

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

Small Arms Control in
Central Asia

EURASIA SERIES NO.4

John Heathershaw • Emil Juraev
Michael von Tangen Page • Lada Zimina
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International Alert – Security and Peacebuilding Programme

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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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The Security and Peacebuilding (S&PB) Programme is a division of the Global Issues Department at International Alert. Its purpose is to advise on policy development, implementation and assessment with regard to security for those in conflict-torn societies.

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Acronyms

CIHL	Commission on Implementation of International Humanitarian Law
CIS	Commonwealth of Independent States
CNR	Commission of National Reconciliation
CTC	Counter-Terrorism Committee (under the UN Security Council)
DDR	Disarmament, Demobilisation, and Reintegration
DIC	Defence Industry Committee
EAPC	Euro-Atlantic Partnership Council
EU	European Union
HuT	Hizb-ut-Tahrir
IMU	Islamic Movement of Uzbekistan
CGSB	Tajik Committee for the Guarding of State Borders
MoD	Ministry of Defence
MoFA	Ministry of Foreign Affairs
MoI	Ministry of Interior
NATO	North Atlantic Treaty Organization
OSCE	Organisation for Security and Cooperation in Europe
PfP	Partnership for Peace
RCST	Red Crescent Society of Tajikistan
SALW	Small Arms and Light Weapons
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNMOT	United Nations Mission of Observers in Tajikistan
UN PoA	UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
UNTOP	United Nations Tajikistan Office of Peacebuilding
WMD	Weapons of Mass Destruction

About the Authors

John Heathershaw is a graduate of the University of Wales, Aberystwyth and the University of Hull, and currently a PhD student at the London School of Economics. Prior to this he was Lecturer in International and Comparative Politics at the American University in Central Asia (Kyrgyzstan). He has also worked for the UK Ministry of Defence and conflict resolution NGOs, and has written a number of articles on conflict resolution and security issues.

Emil Juraev is a Lecturer in International Relations and Political Theory at the American University – Central Asia in Bishkek, Kyrgyzstan. He holds a BA in International Relations from American University in Central Asia (Kyrgyzstan), and an MA in Political Science from Indiana University - Bloomington, USA.

Michael von Tangen Page is Programme Manager of the Security and Peacebuilding Programme at International Alert. A graduate of the Universities of Ulster, St. Andrews and Bradford, he was previously a Research Fellow at the Department of War Studies and Centre for Defence Studies at King's College, London. He has written a number of reports and monographs examining the issues of Small Arms Proliferation and Security Sector Reform.

Lada Zimina is Programme Officer at the Security and Peacebuilding programme in International Alert. She is a graduate of the London School of Economics and has previously worked at the Centre for Conflict Management in Almaty, Kazakhstan.

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Preface

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

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 is a mapping phase that creates a profile of the regional agreements and activities, and identifies relevant actors and their capacities. This work is public and has been published as a series of reports.

The mapping phase is then followed by regional assessment studies, which detail institutional capacities and challenges with regards to the implementation of SALW controls. These studies are directed towards supporting state institutions and activities as well as enhancing the capacity of civil society actors to deal with SALW issues. In the course of this work comprising analysis by International Alert and its partners as well as consultations with key stakeholders— state needs are brought to the attention of the international community so that financial and technical support can be provided as applicable.

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

This report, *Small Arms Control in Central Asia*, is the fourth in the Eurasia Series to support the exchange of knowledge and information about SALW controls in Central Asia. The report incorporates a number of inputs. In April-June 2002 a number of field trips have been made, in particular by Michael Page to Kyrgyzstan and Kazakhstan, and by John Heathershaw and Emil Juraev to Tajikistan. The draft was later presented at the conference on Small Arms in Central Asia that took place in Bishkek (Kyrgyzstan) on 18-19 February 2004. The present paper incorporates the inputs of conference participants, both government and civil society representatives, from the three countries.

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

Summary

This report is a mapping of the situation regarding the control of small arms and light weapons (SALW) in three Central Asian Republics: Kazakhstan, Kyrgyzstan and Tajikistan. Despite a number of potentially escalating factors, such as authoritarian governance, poverty, ethnic tensions, corruption and resource competition (especially over land and water), Central Asia has remained largely peaceful, with the exception of the 1992-97 civil war in Tajikistan and a number of small-scale clashes, mostly in the Ferghana Valley and the bordering areas. Since the start of the US-led Coalition's war against the Taliban government in Afghanistan, international attention to Central Asia has significantly increased. However, despite its new strategic importance the region has received relatively little attention in terms of SALW research.

This research demonstrates that the management of surplus weapons stockpiles and bringing national legislation into compliance with international norms are the matters of primary concern regarding SALW in these countries. SALW manufacturing and civilian possession, though relevant, are of secondary concern. There is only limited legal manufacturing in Central Asia: a SALW-producing facility in Kazakhstan and an ammunition-producing facility in the Kyrgyz Republic. Although it is difficult to assess the degree to which the region has a problem with regard to misuse and demand for SALW, illegal gun ownership has been identified as a relevant issue. This is particularly relevant for Tajikistan, due to its proximity to Afghanistan and the surplus weapons dating from the conflict in Tajikistan. In some parts of the country there does appear to be some ownership of SALW, however, cultural traditions have restricted their use. A culture of secrecy regarding security issues on the governmental level makes it very difficult to assess the quantities and condition of surplus weapons in the three countries studied. Stockpile security is therefore an important matter of concern in all the countries examined.

There are a number of relevant international SALW instruments in Central Asia, including the United Nations 2001 Programme of Action (PoA), the OSCE principles, the OSCE SALW Document and the OSCE Ammunitions Document. However, all these documents are politically, but not legally binding. So far, only Tajikistan has submitted a formal report on the implementation of the UN PoA in July 2003. While there have been a number of allegations that weapons from Central Asia have been illegally diverted to countries with a poor human rights record or are in conflict, subject to UN sanctions, most of these allegations date back a number of years and most exports currently appear complying with international norms. However, due to the lack of transparency in the region this information is difficult to verify.

In the conclusion, the authors recommend the following:

- To take measures to increase transparency with regards to SALW exports;
- To revise and enhance the present stockpile management procedures;
- To build research and advocacy capacities of civil society organisations so that they can fulfil their vital conflict prevention role; and
- To increase involvement in international instruments on SALW control and bring national legislation into compliance with these.

1. Introduction

1.1 Background

Central Asia stretches from Russia in the north to Afghanistan in the south and from the Caspian Sea in the west to the Xinjiang province of China to the east. It is comprised of five former Soviet Republics that became independent in 1991: Kazakhstan; Kyrgyzstan, Tajikistan; Turkmenistan and Uzbekistan. This study focuses on three of the Central Asian countries: Kazakhstan, Tajikistan and Kyrgyzstan. Kazakhstan is a manufacturer of both SALW and ammunition, while the Kyrgyz Republic manufactures ammunition. Tajikistan is a post-conflict society with significant SALW surplus from the 1992-97 civil war.

During the Soviet period, the relative remoteness of the Central Asian republics encouraged the Soviet Government to locate a number of strategic industries in the region, including factories that produced naval torpedoes and ammunition in the Kyrgyz Republic and nuclear and conventional weapons testing grounds in Kazakhstan. Following the Cold War era the defence industries in Central Asia have faced similar problems to those in the rest of the former Soviet bloc, namely a drastic decrease in funding, the need to restructure and rationalise the industry, and the decreased morale of the personnel. All three countries also inherited significant weapons stockpiles from the Soviet Army and each country has had to address issues of stockpile management. Moreover, the countries also had to face many of the problems related to SALW worldwide, including corruption, organised crime, poverty, weak security sectors and lax state oversight.

Despite recent international attention to the region after the US-led Coalition started the war against the Taliban in Afghanistan, SALW research in Central Asia remains scarce. Despite a number of potentially escalating factors, such as authoritarian governance, corruption, ethnic tensions, poverty and resource competition (especially over land and water), the region has remained largely peaceful. However, the significant levels of armaments remaining in the region and the continued, albeit limited production, together with the lack of international accountability, are raising serious concerns about the potential leakages of SALW to illegal markets, both internal and external. For these reasons, Central Asia is highly relevant for continued research on SALW issues.

Uzbekistan and Turkmenistan would be highly relevant in this type of study: both these countries have post-Soviet SALW stockpiles, and are making serious moves to strengthen their military forces. In addition, Uzbekistan has a substantial international military presence on its territory. However, the lack of openness of these governments on SALW issues, as well as to other defence-related matters, prevented their inclusion into the research. We do recognize that the exclusion of these countries, particularly Uzbekistan, presents a significant gap in the present report, but it is hoped that continued work in the region would allow exploring the SALW situation in Uzbekistan

and Turkmenistan in more detail. The recent fighting in Tashkent between Uzbek security forces and insurgents that resulted in over 20 deaths makes the examination of the situation in Uzbekistan even more important. For the sake of comparison, both Uzbekistan and Turkmenistan are reflected in the table on the ratification of international agreements on SALW by Central Asian States.

1.2 Relevant International Agreements

There are a number of international treaties that are relevant to the regulation of SALW in Central Asia, including UN and OSCE instruments, the Wassenaar Arrangement and the NATO structures. The OSCE documents and the UN Programme of Action are the only existing politically binding agreements in the region; and although no Central Asian state has signed the UN Firearms Protocol, this is the only legally binding agreement applicable to the region.

1.2.1 *United Nations (UN)*

The UN Programme of Action

The Programme of Action (PoA) was adopted at the UN Conference on Preventing, Combating, 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 numerous 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, with 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

The UN Firearms Protocol

The UN Firearms Protocol (also known as the Vienna Protocol) was adopted in May 2001 as a supplement to the UN Convention against Transnational Organized 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.

The UN Security Council Resolution 1373

The events on and after the 11 September 2001 terrorist attacks on the USA generated 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 state sponsors of 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 (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. While Stage A of the CTC's priority list focuses on introducing relevant legislation, the Stage B lists the issues of practical concern that states need to address: first, police and intelligence structures; second, customs, immigration and border controls; and third, controls preventing the access to weapons by terrorists.

1.2.2 Organisation for Security and Cooperation in Europe (OSCE)

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 combating 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.

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; and peacekeeping requirements. Member states are required to avoid transfers that will be used for violating human rights and threaten the national security of states.

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.

1.2.3 North Atlantic Treaty Organisation (NATO)

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 combating the problems of SALW proliferation and misuse. However, in contrast to the other international initiatives, NATO aims to develop tailored assistance to target countries.²

The Partnership for Peace

The Partnership for Peace (PfP) was established in 1994 and currently involves 30 partner countries.³⁰ 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. Further, a PfP trust fund supports the safe destruction of stockpiled antipersonnel landmines and other munitions.

1.2.4 Wassenaar Arrangement (WA)

The Wassenaar Arrangement (WA) is 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. Compared to the latter, however, the Wassenaar Arrangement has a wider number of participant countries, extended control lists and an information exchange mechanism. It 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 SALW 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.

Table 1. Ratification of International Agreements within Central Asia

	UN POA	UN Firearms Protocol	OSCE SALW Document	OSCE Principles	OSCE Ammunitions Document	PIP	EAPC	Wassenaar Arrangement
Kazakhstan	NP	No*	Yes	Yes	Yes	S (1994)	Yes	No (expecting to enter)
Kyrgyzstan	No	No*	Yes	Yes	Yes	S (1994)	Yes	No
Tajikistan	NP, NR (2003)	No*	Yes	Yes	Yes	S (2002)	Yes	No
Turkmenistan	No	No	Yes	Yes	Yes	S (1994)	Yes	No
Uzbekistan	No	No*	Yes	Yes	Yes	S (1994)	Yes	No

Key: S-Signed, NP-National Point of Contact; NR-National Reports (year)

**However, these states have signed the UN Convention against Transnational Organized Crime, which includes the Firearms Protocol.*

1.3 Central Asian States Participation in International Mechanisms

Kazakhstan and Tajikistan are the only two countries in Central Asia to have established national focal points as outlined in the PoA. Tajikistan is the only country to have reported back at the 2003 UN Biennial Meeting of States on the implementation of the PoA. The Central Asian states all adhere to the OSCE documents and principles but none of them is signatory to the UN Firearms Protocol. This suggests that a politically binding document is easier to commit to and reflects the lack of political will to implement a legally binding SALW framework.

However, there have been attempts to address the SALW issue in the region. The OSCE has been one of the first international organisations to address SALW issues in Central Asia. In 2001-2002 it organised a series of seminars with government officials on the illicit trafficking of SALW. In particular, these addressed control over the manufacture and transfer of weapons, stockpile management and security, marking and tracing of firearms, and weapons collection and destruction. The seminars also

addressed demand-side issues, such as regional instability and drugs trafficking, focusing on the implementation of the OSCE Document on Small Arms. Subsequent to this, the OSCE organised the International Conference on Enhancing Security and Stability in Central Asia in Bishkek, Kyrgyzstan in December 2001, which included representatives from other OSCE member states. While the ministers referred to the issue of illicit trafficking of SALW directly in their Plan of Action, this was clearly not the focus of the conference, since at the time, “terrorism” and the situation in Afghanistan were important priorities.

The UN Regional Centre for Peace and Development organised a meeting in March 2004 in Almaty, Kazakhstan examining the implementation of the PoA in Central Asia. The aim of this meeting was to encourage states to be more active in reporting back on their implementation of the PoA as well as to give practical guidance on what are the commitments that the PoA requires.

None of the states in Central Asia are members of the Wassenaar Arrangement, although Kazakhstan is currently exploring the possibility of becoming a member.⁴

NATO's areas of cooperation with Central Asia has focused in such issues as democratic and military reform, scientific cooperation, and civil emergency planning, with terrorism, drug-trafficking and organised crime becoming more prominent in the aftermath of the September 11 events.⁵

1.4 SALW Concerns in Central Asia

Illegal proliferation of SALW by terrorist groups is of utmost concern for governments in Central Asia. Hizb-ut-Tahrir (HuT), one of the Islamist organisations existing in the region, reiterates in its programmatic documents that it plans to achieve its aims only with non-violent means. Although in one recent case, the Kyrgyz police discovered caches of SALW allegedly belonging to HuT, the ownership of these is disputed.⁶ Another organisation, the Islamic Movement of Uzbekistan (IMU), has been held responsible for violent incursions from the Tajik territory to Kyrgyzstan in the summers of 1999 and 2000; however, in 2001-2002 IMU suffered from the anti-terrorist coalition actions in Afghanistan and generally ceased to be perceived as an immediate threat.⁷ However in late March there was heavy fighting in the Uzbek capitol, Tashkent. The links between this fighting and the IMU have not yet been established but it indicates that there continues to be an armed opposition to the government within the country.⁸

The linkage between drugs smuggling and organised crime with the illegal SALW proliferation is another present concern. The drugs in the region originate mostly from Afghanistan (mostly heroin, but raw opium as well) and Kyrgyzstan (cannabis) and through a number of routes reach Russia, and further, Europe. Drugs production in Afghanistan has been on the rise (especially after the defeat of the Taliban).⁹ The relative success of the Iranian police in preventing trafficking through their country, through such measures as enforcing the 1600-kilometer-long border with Afghanistan,¹⁰ and arming civilians living in the border areas¹¹, has also made the routes through Central Asia more attractive. The Tajik armed forces and police have been discovering arms and drugs caches on a regular basis over the last few years (for more details see the Tajikistan section of this report).

2. Tajikistan

2.1 Background and overview

The SALW situation is a greater challenge in Tajikistan than in any other Central Asian republic. Following a civil war in the mid-1990s, illicit weapons possession by individuals, political and criminal groups, as well as SALW trafficking, continues to be widespread. However, Tajikistan has slowly begun to ameliorate the conditions that generated the conflict and illicit SALW demand in the country. With recent internal stability and the reduction of external threats from militant Islamists, the government now has the necessary space to make significant progress in tackling the challenge of SALW proliferation in Tajikistan.

Civil war enveloped the country after the dissolution of the Soviet Union in 1991. The conflict reflected both tension between the regions exacerbated by uneven and fragile economic development, and a post-Soviet power struggle where the position of top-level government officials was challenged by regional and national elites.¹² While most of the fighting had ended by 1993, a peace agreement was not signed until 1997, and significant political violence continued up until 2001. Nevertheless, Tajikistan has avoided fragmentation along regional lines. The government, opposition, and international actors have often successfully worked together to re-establish security in the country and begin to rehabilitate its economy.

Since the start of the Anti-Terrorist Coalition operation in Afghanistan in October 2001, following the events of September 11th, the threat of Islamic militancy from Afghanistan has decreased, at least in the short-term. However, with the demise of strong central government in Kabul, the flow of drugs out of the northern poppy-growing areas of Afghanistan has apparently increased. In 2002 Tajikistan seized a record 6.5 tons of narcotics.¹³ With this increase in drugs trafficking one can expect an increase in the flow of SALW used for security by traffickers or perhaps transhipped alongside drugs. Since late 2001, a small number of Western troops, including U.S. and French forces, have been located at the airbase in Kulyob. In addition, donor support for the Tajik government has increased due to increased appreciation of Tajikistan's strategic importance.¹⁴ While this increase in support may strengthen the Tajik government's attempts to rehabilitate the country's economy, as yet little funding has been directed to address the problem of SALW proliferation.

In 2003 Tajikistan maintained a rather uncertain and shallow peace. While the government succeeded in establishing its authority throughout the country, progress was based on war-weariness, opposition weakness, the limited role of the Dushanbe government in the outlying regions of the country (where a heavy-handed approach would be least appreciated), and a partially successful process of rehabilitation. While recent stability has provoked a sense of optimism, the interrelated problems of poverty,



state fragility, and the ongoing presence of a large quantities of illegal SALW, exacerbated by regional insecurity, could lead to further violence in the future.

Under the Soviet Union, although state control of SALW was stringent and personal possession of weapons was heavily circumscribed, SALW were relatively common in Tajik households.¹⁵ However, it was the instability leading to the civil war in 1992 that caused the proliferation of SALW in the country. In May 1992 alone, 10,000 SALW, including AK-47s and Makarov pistols, were distributed to conflicting parties.¹⁶ Most SALW were of Russian origin, obtained from the former-Soviet, Russian troops who continued to be stationed in Tajikistan after 1991. After the establishment of a CIS peacekeeping force in 1993, 'leakages' from Russian and CIS forces continued. Uzbekistan was a further source of SALW, as well as military training, to various pro-government factions.¹⁷ In the mid-1990s up to 12,000 Tajik opposition fighters were based in Northern Afghanistan, from where they continued to receive military assistance.¹⁸ Given the poverty, instability, and the demand for SALW, illicit trafficking of arms into Tajikistan by a number of routes was inevitable.

The period of civil war and its aftermath has contributed to the destabilization of the social system, bringing high-levels of illegal personal and group weapons possession. According to the Ministry of Interior (Mol), 9,694 SALW are legally registered, but many more are thought to exist in practice.¹⁹ A wide variety of SALW largely of Soviet or CIS origin are possessed and used in Tajikistan today, including AK-47 and AK-74 assault rifles, sniper files, sub-machine guns, machine guns, and rocket-propelled grenades.²⁰ The disarmament process led by the Commission on National Reconciliation (CNR), government amnesties for SALW, and a presidential decree banning the public display of weapons by private citizens has lessened the appearance, and to some extent, the scope of illicit SALW in Tajikistan. Aid agencies working in conflict-prone areas of the country, such as the Karategin Valley, report a notable decline in the public display of and incidents involving SALW since 1997.²¹ However, the challenge of the problem lies in the unknown quantity of weapons remaining in the country.

What is certain is that security forces seize SALW, sometimes in large quantities, on an almost daily basis, thus suggesting that illicit weapons possession and caches remain widespread. Records of such seizures are kept by the Mol and provided to the United Nations Tajikistan Office of Peacebuilding (UNTOP).²² Small-scale seizures are frequently made from individuals and often, drug-trafficking gangs. In addition to such seizures large caches are also uncovered, usually in border areas. These caches may be remaining from the civil war or have been more recently stashed by drugs traffickers. Often drugs and SALW are found together in caches, which are sometimes mined, apparently deposited by drugs traffickers from Afghanistan.²³ The Tajik Committee for the Guarding of State Borders (CGSB) reported finding 11 such caches in the first five months of 2003.²⁴

According to government officials in Dushanbe, today SALW trafficking takes place only alongside the trafficking of drugs, and as such there is no illicit trade in SALW per se.²⁵ Most SALW seized at the border are taken from drug-traffickers. Detailed official figures provided by CGSB suggest a consistent pattern of small-scale weapons seizures often accompanying seizures of drugs. Figures for the total number of SALW

seized at the border – by both Russian and Tajik guards are not available, but figures from CGSB show around 500 SALW and over 200,000 rounds of ammunition seized between 1993 and May 2003.²⁶ However, it is likely that these seizures represent a small proportion of the drugs and SALW crossing Tajikistan's borders. As the first line of interdiction, Russian guards seize a far greater volume of contraband products, but they are allegedly the ones who have been accused of reselling the seized weapons.²⁷

It has been argued that trafficking of SALW across Tajikistan existed independent of drugs-trafficking, and that there was, "considerable internal weapons trading and trafficking within Tajikistan."²⁸ However, additional research needs to be done in order to identify whether SALW trafficking, independent of drugs trafficking, continues to take place in Tajikistan.

2.1.1 Ongoing demand for SALW

The continued existence of large-scale weapons caches and the illicit trafficking of SALW poses a threat to the security of Tajikistan, suggesting that various criminal and political groups continue to have access to large volumes of weapons. Three different types of groups can potentially increase the demand for SALW: 1) factions in opposition to the Tajik government; 2) militant Islamist groupings such as the Islamic Movement of Uzbekistan (IMU) or Taliban groups; and finally, 3) organized crime groups, especially drugs-traffickers.

The remaining prominent and active opposition commanders were largely wiped out by government operations in 2001. However, rumours abound in Dushanbe of the danger of possible military confrontations between opposition and government forces.²⁹ While it is impossible to measure with any precision the military potential of such forces, it seems likely that caches of SALW continue to be guarded by oppositional figures, even those within government.³⁰ Indeed, in the past at least one government minister has used their position within government to distribute SALW to their supporters.³¹

Demand for SALW may come from the militant Islamic opposition in Central Asia, a term which is often used to include not just the IMU and Taliban but also the apparently peaceful Hizb-ut-Tahrir (HuT). Between 1999 and 2001 the IMU made a number of incursions into Kyrgyzstan and Uzbekistan via Tajikistan, killing and taking hostage a number of troops as well as occupying villages in various parts of the Ferghana valley. The alleged threat of such movements is well-documented³² and often-cited by Central Asian governments as the premise for further repression of the opposition. The threat is probably exaggerated; there is no hard evidence that HuT has any potential or intent for violence,³³ and the threat of the IMU and Taliban seems to have diminished since the US-led war in Afghanistan. Nevertheless, given the record of IMU/Taliban in Tajikistan, Kyrgyzstan, and Uzbekistan, it is credible that they could retain caches in outlying areas of the country.

Finally, organized crime groups are clearly responsible for a number of weapons caches and a large volume of the SALW trafficked across Tajik borders. Such groupings are allegedly very powerful, having links to high-level government officials, and retaining significant political influence.³⁴ Indeed, the overlap between the three types of groupings is very common, with both governmental security forces and opposition figures implicated in drugs trade.³⁵ In short, illicit SALW possession and trafficking by criminal/political groups serves a number of purposes, the foremost of which seems to be their use for drugs trafficking.

2.1.2 Disarmament programmes

Under the terms of the June 1997 peace agreement, a Commission of National Reconciliation (CNR) was established, with a mandate incorporating the disarmament, demobilisation, and reintegration (DDR) of ex-combatants. By the end of 1998 the CNR announced the registration of 6,238 opposition fighters and 2,119 weapons handed in; a ratio of approximately 3 fighters for every weapon. By August 1999 the official disarmament process was declared complete although only a minority of

the weapons thought to be held by the opposition forces had been handed in. A further problem of the DDR process was the lack of independent monitoring and poor record-keeping.³⁶ The United Nations Mission of Observers in Tajikistan (UNMOT) officials admitted that the number of arms held in stores fluctuated from day to day as weapons were removed and carried by fighters in public.

Both before and after the official disarmament process the Tajik government has tried other methods to collect weapons that are illicitly held by the population, including offering an amnesty to individuals who voluntarily surrender weapons. This has since been extended a number of times and included in the criminal code of Tajikistan.³⁷ The amnesty was due to expire on 31 December 2003, but according to the officials, it is still continuing.³⁸ Other measures included a presidential decree in 2000 banning the public possession of weapons by all except the security services.³⁹ Through the amnesty and 'search and seize' operations, the Ministry of Interior claims to have collected 26,000 weapons since 1994.⁴⁰ UNTOP estimates that 90% of these weapons were handed in voluntarily with the remaining 10% forcibly removed.⁴¹ The amnesty combined with zero-tolerance on public possession seems to have been at least partially successful, however it may now have served its usefulness as a means of collecting SALW illicitly held by the general population.

With large volumes of weapons collected and held by various agencies of the government, and the fragility of the peace, dealing with such confiscated SALW is a key issue facing Tajikistan. The process of dealing with seized weapons is largely decentralized, managed by the particular organ of government which made the seizure. If a weapon is found to be used it should be sent to a criminal laboratory for analysis – however such facilities in Tajikistan are limited. However, in practice more than half of weapons seized are unused. These weapons, by law, are automatically registered and then brought into use by whichever organ made the seizure. One government official reported that it is common practice for the security forces to recycle confiscated SALW.⁴² Furthermore, according to the Ministry of Interior, no system of marking confiscated weapons is in operation.⁴³

While, in principle, it is difficult to criticize an impoverished government for recycling weapons as opposed to buying them new, this practice raises clear problems of transparency and accountability. Without a practice of marking confiscated arms the danger of individuals in the security services selling-on SALW cannot be prevented.

2.1.3 Surplus weapons and stockpiles

A similar problem surrounds those weapons which are held in official stockpiles. The Ministry of Interior of Tajikistan registers weapons held by civilian and security agencies, while military weapons are registered with the Ministry of Defence. Further records are held by the Agency for Standardization, Metrology, Certification, and Trade Inspection under the Ministry of Economy and Trade.⁴⁴ However, the government refuses to make information on stockpiles public, or even provide details to UNTOP.⁴⁵ The secrecy surrounding the government's handling of collected weapons and its own stockpiles raises questions about the reliability of official data and raises key problems of accountability.

2.1.4 Challenges, allegations and misconduct in Tajikistan

The allegations brought against SALW misconduct in Tajikistan concern the illegal activities of arms brokers who have used the Tajik facilities for their operations, the most notorious of them being perhaps Viktor Bout, accused of supplying arms to countries such as Liberia, Sierra Leone, Angola and Central Africa. Of lesser importance have been the alleged weapons supplies to the Northern Alliance in Afghanistan in late 1990s. While in both cases the Tajik government itself was unlikely to have

provided arms, it was accused of facilitating illicit transfers.⁴⁶ This serves as evidence for the weakness of institutional SALW control mechanisms in the country, as well as the continuing economic incentives to engage in such activities.

2.2 Elements of SALW Control Mechanisms in Tajikistan

2.2.1 *Export control mechanisms*

The 'Law on Weapons' of February 1996 is the principal legal instrument for regulating SALW issues in Tajikistan, aided by the March 2000 Government Resolution regulating measures for its implementation. The overall coordination of SALW issues is one of the functions of the Government Commission on Implementation of International Humanitarian Law (CIHL), however there is no specialized state body that would be responsible for SALW circulation.⁴⁷ Tajikistan has however established a national point of contact on the implementation of the UN PoA and has submitted a national report in 2003. Among the major gaps in the existing legislation is the lack of end-user certification and regulation of brokering activities.

The volume of drugs trafficking has increased considerably since the US-led war in Afghanistan. The amount of drugs seized by Tajik law enforcement and Russian border guards has increased by around 45% from 2002 to 2003.⁴⁸ This has been attributed partially to an improvement of the work of the relevant agencies and ministries and partially due to an increase in trafficking itself, without any clarity as to which is the greater factor. Nevertheless, the increase in drug flows might serve as an indicator of an equivalent increase in SALW trafficking.

Significant international assistance is received by Tajikistan in its efforts to combat drugs trafficking. However, there is little understanding of the extent to which SALW trafficking exists independent of the trade in drugs. Further study may be required to understand the full extent of the problem of illicit trafficking in Tajikistan.

2.2.2 *Domestic SALW controls*

Tajikistan's fragility as a post-conflict state and the inter-related problems of corruption and drugs-trafficking at the highest levels of government raise serious questions about the government's ability to tackle the country's SALW problems. However, in recent years the government has appeared more willing and able to implement legislation and regulations against illicit SALW possession and trafficking.

The 1996 'Law on Weapons' classifies weapons, regulates SALW possession, and details procedures for registration and licensing. SALW-related crimes are punishable by law, with the Tajik Criminal Code having specific provisions concerning these offences. The Criminal Code also determines the extent of punishment for various arms-related crimes, including possession, sale, delivery, storing, transportation, carrying, production, and theft. However, neither the Criminal Code nor the Law on Weapons makes explicit reference to arms brokering.⁴⁹

Government officials claim that there are sufficient legislative mechanisms to fight the problem, as illustrated, they argue, by the many prosecutions that have taken place.⁵⁰ While extensive regulations are on the statute books, their adequacy and effectiveness leaves much room for improvement. Many regulations and legislative acts have been adopted on various SALW issues, but they are scattered and incomplete, largely modelled on legislation adopted during the Soviet Union.⁵¹ Nevertheless the key challenges facing Tajikistan as it seeks to tackle its SALW problem relate to implementation rather than the legislation itself.

2.2.3 *Border control*

One of the consequences of the civil war has been the extent of Russian military involvement in Tajikistan. Russia led the way in organizing a small CIS peacekeeping force from 1993; in addition to that, the border guards of the Federal Border Service of the Russian Federation, are still maintained along Tajikistan's southern border with Afghanistan (however, they are due to withdraw in Summer 2004). The total Russian presence at one stage numbered 20,000 troops.⁵² Tajikistan came to be seen, by both Russia and by neighbouring Uzbekistan as a troublesome border area (albeit emphasising different types of threats), where Afghanistan's instability and Islamic militancy could spill over into the CIS region. Currently Russia remains Tajikistan's most important strategic partner and Russian border guards continue to provide the first line of defence at the Afghan border.

While, arguably, governments in the regions have exaggerated the threat of Islamic extremism, there is no doubt that Tajikistan's 1,340 km border with Afghanistan provides a major challenge to national security. During the civil war, opposition forces were backed by some Afghan commanders and both refugees and combatants fled to Afghanistan following the victory of 'government' forces in 1993. Throughout the 1990s the threat of cross-border raids from Afghanistan was a constant security concern for the government. However, the most important factor in Tajik-Afghan relations is the problem of the huge cross-border flow of narcotics, primarily heroin and to a lesser extent opium, out of Afghanistan. Since the demise of the state structures of the Soviet Union, Tajikistan has provided a convenient transit point through which Afghan heroin can reach the markets of Europe. The CGSB cites numerous trafficking routes across all four regions of the country, with the Shuroabad region of Khatlon province being the most common entry point.⁵³

2.2.4 *Civilian possession*

While over the course of the DDR process and under the terms of the government amnesty, significant numbers of SALW have been handed in, it is likely that a great number remain in circulation. Estimates of the number still in possession start at 20,000 but without significant research such estimates are no more than educated guess work.⁵⁴ Nevertheless, with a high level of illegal personal SALW possession suspected in Tajikistan, the country faces the dilemma of how to deal with the problem. Beyond the continuance of the current amnesty on SALW, four options are apparent, all of which are reflected in the opinions or proposals of different national and international actors in Tajikistan. These are: 1) collecting as part of a buy-back programme, 2) in-kind purchasing, 3) collecting through development assistance programmes, or, alternatively, 4) a harm-reduction approach.

The Tajik government has favoured a buy-back programme, where individuals are paid cash for weapons they hand in to the authorities. A small-scale buy-back programme has been underway for three years but with limited success.⁵⁵ Experience of buy-back programmes in other countries suggests that they can exacerbate the problem, and in fact create a black market in SALW. A more low-key alternative to buy-back is to provide in-kind or development assistance as an incentive to hand in SALW. Under in-kind programmes (favoured by the Ministry of Interior⁵⁶) in return for a weapon an individual gets an in-kind payment, such as agricultural equipment or livestock. In the alternative case, supported by the UNDP,⁵⁷ development assistance could be provided to a whole community – support for a school or health clinic for example – in return for a larger number of weapons being collected. In each case a credible collection programme must involve strict criteria to determine the level of support offered to a particular individual or community, to ensure that those who continue to possess large numbers of illicit SALW do not exploit this assistance.

The difficulties apparent with collection programmes have led others to suggest alternative approaches aimed at harm-reduction. The only SALW project currently underway in Tajikistan is a UNICEF project focused on youth, modelled on similar work undertaken by UNICEF in Kosovo.

However, given the sensitivity of SALW issues and the lack of an established point of contact in government the project was slow getting off the ground, requiring a green light from the government and the close involvement of officials.⁵⁸ Rather than attempting to collect weapons, the project seeks to tackle youth violence and support local social capital through awareness-raising of the problem of SALW. The Youth Committee under the President of Tajikistan, partners UNICEF in the project. The strength of the project is that it first attempts to assess the dimensions of the problem through survey research of youth perceptions of SALW, including the links to drugs and opposition groups. Following this, the results of the survey are 'round-tabled' in the community in an attempt to raise awareness and the capacity of youth to deal with the problem and to help them develop practical steps to address these.⁵⁹

Illicit SALW possession must be seen in the contexts of poverty and the culture of insecurity in Tajikistan. When individuals and families possess very little, their gun may be one of their few assets or status symbols, which cannot simply be handed in without something significant in return. While stability may have increased in Tajikistan, southern border areas in particular remain insecure. Until recently, the ongoing war in neighbouring Afghanistan was a major source of insecurity, and despite the fall of the Taliban, there remain widespread concern about the threats emanating from Afghanistan.⁶⁰ Any attempt to deal with illicit possession must recognize this reality, as part of an overall effort to address the poverty and security concerns of communities.

2.2.5 Transparency and accountability

Ultimately Tajikistan will be unable to make significant progress in any of the aforementioned areas without tackling the lack of coordination, secrecy, and unaccountability present in its governance of SALW issues. UNTOP works directly with police chiefs at the Ministry of Interior to receive information on SALW collected and seized.⁶¹ However, many other government departments and agencies are concerned with SALW and there is very little coordination between them. The central role of Russian border guards makes coordination more challenging, as Moscow must also be included in decision-making. Furthermore, there are concerns about openness and transparency on the part of the government. Without this, it is difficult to take official information seriously. Many official figures vary widely, leading to the suspicion of double-counting, and much of the information especially on SALW and disarmament is badly organized.

2.2.6 International assistance and cooperation

The challenges faced by Tajikistan in implementing international SALW agreements, in particular the UN PoA, are complex and extensive. They can be broken down into five areas: 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 over SALW issues.

In terms of SALW, there is no national coordination equivalent to that on drugs trafficking. In this case, the Drug Control Agency under the President of the Republic of Tajikistan coordinates the work of four different government organs as well as the Russian Border Guards.⁶² Recently, the Tajik government has worked with the UNDP to prepare its report to the bi-annual conference to review the 2001 UN PoA.⁶³ Representatives of the Presidential Administration have led the Tajik government's response. This has seemed to open up the prospect of improved coordination in the future, similar to that on drugs.

An element of accountability can be brought about through partnerships with international organizations and civil society. To date, international assistance to the Tajik government has been limited. This is largely a reflection of the low priority afforded to SALW in comparison to drugs-

trafficking and other security issues facing the country. The OSCE has conducted regional seminars and workshops highlighting the dimensions of the problem and provided some technical support and training to border guards.⁶⁴

2.2.7 Civil society involvement

While there is a relatively strong civil society in Tajikistan, none of the NGOs are at present directly involved in tackling the SALW problem. A major reason for the absence of civil society work on SALW issues may be the perceived sensitivity of the issue which leads to an extreme cautiousness on the part of NGOs who might otherwise be able to contribute. NGOs in Dushanbe may feel that programmes relating to SALW might be seen as 'oppositional' by the government.⁶⁵ The national Red Crescent Society of Tajikistan (RCST) cited that although the ICRC approved work on SALW in 1999 it would need government direction and approval to become involved in such projects in Tajikistan. For this reason RCST initially declined to participate in the aforementioned UNICEF project on SALW.⁶⁶

The absence of government-civil society partnerships on SALW reduces the government's ability to confront the challenge. However, the RCST's involvement in Mine Awareness projects to support demining efforts along the Tajik-Uzbek border, and its strong working relationships with government departments, suggest that it has the potential to work with government and international organizations on SALW issues. Such cooperation may contribute to more open and effective governance in this area.

2.3 Perspectives

The widespread involvement of international organizations in Tajikistan and the increase in donor attention on Central Asia, alongside recent stability in Tajikistan, provides an excellent opportunity to alleviate the country's SALW problem. Coordinated, open, and accountable governance on SALW issues is the priority for Tajikistan and the prerequisite for significant progress. The role of the Drugs Control Agency under the President and RCST's involvement in mine-awareness provide models, which could be adopted in the case of SALW. From this foundation Tajikistan can begin to confront the other challenges outlined. Most importantly a considered strategy must be developed to deal with illicit arms possession. Other priorities include the introduction of a system of marking confiscated weapons, the release of data on stockpiles (at least to UNTOP), and undertaking research to understand better the challenge of illicit trafficking.

The improved security may seem to reduce the importance of the continuing challenge of SALW in Tajikistan. In fact, the situation today presents an opportunity for progress that should be grasped by government, international organizations, and civil society.

3. Kazakhstan

3.1. Background and overview

Kazakhstan is the largest state in Central Asia and a major pillar of strategic stability across the region. Its main exports are oil and other natural resources and it is the wealthiest country in the region. However, as with many other former Soviet Union Republics, its transition towards democracy and a free market economy has not been without difficulties. Although the relations between different ethnic communities in Kazakhstan are relatively harmonious, the tensions could potentially increase, especially if there is an economic downturn resulting, for example, from a drop in oil prices.⁶⁷ Organised crime is an issue and drug smuggling from Afghanistan and Tajikistan has a potential to further undermine security in the region. Illegal SALW flows into Kazakhstan have been linked to the civil wars in Tajikistan, Afghanistan and the Caucasus.⁶⁸ Having a number of regions in its proximity that are perceived as unstable and potentially violent (including the Xinjiang province of China, the Ferghana Valley, Tajikistan and Afghanistan), the discourse on the dangers emanating from these countries is widely spread in Kazakhstani society.

Kazakhstan is currently the sole SALW producer in the region. It inherited the largest defence industry in the region which dates back to the Second World War period when arms manufacturing was transferred to Central Asia, strategically removed from the German front. Following considerable conversion programmes in the early 1990s, the only SALW manufacturer in the country is the state-owned 'Metallist' enterprise based in Uralsk, a subsidiary of 'Kazakhstan Industries', which is a result of the March 2003 merger of more than 20 state-owned defence companies. This was part of the government policy, which considers sustaining an indigenous defence industry as an important strategic objective.⁶⁹ However, as the Kazakh military have significant SALW stockpiles, largely inherited from the former Soviet armed forces, the survival of the industry will depend on successful arms exports. In order to facilitate the SALW export, 'Metallist' is producing such Warsaw Pact calibre weapons as well as NATO 9 mm calibre machine pistols.⁷⁰ While the Western markets have not traditionally been targets for these weapons, it can be assumed that they will ultimately be intended for export to developing countries that have traditionally used NATO calibre weapons, or countries of the former Warsaw Pact which can not afford to purchase large numbers of Western manufactured arms.

However, a key concern is the use of the country as a transit point for the illicit smuggling of drugs. The link between organised drugs smuggling and armed violence has been detected in other parts of the world, especially the Andean region of Latin America. One possible explanation for the lack of a link between the trade in drugs and demand for SALW in Central Asia has been that so far, drug smuggling has been carried out by indigenous criminals who are less likely to fight with the security forces.



However, if the gangs that have up until now used Iran as a transit country, begin to use Central Asian routes, this will almost certainly change. While there is not enough information available to make such conclusions regarding this link in Kazakhstan, it is important to bear in mind that the activity of non-state actors remains a long-term issue of concern and a potential source of SALW misuse.

Kazakhstan is a relatively wealthy country in terms of GDP in comparison to its neighbours. This wealth comes almost solely from its natural resource export and Western investment, thus making Kazakhstan a less likely recipient of international development aid. A recent UNDP strategy paper argues that there is still potential for unrest in the country, which could be caused by continued ethnic tensions, chronic poverty in some sections of the population, continued growth of Islamic militancy, and uneven development, especially in oil producing areas.⁷¹ The UNDP has therefore called for the introduction of the 'preventive development' concept, which would involve developing early warning capacities and addressing structural conflict causes prior to Kazakhstan falling into the 'resource curse'.⁷² This is especially relevant since Kazakhstan is not a fully democratic country and as such, if the level of discontent among the population increases, it is likely to be manifested through violent means since the political means remain unavailable. Thus, while SALW are currently not an immediate threat as an escalating factor, monitoring legal and illegal SALW flows is a vital element in both providing an important early warning indicator, and directly restricting the escalation of conflict.

3.1.1 Surplus weapons and stockpiles

Kazakhstan inherited significant quantities of SALW from the Soviet period. Apart from military stockpiles, there are allegedly significant amounts in caches along the Chinese border, which date back to the pre-independence period. During this period, the Soviet Union's defence strategy along its borders with China was based on of 'partisan warfare' where weapons caches were located in border areas, so that in the event of the attack by Chinese army, partisans would have a ready access to arms caches.⁷³ The arms in these caches might be in unworkable condition, but lack of government information on the matter poses concerns about the security of the caches and their vulnerability to theft by individuals or organised groups.

The relevant authorities appear not to be fully aware either of the exact quantities of the stockpiles, or the management procedures. The military have been very reluctant to be transparent about the numbers, types and distribution of these stockpiles. Since independence there has been no inventory organised in Kazakhstan, and attempts to undertake it met with fierce resistance from the military, in some cases allegedly resulting in a number of fires at stockpiles, seemingly to cover up for the loss of weapons from the stockpiles.⁷⁴

Although thefts from stockpiles have been regularly reported, their scope and the ultimate destination of the stolen SALW remain unclear.⁷⁵ While the most common speculation is that many of these were transhipped to the areas of ongoing or latent conflict, in either Afghanistan or the Caucasus, significant numbers of weapons could have leaked to organised crime groups or terrorists. The

government claims that all illegal weapons seized during the collection operations, are destroyed.⁷⁶ However, no such evidence of destruction programmes have been found. Despite that, external sources suggest that, while there was no weapons destruction programme as such, the Kazakhstan military have been known to deliberately use large amounts of ammunition in military exercises in an attempt to reduce ammunition stockpiles.⁷⁷ This ambivalent attitude clearly calls for the establishment of regional SALW clearinghouses or technical support programmes similar to those which the UNDP has been supporting in West Africa, Latin America and South Eastern Europe.

The absence of a weapons destruction programme creates the perception of a lack of political will to address the issue of stockpile management within Kazakhstan. Therefore, firstly, the international community should strongly encourage and financially support the government of Kazakhstan to conduct an inventory in order to stem further leakage of SALW. Furthermore, if the inventory finds inappropriate or surplus weapons, it is vital that these should be destroyed. Despite its clearly controversial nature, this is an issue that needs to be addressed. However, it is obstructed by the lack of transparency which can be traced back to the culture of military secrecy inherited from the Soviet period. This culture generates false suspicions and accusations against the authorities, which however could be easily and rapidly dispelled if the government were more open regarding its SALW situation.

3.1.2 Challenges, allegations and misconduct in Kazakhstan

After independence the country found itself a reluctant nuclear power, inheriting significant weapons of mass destruction (WMD) stockpiles, which it could not access or use. Kazakhstan voluntarily disarmed its nuclear stockpiles and has become a leading advocate of nuclear non-proliferation, being actively involved in the adoption in September 2002 of a treaty establishing the Central Asian nuclear weapon-free zone.⁷⁸ International attention has been focused on WMD, and understandably, the issues of conventional weapons in general and SALW in particular, have been overshadowed by the process of WMD dismantling.

While Kazakhstan is keen to be seen as a democratic country, the civilian control of the military and the accountability of state organs to elected institutions in the military sphere is (as elsewhere in the world) the slowest. Thus, on a number of occasions in the past, Kazakhstan has been accused of deliberately ignoring SALW export criteria, demonstrating both lack of effective control and lack of political will to introduce them. A number of dubious weapons exports that Kazakhstan has been implicated in have come to the attention of the local and international media. Some of the largest scandals involved heavy weapons, such as military transport planes, missile systems, anti-aircraft cannons and fighter planes, illegally sold to rogue states and conflict zones, including Congo, Yugoslavia and North Korea. These have been highlighted elsewhere⁷⁹ and are not a focus here. Their relevance to this study is that they indicate both the scope of available weaponry stockpiled in Kazakhstan, and the lack of state control over exports.

However, Kazakhstan strives to be perceived as a country abiding by international norms. While the last of the export scandals occurred about five years ago, lack of transparency does not allow confident claims that the country's conduct in weapons exports has improved.

3.2 Elements of SALW Control Mechanisms in Kazakhstan

3.2.1 Export control mechanisms

Kazakhstan was one of the first countries in Central Asia to introduce export control mechanisms with adoption of the Law on Weapons Control in 1996, which has subsequently been amended a number of times.⁸⁰ Because of the significant amount of nuclear related technology in the country much of the concentration on export controls has been in the area of WMD,⁸¹ however, current legislation does

also cover SALW. The control lists have been produced with the active support of the US Departments of Trade and Defence as well as the State Department. Further assistance was also provided by the European Union. There are also controls on exporting to a number of prohibited countries, which are based on the UN Sanctions List, complemented by a number of countries that are on US and EU sanctions lists.⁸²

In order to engage in SALW brokering, there is a requirement to obtain a government licence, and a specific licence is further required for each export. Further, the need to obtain an end-user certificate aims to restrict the onward export of weapons through transit states. The responsibility of licensing lies with the Defence Industry Committee (DIC), which is part of the Ministry of Industry. This creates a potential conflict of interests, as the body responsible for the promotion of exports is also the licensing body. The DIC responds to this criticism by pointing out that the Ministry of Foreign Affairs does have input in the process, primarily through preparing the licence by checking the human rights aspects as well as ensuring that the export is not a breach of sanctions⁸³. In addition, Customs authorities are also consulted. The DIC further argues that, as the issuing of a licence requires a number of separate factors to be taken into account, having one officer in command of all the facts of a specific case improves the licence system.⁸⁴

Lack of transparency regarding security issues, including arms exports in Kazakhstan, makes it very difficult to successfully assess the impact and efficiency of the legislation on SALW control. Although the DIC points out that current arms export levels are extremely low, greater transparency in the export of SALW is vital in order to assess the current situation effectively.

3.2.2 Domestic SALW controls

According to the December 1998 'Law on State Control on Certain Types of Weapons', SALW in Kazakhstan are divided into three broad categories:

1. Hunting or sporting weapons: these include rifles and shotguns but not automatic weapons. They are registered at the point of sale but there is no requirement to possess a licence to own them.
2. Security weapons: These include handguns and sub machine guns. To own a security weapon one must be a member of police force or a licensed private security guard.
3. Combat weapons: These include automatic rifles and other traditional military weapons, and are legally held only by the armed forces.

According to current legislation, civilians are permitted to own sporting and hunting weapons (no more than five units) but not those defined as either combat or security weapons. Indirect sources suggest that there are at least 65,000 weapons owned by civilians in the country.⁸⁵ However, these are mostly hunters possessing hunting weapons. A police weapons collection operation in 2003 resulted in seizure of approximately 2,000 illegal SALW.⁸⁶ In total 36,000 illegal light weapons are officially claimed to have been collected and destroyed since 2001.⁸⁷ Officials claim that such wide availability of arms dates back to the 1970s, when arms were distributed to the population without being registered.⁸⁸ The same source recognised however, that this information is impossible to verify due to the loss of archives. Another source of illegally held weapons is craft production of SALW as well as the conversion of gas guns into firearms. This is a growing problem connected to organized crime, and therefore to the security issue in general.

Regarding security weapons, the requirements for civilian security guards are relatively high. Firstly, undergoing an accredited training course is required, and secondly, a licence is needed to carry a concealed weapon. However, several sources interviewed reported that it is relatively easy to obtain both a training certificate and a licence through bribing relevant officials. Allegations have been made that criminals have used this route to possess handguns legally. Police have the right to inspect

registered weapons and ensure that they are adequately stored. However, our research has indicated that the level of inspection is variable, depending on the priority which local police place on carrying out these checks. Other gaps in existing legislation include lack of regulation of gas-powered guns and restricting the carrying of weapons.

A response to these problems needs to be centred on three areas: firstly, in raising the willingness at the political level to address the challenges and problems of petty corruption in the security sector; secondly, in reviewing the legislation in order to ensure greater state oversight, especially of private licensed security guards; and thirdly, in improving the capacity of the police and other relevant authorities to enforce the law. Tackling corruption is a notoriously difficult matter: those who are expected to eliminate it are in fact those who profit most from it, and are therefore the least interested in addressing it. Corruption is further exacerbated by structural problems in the society, including weak institutions, low salaries for public servants, limited opportunities in the private sector, inactive civil society and the lack of independent media.⁸⁹ The task of tackling SALW possession therefore has to be implemented within wider social context.

3.3 Perspectives

Within Kazakhstan there is a general perception that SALW do not represent a major problem for the country. Rather, the government asserts that the major threats are external. However, in the absence of information it is difficult to draw any conclusions on the SALW situation in the country. The SALW concerns in Kazakhstan can be broken down into a number of specific issues. While legislatively there is relatively efficient regulation of SALW both with regards to civilian possession and in terms of export control, significant concerns remain about government's political will and administrative ability to implement the existing laws. Therefore the key requirement in terms of SALW regulation in Kazakhstan constitutes an increased political will to implement appropriate regulations. While the government realizes the need to address the issues, many of the proposed measures are geared towards greater controls. While this is important in the short-term, additional efforts have to be made to enhance disincentives for the SALW ownership and trade. These mostly concern socio-economic measures that increase the standards of life for the citizens and improve aspects of human security.

The international community should encourage and financially support the government of Kazakhstan to undertake the necessary measures, including inventory and destruction of surplus weapons. However, this might be obstructed by the lack of transparency, stemming from the culture of military secrecy inherited from the Soviet period. Thus, encouraging the government to become more transparent is a crucial step towards improving the overall SALW situation in Kazakhstan.

4. Kyrgyzstan

4.1 Background and overview

Kyrgyzstan is significantly poorer than Kazakhstan, not sharing the natural resources or economic infrastructure of its larger neighbour. It has not been a major arms producer, either in Soviet times or currently. For most of the 1990s Kyrgyzstan's sources of arms have been the stockpiles inherited from the Soviet army bases. Illicit trafficking and smuggling don't appear to have been significant sources of weapons.⁹⁰ Domestic SALW-related production is limited to ammunition production at the Bishkek Machinery Plant.

Within Kyrgyzstan a number of factors are commonly referred to as principal sources of instability. These include interstate disputes over territory, inefficient management of water and energy, widespread poverty and poor governance, exacerbated by ethnic tensions or extremist activities.⁹¹ This is especially relevant for the Ferghana Valley and southern parts of the country, including Osh, the country's second largest city, Djalalabad, a focal point for religious tension, and Uzbek-populated areas near the town of Uzgen in the Osh province where there have been small-scale armed interethnic clashes, as well as border areas with Tajikistan and Uzbekistan in general. There have also been tensions in the Uzbek and Tajik enclaves situated in the Batken province of Kyrgyzstan, which constitute havens within which the weapons can be stored without government control.

In the summers of 1999 and 2000 there were incursions into the Batken province by the Islamic Movement of Uzbekistan (IMU), a militant group based in Afghanistan. However, after the anti-Taliban operation in Afghanistan, the group allegedly lost most of its capacity and is not generally perceived as an immediate threat by most analysts.⁹² The government continues to express concern about the activities of the IMU, as well as about the activities of Hizb-ut-Tahrir, a clandestine Muslim organisation with a radical aim to establish a caliphate in place of Central Asian states, but a declared commitment to achieve it only through the non-violent means.⁹³ However, it remains unclear to what extent these organisations have access to SALW, or represent a real threat to the security of Kyrgyzstan. The proximity of Afghanistan has also had a destabilising impact on in the region over the several few years, however, the concern is currently shifting from the potential destabilising impact of Islamist militants, towards that of the impact of illegal drugs trafficking, especially heroin. The experience of other countries has been that drug trafficking often brings about increased use of and availability of SALW among criminal groups. Although a recent study on Kyrgyzstan claims this pattern has so far not been observed in Kyrgyzstan, the study concedes that this merits additional attention.⁹⁴

While most people interviewed for this study indicated that SALW are not perceived as a significant threat in Kyrgyzstan, some saw a potential for the growth of SALW problems, especially in the south of the country.⁹⁵ The major area of concern is



therefore that the government does not have sufficient infrastructure to both tackle the existing deficiencies, and safeguard against potential problems.

4.1.1 Surplus weapons and stockpiles

While there is no evidence of unauthorised transfers of SALW in the Kyrgyz Republic, the instances of theft, loss or smuggling by military and security personnel have been regularly reported in the media.⁹⁶ These allegations have been neither officially confirmed nor denied. While the Ministry of Defence does conduct its own inventories, these are not published due to the perception that such information is a matter of national security.⁹⁷ Furthermore, information regarding the destruction of surplus weaponry held by the military is not available to the public.

4.1.2 Challenges, allegations and misconduct in the Kyrgyz Republic

With SALW production limited to ammunition, and having inherited fewer SALW than Kazakhstan, Kyrgyzstan has been less implicated in questionable arms exports and transits. However there have been a number of allegations or cases of misconduct in this regard. The two most notable cases being transfer of arms from Iran through Kyrgyz territory to Northern Alliance Forces in Afghanistan in 1998, and the supply of conventional weapons to Liberia, violating the UN Security Council sanctions.⁹⁸ In 2001, the management of the ammunition-producing plant, the Bishkek Machine Building Plant, was arrested on corruption and misappropriation charges.⁹⁹ These cases have demonstrated that individuals within the Kyrgyz Republic have been able to sell or tranship the SALW relatively freely.

4.2 Elements of SALW Control Mechanisms in the Kyrgyz Republic

4.2.1 Export control mechanisms

Kyrgyzstan has developed a solid legislative basis for control over weapons of mass destruction (WMD) and in recent years has joined a number of relevant international agreements and organisations. However, this momentum has not yet spread over SALW control. For example, the law on 'Export Control' adopted in January 2003 does not specifically mention SALW. Although it might be argued that they are covered in the formula "other types of armaments and military equipment" (a standard formula throughout the Kyrgyz legislation), this interpretation is left open to ambiguity. However, the March 2003 Schedule for introduction of the national export control in Kyrgyzstan specifies that national control lists are to be developed by the first half of 2004. This is an important opportunity for the government to specifically reflect both combat and security types of SALW in this list.

There are a number of ministries and governmental bodies which have responsibilities in export control. The Commission for military-technical cooperation with the foreign states was created in

January 2000, with the Ministry of Defence (MoD) being its operational body. The Government Decree of October 1998 'On Licensing Organisations and Experts' specifies that MoD is the national organ whereas the Ministry for Economic Development, Trade and Industry is the licensor for armaments and military equipment. According to the November 2001 'Rules on Management, Handling and Circulation of Civilian and Security of Weapons', the Ministry of Interior serves as the national control organ for export and import of civic and service weapons.

As mentioned above, Kyrgyzstan is currently working on its national control list. In the meanwhile, it claims to be following the UN Security Council sanctions and embargoes. The MoFA and MoD are responsible for analysing the current or past sanctions, however unless this analysis is taken up in the form of a decree, it is not likely to have any legislative force. One of the drawbacks of the existing legislation is that it does not provide mechanisms for assessing the risk of the diversion of weapons into the illegal sector, nor does it contain a dimension relating to end-user certification. Similarly, there is no specific legislation governing arms brokering and related activities. However, these are all areas in which the UN Programme of Action calls for the introduction of controls by UN member states, which makes it an important guide for Kyrgyzstan in filling the legislative gaps.

Kyrgyzstan does not have a specifically designated body that deals with matters relating to the UN Programme of Action, and has failed to make a statement to the 2003 UN Review Conference or to submit a national report. In view of this, there remains a need for a national focal point position that would co-ordinate the country's response to the UN Programme of Action.

4.2.2 Domestic SALW controls

The Kyrgyz Republic has inherited and retained stringent regulations regarding SALW ownership from the Soviet Union. According to the 'Law on Weapons' of June 1999, SALW are subdivided to civic, service and combat arms. Civic weapons can be acquired for self-defence, sports and hunting. In order to purchase a weapon one has to acquire permission, initially valid for 3 years with possible subsequent 5-year extensions. Furthermore, upon acquisition the weapon has to be registered with the local law enforcement department. The service weapons are to be used by institutions with functions to protect life and health, property, environment, valuables, hazardous cargos or special mail.

Similar to the other countries in the region, it is difficult to assess the availability of illegal SALW in Kyrgyzstan. Unlike in Kazakhstan or Tajikistan, there have been no weapons collection programmes or amnesties, however, official sources claim that around 5 000 illegal guns have been collected between 1996-2003.¹⁰⁰ In general, since there has been no internal armed conflict within Kyrgyzstan, it is unlikely that there are high numbers of illicit weapons in private hands. However, civil society groups involved in conflict resolution state that the rate of SALW possession is higher in the south of the country and along the border with Uzbekistan and Tajikistan. These however, appear to have been largely acquired as a potential last resort rather than because of a specific need.¹⁰¹

The 'Rules on Management, Handling and Circulation of Civilian and Security of Weapons' of November 2001 govern the management of SALW stockpiles held by the police, security services, private organisations and individuals. However, the military are specifically excluded from these regulations. Relevant ministries, including the MoD, Mol, Ministry of Finance and Customs Service, have their own internal regulations relating to stockpile management, in accordance with national legislation.

4.2.3 Transparency and accountability

As elsewhere in Central Asia, information on SALW is surrounded with secrecy in Kyrgyzstan. The National Statistic Committee staff claim that information on SALW and ammunition is not available. Export datasheets classify ammunition as 'other industrial production', which makes it impossible to

single out exact figures. However, in 1994-2002 'other industrial production' has ranged from 0,5 per cent to 1.9 per cent of overall export. The ammunition-producing Bishkek Machine Building Plant maintains a website with detailed description of types of ammunition produced¹⁰², though no data on the volume of its production or trade is available to public.¹⁰³ This lack of official data impedes analysis of the situation and invariably raises suspicions.

4.2.4 *International assistance*

The Kyrgyz Republic has received assistance in addressing problems of its security sector, from a number of governments and international institutions, including the US government, EU and OSCE. Although these do not address SALW regulation directly, they do contribute to enhancing different aspects of SALW control.

Following the OSCE-organised December 2001 International Conference on combating the trafficking of SALW in Bishkek, the Kyrgyz Republic requested financial as well as further technical assistance. In August 2003, the OSCE started a programme on improving the capacities of the Ministry of Interior, which include enhancing information exchange procedures, education, drugs trafficking control and community policing.¹⁰⁴

Another initiative indirectly related to addressing SALW issues is border management and police reform addressed by EU in the framework of its 'Border Management in Central Asia' (BOMCA) programme, launched in July 2003 and implemented by the UNDP. It includes four major components: legal and organisational frameworks, infrastructure and equipment of border posts, intelligence and information, and social integration.¹⁰⁵

Finally, since the start of the Coalition operation in Afghanistan, when Kyrgyzstan offered air space and an airbase to the Coalition forces, the US has also increased its assistance to Kyrgyzstan, focusing on supporting border, security, anti-drug and defence structures through training, infrastructure development and provision of equipment.¹⁰⁶ The Russian Federation exerts significant influence in the Republic and has continued to support the military through, for example, bartering goods for military support.

4.3 Perspectives

The recent Small Arms Survey research on Kyrgyzstan concludes that the small arms problem in Kyrgyzstan "...is in fact not that serious".¹⁰⁷ However, Kyrgyzstan is a difficult case for examining the SALW situation, due to a complex mixture of both factors contributing to the SALW problem and factors containing it. The context seems to be conducive to SALW proliferation: this includes widespread poverty, competition for resources and interethnic tension in the border areas, low efficiency of the security forces, danger of SALW overspill from neighbouring Tajikistan, activities of armed non-state actors, drug smuggling and internal political rivalry – all of which increase the sense of insecurity among the population. These are however contained by strict state control over SALW possession, limited accessibility of SALW in terms of their price, and the cultural norms that consider guns to be a burden rather than an asset.

There remain significant challenges in both the legislation and its implementation that need to be addressed. Among these are such gaps as lack of export provisions, particularly concerning end-user certification and arms brokering. In addition, there is a need to harmonise the 'Law on Weapons' and the 'Law on Licensing'. The implementation gaps tend to be explained by lack of funds, equipment and training.¹⁰⁸ These have been addressed by the recent international assistance programmes, however, a critical factor in their success is increased accountability and anti-corruption measures by the government itself.

5. Conclusions and Recommendations

Since 2001, Central Asia has experienced increased donor attention and international involvement, primarily due to its strategic location in the war in Afghanistan. However compared to many other regions of the world, Central Asia has so far received limited attention with regards to SALW.

Our analysis demonstrates that although the three countries of region cannot be classified as gun-afflicted (with Tajikistan having perhaps greatest concerns regarding gun ownership), there still are potential areas of concern that could lead to an increase in gun-related violence, particularly with regards to communal violence and organised crime. Although the research does not detect clear connection between the drugs trade and the illegal proliferation of SALW, this is an issue that still needs to be monitored. This concern is prompted by experience in other parts of the world, such as the Andes in Latin America, where there is a clear link between the illegal proliferation of SALW and drugs transshipments. Violent incidents between the local population and drug smugglers in nearby Iran have, for example, prompted the Iranian Government to distribute the SALW among the population for self-defence.¹⁰⁹

Although Tajikistan, Kazakhstan and Kyrgyzstan have all developed some legal framework for the control of SALW export and import, as well as internal circulation, The extent to which they are implemented and therefore effective remains questionable. Presently there is relative commitment to processes of tackling the illegal proliferation of SALW by the governments in the three countries. However there are many questions on how this actually translates into practice. There is still a considerable gap between rhetoric and reality.

5.1 Transparency

The improved security and stability in the region can be interpreted as an indicator that state control over SALW has improved. In the mid-1990s, a number of allegations were made of Central Asian states exporting SALW to states with poor human rights records or those subject to international arms embargoes. However, the allegations that can be substantiated are at least 5 years old. Our research has shown no evidence of recent dubious exports. The states might appear to adhere to international norms and standards, but this is difficult to verify because of lack of transparency. Therefore, allegations of this sort will continue as long as exports of SALW are not transparent and open. It is then in the interest of the international reputation of Central Asian states to remove the air of secrecy around export controls.

Based on our key findings we propose the following recommendations:

- Make the export processes more open and transparent;
- Implement the basic good practice guidelines identified in UN the PoA;

- Establish a national point of contact (Kyrgyzstan);
- Establish an end-user licence mechanism (Kyrgyzstan, Tajikistan);
- Start (Kazakhstan, Kyrgyzstan) or continue (Tajikistan) submitting national reports to the UN.

5.2 Stockpile Management

All the Central Asian states experienced reductions in their defence budgets early in the independence period, in the situations where they inherited significant levels of armaments and ammunition from the Soviet times. One of the identified issues is therefore whether the arm stockpiles have been adequately controlled and managed. Without strong stockpile management, leakages of SALW to criminals and terrorists remain a relevant concern. As UN Security Council Resolution 1373 specifies, the states have to ensure that terrorist organisations are not able to gain access to armaments. Therefore, a key issue in fighting terrorism is preventing leakages of SALW into inappropriate hands. In Central Asia the issue of stockpile management is an area of vulnerability. The rate of firearms crimes committed by and weapons seizures from criminal organisations are issues that both the authorities and the international community must continue to monitor on a regular basis.

It is therefore necessary that all states:

- Conduct an inventory of the existing stockpiles;
- Revise current procedures on stockpile management including the location, the lock and key processes, and other physical security measures;
- Examine to what extent the stockpiled SALW and ammunition are appropriate to the current needs of the security sector;
- Undertake a cost analysis of the stockpiles in order to compare it to the cost of weapons and ammunition destruction; and
- Implement destruction programmes as appropriate.

5.3 Civil Society

With the changing nature of conflicts and the increased demand for SALW by terrorist and criminals, the issue of security is no longer exclusive to the state, but is also an issue of concern for the citizens. Therefore a key element of prevention of conflict and ensuring that states fulfil their obligations to protect their populations, is civil society engagement with security issues. Consequently, it is important to build capacity of civil society organisations for engaging with SALW issues and cooperation with other stakeholders (including the relevant government bodies as well as international community). In fact, civil society groups often possess unique capacities for working with issues such as SALW. In Central Asia they are an important intellectual resource in the society; they can reach out in remote (especially border) areas where the cooperation between local governments has been slow to emerge, and their experience also makes them an important training resource for the governments and other actors. The lack of information on SALW issues in the region makes it important to build local research and lobbying capacities. Not only would this contribute to more accurate assessment of SALW ownership, but it would also play a vital early warning role, since the rising demand for SALW might serve as a good indication of whether the currently dormant tensions are increasing. Local research and lobbying will also bring relevant information to the attention of the governments which will enhance the analysis of the situation.

In terms of civil society engagement it is therefore recommended that:

- Civil society organisations engaged in conflict prevention should be trained in SALW research methodologies and lobbying;
- Links between the security sector and civil society are built through joint work on SALW, with long-term goal to promote transparency and democracy in the region.

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- ⁹⁶ See, for example, 'A foreign terrorist captured in south of Kyrgyzstan', Vechernyi Bishkek, 11 July 2000.
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- ¹⁰³ Interview with a senior official at the Bishkek Machine Building Plant, May 12, 2003.
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Security and Peacebuilding Programme
International Alert
346 Clapham Road
London SW9 9AP
United Kingdom

Tel. +44 (0) 20 7627 6800

Fax. +44 (0) 20 7627 6900

E-mail: security-peacebuilding@international-alert.org

Website: www.international-alert.org

