surrendered or seized small arms and ammunition.

E) Stockpile management and reduction in post conflict rehabilitation

1. Because of the specific vulnerability of small arms storage and management in post conflict situations, the participating State(s) concerned and/or the participating States involved in a peace process will give priority to ensuring that:
 - (i) Safe storage and stockpile management issues are dealt with in peace processes and are included, as appropriate, in peace agreements;
 - (ii) To enhance security, stockpile sites are concentrated in as few locations as possible;
 - (iii) Where they are to be destroyed, collected and confiscated small arms are stored for as short a time as necessary compatible with legal due process;
 - (iv) Administrative management procedures give priority to and do not delay the small arms reduction and destruction processes.

F) Further Work

1. The Forum for Security Co-operation will consider developing a "best practice" handbook on small arms DD and R measures taking into account the work of other international organizations and institutions.
2. requests for small arms destruction monitoring and technical assistance will be co-ordinated through the CPC, taking into account the work of other international organizations and institutions.

SECTION VI: FINAL PROVISIONS

1. The participating States agree 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 CPC. The CPC will be the main point of contact on small arms issues between the OSCE and other international organizations and institutions.
2. The participating States agree that the Forum for Security Co-operation will review regularly including, as appropriate, through annual review meetings, the implementation of the norms, principles and measures in this document and will consider specific small arms issues raised by participating States. In addition, and as necessary, they may convene meetings of national experts on small arms.
3. The participating States also agree to keep the scope and content of this document under regular review. In particular they agree to work on the further development of the document in the light of its implementation and of the work of the United Nations and of other international organizations and institutions.
4. The text of this document will be published in the six official languages of the Organization and disseminated by each participating State.
5. The Secretary General of the OSCE is requested to transmit the present document to the Governments of the Partners for Co-operation Japan, the Republic of Korea, and Thailand and of the Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Jordan, Morocco and Tunisia).
6. The norms, principles and measures in this document are politically binding. Unless otherwise specified they will take effect on the adoption of the document.

5.7 OSCE PRINCIPLES GOVERNING CONVENTIONAL ARMS TRANSFERS

1. The participating States reaffirm their commitment to act, in the security field, in accordance with the Charter of the United Nations and the Helsinki Final Act, the Charter of Paris and other relevant CSCE documents.
2. They recall that in Prague on 30 January 1992 they agreed that effective national control of weapons and equipment transfer is acquiring the greatest importance and decided to include the question of the establishment of a responsible approach to arms transfers as a matter of priority in the work programme of the post-Helsinki arms control process. They also recall their declaration in the Helsinki Document of 10 July 1992 that they would intensify their co-operation in the field of effective export controls applicable, inter alia, to conventional weapons.
 - I.
 3. The participating States reaffirm:
 - a) their undertaking, in accordance with the Charter of the United Nations, to promote the establishment of international peace and security with the least diversion for armaments of human and economic resources and their view that the reduction of world military expenditures could have a significant positive impact for the social and economic development of all peoples;
 - (b) the need to ensure that arms transferred are not used in violation of the purposes and principles of the Charter of the United Nations;
 - c) their adherence to the principles of transparency and restraint in the transfer of conventional weapons and related technology, and their willingness to promote them in the security dialogue of the Forum for Security Co-operation;
 - d) their strong belief that excessive and destabilizing arms build-ups pose a threat to national, regional and international peace and security;
 - e) the need for effective national mechanisms for controlling the transfer of conventional arms and related technology and for transfers to take place within those mechanisms;
 - f) their support for and commitment to provide data and information as required by the United Nations resolution establishing the Register of Conventional Arms in order to ensure its effective implementation.
 - II.
 4. In order to further their aim of a new co-operative and common approach to security, each participating State will promote and, by means of an effective national control mechanism, exercise due restraint in the transfer of conventional arms and related technology. To give this effect:
 - a) each participating State will, in considering proposed transfers, take into account:
 - (i) the respect for human rights and fundamental freedoms in the recipient country;
 - (ii) the internal and regional situation in and around the recipient country, in the light of existing tensions or armed conflicts;
 - (iii) the record of compliance of the recipient country with regard to international commitments, in particular on the non-use of force, and in the field of non-proliferation, or in other areas of arms control and disarmament;
 - (iv) the nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and the objective of the least diversion for armaments of human and economic resources;
 - (v) the requirements of the recipient country to enable it to exercise its right to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations;
 - (vi) whether the transfers would contribute to an appropriate and proportionate response by the recipient country to the military and security threats confronting it;
 - (vii) the legitimate domestic security needs of the recipient country;
 - (viii) the requirements of the recipient country to enable it to participate in peacekeeping or other measures in accordance with decisions of the United Nations or the Conference on Security and Co-operation in Europe.
 - b) Each participating State will avoid transfers which would be likely to:
 - (i) be used for the violation or suppression of human rights and fundamental freedoms;
 - (ii) threaten the national security of other States and of territories whose external relations are the internationally acknowledged responsibility of another State;
 - (iii) contravene its international commitments, in particular in relation to sanctions adopted by the Security Council of the United Nations, or to decisions taken by the CSCE Council, or agreements on non-proliferation, or other arms control and disarmament agreements;
 - (iv) prolong or aggravate an existing armed conflict, taking into account the legitimate requirement for self-defence;
 - (v) endanger peace, introduce destabilizing military capabilities into a region, or otherwise contribute to regional instability;
 - (vi) be diverted within the recipient country or re-exported for purposes contrary to the aims of this document;
 - (vii) be used for the purpose of repression;
 - (viii) support or encourage terrorism;
 - (ix) be used other than for the legitimate defence and security needs of the recipient country.
 - III.
 5. Further, each participating State will:
 - a) reflect, as necessary, the principles in Section II in its national policy documents governing the transfer of conventional arms and related technology;
 - b) consider mutual assistance in the establishment of effective national mechanisms for controlling the transfer of conventional arms and related technology;
 - c) exchange information, in the context of security co-operation within the Forum for Security Co-operation, about national legislation and practices in the field of transfers of conventional arms and related technology and on mechanisms to control these transfers.

5.8 OSCE DOCUMENT ON STOCKPILES OF CONVENTIONAL AMMUNITION

SECURITY RISKS ARISING FROM STOCKPILES OF CONVENTIONAL AMMUNITION, EXPLOSIVE MATERIAL, AND DETONATING DEVICES IN SURPLUS AND/OR AWAITING DESTRUCTION IN THE OSCE AREA

PREAMBLE

1. The participating States of the Organization for Security and Co-operation in Europe (OSCE):
2. Reaffirming their will to build upon the Framework for Arms Control contained in Decision No. 8/96 by the Forum for Security Co-operation (FSC), and, in particular, their determination to continue to respond to security needs in the OSCE area through arms control, including disarmament and confidence- and security-building,
3. Recognizing that the issue of norms, principles and measures regarding stockpile management of small arms and light weapons is duly covered by the OSCE Document on Small Arms and Light Weapons,
4. Recognizing the risks and challenges caused by the presence in the OSCE area of stockpiles of conventional ammunition, explosive material and detonating devices in surplus and/or awaiting destruction,
5. Recalling FSC Decision No. 18/02 of 27 November 2002 and the Porto Ministerial Declaration paragraph 13 regarding security risks arising from such stockpiles,
6. Mindful of the discussions that took place during the FSC Workshop on this issue which was held in Vienna on 27 and 28 May 2003,
7. Underlining the need for the OSCE, as part of its comprehensive approach to security, to constructively contribute, while not duplicating already existing international tools or initiatives in this field,
8. Willing to enhance transparency through a voluntary exchange of information on surplus stocks of conventional ammunition, explosive material and detonating devices,
9. Recognizing the benefit of providing participating States, upon their request, with a procedure that is designed to facilitate the assessment of situations created by conventional ammunition, explosive material and/or detonating devices presenting risks on their territory and to establish a framework for international assistance (technical, personnel and/or financial) to address these risks,
10. Also recognizing the possible role of OSCE field operations in assisting host and assisting/donor States' efforts to deal with stockpile management, stockpile security, and risk assessment of conventional ammunition, explosive material and detonating devices in surplus and/or awaiting destruction,
11. Have decided to adopt and implement the general principles and procedure set out in the following sections.

SECTION I: GENERAL PRINCIPLES

12. The participating States recognize the security and safety risks posed by the presence of stockpiles of conventional ammunition, explosive material and detonating devices in surplus and/or awaiting destruction in some States in the OSCE area. These risks may adversely affect the local population and the environment and, through the possibility of illicit trafficking and uncontrolled spread, especially to terrorists and other criminal groups, the security of the OSCE participating States.
13. Reflecting the OSCE concept of co-operative security and working in concert with other international fora, the participating States decide to establish a practical procedure, requiring minimal administrative burden, to address these risks by providing assistance for the destruction of these stockpiles and/or upgrading stockpile management and security practices. Such a procedure will contribute to reinforcing confidence, security and transparency in the OSCE area.
14. The participating States recognize their primary responsibility for their own stockpiles of conventional ammunition, explosive material and detonating devices, as well as identification and reduction of corresponding surpluses. One of the aims of this initiative is to strengthen national capacity in order to enable participating States, in the long run, to deal with such specific problems on their own. This principle, however, will not diminish their will to promptly consider assistance for States that request it.
15. The participating States agree that the request for and the provision of assistance will take place on a voluntary basis. The OSCE can only take

action in response to a specific request for assistance from a participating State when the request addresses stockpiles on its territory. The participating States recognize that the responsibility to sustainably safeguard and/or eliminate the surplus in question lies with the requesting State. The substance and scope of assistance will be determined on a case-by-case basis for each concrete request by a participating State after appropriate consultations with assisting/donor and requesting States.

SECTION II: CATEGORIES OF CONVENTIONAL AMMUNITION, EXPLOSIVE MATERIAL AND DETONATING DEVICES

16. The participating States agree that the scope for addressing stockpiles of conventional ammunition, explosive material and detonating devices in surplus and/or awaiting destruction has to be as broad as possible. This Document includes conventional ammunition, explosive material and detonating devices of land-, air- and sea-based weapons systems. Ammunition used for weapons of mass destruction (nuclear, chemical and biological) is excluded.
17. The following broad categories serve as an indicator, bearing in mind the wide range of categories and components of conventional ammunition, explosive material and detonating devices in surplus and/or awaiting destruction (not listed in order of priority): (i) Ammunition for small arms and light weapons (SALW); (ii) Ammunition for major weapon and equipment systems, including missiles; (iii) Rockets; (iv) Landmines and other types of mines; (v) Other conventional ammunition, explosive material and detonating devices.

SECTION III: INDICATORS OF A SURPLUS

18. It is for each participating State to assess in accordance with its legitimate security needs whether parts of its stockpiles are to be identified as surplus. When assessing whether it has a surplus of conventional ammunition, explosive material and detonating devices, a participating State could take into account the following indicators: (i) The size, structure, equipment and operational concept of the military, paramilitary and security forces and the police; the geopolitical and geostrategic context including the size of the State's territory and population; (ii) The internal and external security situation; (iii) International commitments including international peacekeeping operations; (iv) Conventional ammunition, explosive material and detonating devices for weapons no longer used for military purposes in accordance with national regulations and practices.
19. The OSCE Handbook of Best Practices on SALW offers additional indicators that may be useful.

SECTION IV: STOCKPILE MANAGEMENT AND SECURITY

20. The participating States recognize that the risks posed by surplus stockpiles of conventional ammunition, explosive material and detonating devices are often created by precarious and unsatisfactory conditions of storage. Therefore, they agree that the stockpile security should be taken into account and that proper national security and safety control over stockpiles of conventional ammunition, explosive material and detonating devices is essential in order to prevent risks of explosion and pollution, as well as loss through theft, corruption and neglect.
21. When assessing whether a surplus should be considered a risk, a participating State can use the following indicators: (i) The characteristics for stockpile locations; (ii) The characteristics of infrastructure of storage sites; (iii) The robustness and capacity of stockpile buildings; (iv) The condition of conventional ammunition, explosive material and detonating devices; (v) Access control measures; (vi) The preparedness to provide adequate protection in emergency situations; (vii) Lock-and-key and other physical security measures;

- (viii) Inventory management and accounting control procedures;
 - (ix) The sanctions to be applied in the event of loss or theft;
 - (x) The procedures for the immediate reporting and recovery of any loss;
 - (xi) The procedures to maximize the security of conventional ammunition, explosive material and detonating devices in transport;
 - (xii) The training of staff in effective stockpile management and security procedures;
 - (xiii) The system for application of supervisory and auditing responsibilities.
22. The degree of implementation of these relevant measures might give an indication of the risk caused by conventional ammunition, explosive material and detonating devices in surplus and/or awaiting destruction.

SECTION V: TRANSPARENCY ABOUT NEEDS AND ASSISTANCE

23. It is the participating State's own responsibility to determine, taking account of the criteria mentioned in Sections III and IV above, the size of any surplus stockpiles of conventional ammunition, explosive material or detonating devices, whether the stockpiles pose a security risk, and whether external assistance is needed to address this risk.
24. In dealing with the issue of surplus stockpiles of conventional ammunition, explosive material and detonating devices within the OSCE area, information gathering is of prime importance. In order for participating States to be provided with adequate assistance, a standard format questionnaire should be used by the requesting State.
25. To get an overview of available funds and/or expertise, information gathering is of equal significance. For this reason potential assisting/donor participating States are also invited to provide information, when deemed appropriate, in response to a standard format questionnaire.
26. Requests for assistance as well as information provided by potential assisting/donor States using these questionnaires will be provided to all participating States and to the Conflict Prevention Centre (CPC). Any additional related information may also be provided by requesting and assisting/donor participating States.

A) Information to be provided by a requesting State

27. The information provided by a requesting State will contain the following elements (see model questionnaire in Annex I):
- (i) Nature, amount, technical characteristics of each type of conventional ammunition, explosive material or detonating device;
 - (ii) Location of stockpile;
 - (iii) Security of stockpile (management and condition);
 - (iv) Nature and level of risk (to the population/environment, vulnerability to intrusion/theft, etc...);
 - (v) Incidents; nature and level of danger for the local population/environment; measures taken;
 - (vi) Plans for destruction/enhancing stockpile management;
 - (vii) Availability of own assets;
 - (viii) Assistance requested;
 - (ix) Details of bilateral/multilateral assistance already requested and/or granted;
 - (x) Name, address, function, of the point of contact;
 - (xi) List of annexed documents.

B) Information to be provided by an assisting/donor State

28. The information provided by an assisting/donor State will contain the following elements (see model questionnaire in Annex II):
- (i) Volume of available funds;
 - (ii) Priorities;
 - (iii) Conditions or restrictions on use of funds;
 - (iv) Available experts/expertise;
 - (v) Other available assets.

SECTION VI: SCOPE OF ASSISTANCE AND PROCEDURE

29. Any participating State that has identified a security risk linked to the presence of surplus stockpiles of conventional ammunition, explosive material and detonating devices, and needs assistance, may request the assistance of the international community through the OSCE.
30. The participating States consider it appropriate that technical, financial, consultative and other assistance be provided to requesting

participating States on a voluntary basis, in order to address the risk posed by the presence of stockpiles of conventional ammunition, explosive material and/or detonating devices as defined in Sections II, III and IV above.

A) Scope of assistance

31. Financial assistance is a key element in addressing the needs expressed by requesting States. It will always be of a voluntary nature. By compiling the information gathered through the exchange of information described in Section V (A) and through the expert assessment conducted under Section VI (B), a clear picture could be formed on the financial feasibility of the proposed projects. The funding mechanism for any concrete project should be developed through consultations among assisting/donor States, the requesting State and other participating States that may be involved. If appropriate, the funding mechanism may include the resources of other international organizations, especially those with pre-existing programmes.
32. The assistance may also comprise:
- (i) Collecting information on the needs expressed by the participating States in the OSCE area as well as on resources for assistance through the questionnaires mentioned in Section V above;
 - (ii) Providing risk assessment, as well as advice on stockpile management and on destruction;
 - (iii) Providing help in elaborating a programme for the destruction of surplus stockpiles or enhancement of their management. This will involve the evaluation of the volume and the nature of the operations that should be engaged, the necessary technical means, the applicable security dispositions and other necessary resources;
 - (iv) Assisting the requesting State in the definition of projects (pre-feasibility stage) by setting up multinational assistance teams of experts designed to make a preliminary assessment of a given situation. This activity may also be carried out in co-operation with other international actors;
 - (iv) Assisting the requesting State in the training of personnel involved in the destruction of conventional ammunition, explosive material or detonating devices, as well as in stockpile management and security.
33. The OSCE should have a clearinghouse function, which consists of: (i) Giving a participating State the possibility to signal the presence of conventional ammunition, explosive material and detonating devices in surplus and/or awaiting destruction on its territory, which present a risk and for which it needs assistance;
- (ii) Sending, if requested, assistance and evaluation missions. These actions will be developed in close co-ordination with the requesting State and can be co-ordinated as appropriate with other (international) organizations or institutions;
 - (iii) Centralizing the data collected by the creation of an archive;
 - (iv) Monitoring the process where assistance has been requested in co-ordination with the requesting State;
 - (v) Bringing together and ensuring liaison and exchanging information with requesting States, potential assisting/donor States and other (international) actors in this field.
34. The OSCE field operations may, depending on their mandate, play a role in assisting in the implementation of activities, drawing from the experience of some field operations that have previously dealt with related issues.

B) Procedure

35. The procedure for dealing with a request for assistance by a participating State will be as follows:
- (i) In initiating the OSCE response to the request, the Chairperson of the FSC, in close co-operation with the FSC Troika and the Chairmanship-in-Office (CiO), will begin consultations, informing the FSC as appropriate, and may seek additional information and/or clarification from the participating State making the request. This may include organizing an initial visit, if invited to do so by the requesting State, which may include a pre-feasibility study. Consultations will be undertaken to identify and contact potential assisting/donor States, as well as initiating contacts with appropriate OSCE bodies and institutions. The CPC will assist in liaison with other relevant international organizations (IO's) and relevant non-governmental organizations (NGO's). The CPC will provide technical assistance to the FSC

- Chairman and the CiO as necessary in responding to the request;
- (ii) One or more expert assessment visits may be deemed advisable in order to respond to the request for assistance. Follow-up technical assessment visits will be carried out by expert teams consisting of personnel provided by interested States. Representatives of other international organizations and non-governmental organizations could be included in the expert teams. Assessment visits, which will be funded in accordance with established OSCE procedures, will be carried out with the agreement of, and in close co-operation with, the requesting State. If an OSCE field operation is present in the requesting State, the OSCE field operation can also be involved in the process of consultation and assessment, if appropriate. A final report will be prepared upon the conclusion of the assessment process;
- (a) The expert team will assess the situation regarding:
- (1) The composition of the stockpiles (nature and type of conventional ammunition, explosive material or detonating devices, volume);
- (2) Safety and security conditions, including stockpile management aspects;
- (3) Assessment of the risks posed by these stockpiles;
- (b) The report of the assessment, which will be conveyed to the State requesting assistance as well as the FSC and the Permanent Council (PC), will include recommendations for action to be taken regarding:
- (1) The parts of the stockpiles that should be destroyed;
- (2) The processes to be used and the security requirements;
- (3) The assessment of the costs and other implications;
- (4) The storage and the safety conditions;
- (5) The most urgent steps to be taken;
- (iii) After the consultations and assessment, the operational and financial implications of responding to the request for assistance will be addressed by the FSC. If implementation of the anticipated assistance requires amendment of the current mandate of an existing OSCE field operation or entails financial consequences for the OSCE, the FSC will prepare, in consultation with the PC, a draft decision for approval by the PC;
- (iv) On the basis of information gathered through the steps above, the assisting/donor States and the requesting State will establish a project team to produce a detailed project plan, which will include details of the project's financial requirements, with co-ordination assistance from the CPC as appropriate. Once the assisting/donor and requesting States agree on the project plan, it will be submitted for information to the FSC and, if appropriate, for endorsement, in close co-operation with the CiO and, where necessary, the PC;
- (v) The project team will implement the project plan, providing information periodically over the life of the project to the assisting/donor and requesting States, as well as to the FSC, the PC and the OSCE field operation, if involved;
- (vi) On completion of the project, the head of the project team will provide a final report of the results to the FSC and the PC. Lessons learned and possible follow-up actions will be emphasized in this report;
- (vii) After initial consultations, it may be determined that no direct OSCE involvement will be pursued. This could be the result of the requesting State and a donor agreeing on a separate arrangement. In cases where there will be no direct OSCE involvement, the Chairperson of the FSC, in co-ordination with the CiO and with assistance from the CPC, will facilitate, in the clearinghouse function, contacts between the requesting State and potential donors, other States, regional or international organizations, or non-governmental organizations. A report on actions taken will be provided to the FSC and the PC.
- provide the names of Points of Contact on conventional ammunition, explosive material and detonating devices, in delegations to the OSCE and in capitals, on a voluntary basis. The list of Points of Contact will be held and maintained by the CPC.
37. The participating States agree to keep the scope, content and implementation of this document under regular review.
38. The Forum for Security Co-operation will consider developing a "best practice" guide of techniques and procedures for the destruction of conventional ammunition, explosive material and detonating devices, and the management and control of stockpiles. This document would cover, inter alia, indicators of surplus and risk, standards and procedures for the proper management of stockpiles, norms to be used in determining which stockpiles should be destroyed, as well as standards and technical procedures of destruction.
39. The text of the present document will be published in the six official languages of the Organization and disseminated by each participating State. It will also be distributed to the field operations of the OSCE.
40. The Secretary General of the OSCE is requested to transmit the present document to the Governments of the Partners for Co-operation (Japan, the Republic of Korea, Thailand and Afghanistan) and of the Mediterranean Partners for Co-operation (Algeria, Egypt, Israel, Jordan, Morocco and Tunisia).
41. The Secretary General of the OSCE is requested to transmit the present document to the United Nations.
42. The principles and procedure in this document are politically binding and will take effect on the adoption of the document.

SECTION VII: FINAL PROVISIONS

36. The CPC will act as the point of contact on conventional ammunition, explosive material and detonating devices between the OSCE and other international organizations and institutions. The participating States can

6. Endnotes

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- ²⁶ Grillot, June 2003, op cit, p.35
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