

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

Small Arms Control in  
**The Black  
Sea Region**

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**Suzette R. Grillot**  
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Small Arms Control in  
**The Black Sea Region**

**A REGIONAL ASSESSMENT OF SMALL ARMS CONTROL INITIATIVES**

Suzette R. Grillot

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Eurasia Series No. 2

International Alert – Security and Peacebuilding Programme

## International Alert

International Alert (IA) is an independent non-governmental organisation 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.

To complement fieldwork IA undertakes research and advocacy to influence policies and practices at the national, regional, and international levels that impact on conflict. The organisation seeks to act as a catalyst for change by bringing the voices and perspectives of those affected by conflict to the international arena and creating spaces for dialogue. The work hence focuses on the following global issues: the role of women in peacebuilding, development assistance in conflict and peacebuilding, the role of business in conflict and peacebuilding, and security and peacebuilding, including the reform of security sector institutions and combating the unregulated proliferation of small arms and light weapons.

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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.

The Programme works primarily by facilitating dialogue between stakeholders and policymakers, and by bringing the most informed research and analysis to the attention of decision makers. It endeavours to advise policy that contributes to conflict transformation by working with partners to create locally informed solutions in order to increase policy relevance, efficacy and sustainability. To this end, the Programme develops projects in the area of Small Arms and Light Weapons and Security and Sector Reform.

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## Acronyms

<b>ANCESIAC</b>	National Agency for the Control of Strategic Exports and Prohibition of Chemical Weapons (Romania)
<b>APLs</b>	Anti-Personnel Landmines
<b>EU</b>	European Union
<b>IANSA</b>	International Action Network on Small Arms
<b>IMC</b>	Inter-Ministerial Council (Romania)
<b>IMMIB</b>	Istanbul Metals and Minerals Exporters Union
<b>MIC</b>	Military Industrial Complex
<b>MND</b>	Ministry of National Defence (Turkey)
<b>MoD</b>	Ministry of Defence
<b>NATO</b>	North Atlantic Treaty Organisation
<b>NISAT</b>	Norwegian Initiative on Small Arms Transfers
<b>OSCE</b>	Organisation for Security and Co-operation in Europe
<b>PLO</b>	Palestine Liberation Organisation
<b>SALW</b>	Small Arms and Light Weapons
<b>SSM</b>	Under Secretariat of Defence Industry (Turkey)
<b>UN</b>	United Nations
<b>UN Small Arms Conference</b>	UN 2001 Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
<b>UNITA</b>	National Union for Total Independence of Angola
<b>UN PoA</b>	United Nations Programme of Action to Prevent, Combat, Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
<b>USD</b>	United States dollar

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## About The Author

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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 and 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 small arms 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 small arms controls, but to directly assist stakeholders in working towards the full implementation of small arms controls.

Through process orientated research and direct facilitation with governments, donors and civil society actors, the MISAC Project will undertake this work in three phases. The first is a mapping phase that creates a profile of the regional agreements and activities, as well as identifies relevant actors and their capacities. This work is public and is 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 small arms controls. These studies are directed towards supporting state institutions and activities as well as enhancing the capacity of civil society actors to deal with small arms issues. In the course of this work comprising of analysis from 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 work International Alert will, with local and international partners and stakeholders, seek to craft and implement supportive and sustainable policies to strengthen small arms control measures within a small number of previously identified states.

This report, *Small Arms Control in the Black Sea Region*, is the second in a series of Assessments published by International Alert to support the exchange of knowledge and information about small arms controls in Eastern Eurasia.

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

## Summary

This report aims to map the small arms control practices in five countries of the Black Sea region (which, for the purposes of the report, include Bulgaria, Moldova, Romania, Turkey and Ukraine). This is the area which has been serving as one of the hubs for arms proliferation, with both legal and illegal arms transfers taking place.

The report focuses on SALW production, stockpile security, and control mechanisms in each of the Black Sea region countries. The purpose of the paper is therefore to highlight each country's SALW situation as well as their strengths and weaknesses in arms control efforts, and to specify the gaps that exist between policy and practice in order to enhance control measures.

Although all the Black Sea countries covered in this paper have produced significant amounts of weapons in the past, nearly all of them have reduced their weapons production, due to economic strain and difficulties. The more worrying issue in most countries is the status of surplus arms and stockpile management. They all contribute to global small arms problem as sources of supply.

However, all the countries have attempted to develop and implement SALW control procedures. The enforcement of arms trade laws and regulations vary throughout the Black Sea region. All countries have had some success with the seizure of weapons and arrest of arms traffickers, although the loopholes in the law as well as widespread corruption have allowed criminals to escape punishment. Some officials continue to refuse to accept responsibility for past irresponsible weapons transfers and instead deny that problems continue to exist. Another significant issue remains the secrecy in the arms trade.

The lack of state control in the Transdniester region between Moldova and Ukraine contributes greatly to problems of SALW supply and control. International assistance in the region is required, especially with regard to customs and border control and the resolution of the Transdniester standoff.

Membership of European and Euro-Atlantic institutions (namely, EU and NATO) seems to be a strong motivation for countries such as Romania and Bulgaria, but has little direct impact on the behaviour of Moldova and Ukraine. Ultimately, government officials throughout the Black Sea region cite security concerns (both national and international) as significant reasons for their interests in SALW control. Terrorism also remains a major motivating factor, especially in Turkey. Finally, most countries in the area cite non-proliferation norms and standards as an important reason for their interests in responsible arms trade practices.



# 1. Introduction

This report provides a mapping of the Black Sea region in an attempt to profile and analyse the national control agreements and capabilities to address issues relevant to Small Arms and Light Weapons (SALW). The Black Sea region serves as a hub for arms proliferation, with SALW exported from and trafficked through the area, fuelling many violent conflicts in various parts of the world such as the Balkans, Africa, and elsewhere. Various types of weapons transfers have taken place in the Black Sea area, from government-to-government sales, to illicit sales from governments to non-state actors, trafficking among criminal groups, and black-market smuggling.

This report focuses on five Black Sea countries in an effort to bring to light their status regarding weapons production, stockpile security, and weapons control mechanisms. Focusing on these factors enables us to get an increased understanding of SALW issues in national contexts, which increases the capacity to affect them in a positive manner. Ultimately, the purpose of this research is to highlight each country's SALW situation as well as their strengths and weaknesses in arms control efforts, and to specify the gaps that exist between policy and practice in order to enhance control measures.

The individual reports that follow focus on the countries of Bulgaria, Moldova, Romania, Turkey, and Ukraine. The inclusion of only these five Black Sea countries does not suggest that other territories in the region, such as Russia or Georgia, are not important regarding the spread and control of SALW; however, additional research is necessary to complete the picture of small arms in the Black Sea region.<sup>1</sup>

## 1.1 International SALW Control Mechanisms

Within the Black Sea region there exist a number of comprehensive agreements and conventions concerning both internal SALW control and their import and export. On the one hand, the EU accession states have been motivated to adhere to EU legislation and NATO best practice. Also, there are more general security arrangements such as the OSCE and Wassenaar Arrangement whose development dates back to the Cold War



period. Finally, international arrangements are being implemented in the region as well, largely centred on the UN. The box below outlines the key agreements, which regulate SALW control mechanisms in the region.<sup>2</sup>

#### **Box 1.1 International SALW control regimes relevant to the Black Sea countries**

1) *The UN Programme of Action on Preventing, Combating, and Eradicating the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA)*. Adopted at the UN Small Arms Conference in July 2001; although not a legally binding instrument, it is a significant political document that provides the main framework for further elaboration and development of international cooperation on the SALW control.

2) *The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (The UN Firearms Protocol)*. Adopted in 2001 as a supplement to the UN Convention Against Transnational Organized Crime, it incorporates measures such as marking and record keeping to support identification and tracing of SALW, and criminalises illicit manufacturing, trafficking and defacing of firearm markings.

3) *The European Convention on the Control of the Acquisition and Possession of Firearms by Individuals*. Adopted in 1978, it came into force in 1982; it sets up a system of controlling the movements of firearms from one country to another.

4) *The EU Code of Conduct on Arms Exports*. Adopted in 1998, it is a politically, but not a legally binding document, which includes eight criteria through which the members pledge not to export weapons that would exacerbate regional tensions or conflict, be used in internal repression and human rights violations. It also prohibits the export of land mines.

5) *The EU Joint Action on SALW*. Ratified in 1999, it is a legally binding instrument for EU member states, which aims to combat and contribute to ending the destabilising accumulation and proliferation of SALW.

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

7) *OSCE Document on Small Arms and Light Weapons*. Agreed on in 2000, it lists the responsibilities of the states, including 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.

8) *OSCE Principles on Conventional Arms Transfers*. Adopted in 1993, it requires participating states to take into account the following factors in arms transfers: respect for human rights; the internal and regional situation of the recipient state; the nature and cost of the arms; the requirements of the recipient state; the legitimate security needs of the recipient; peacekeeping requirements.

9) *NATO's Euro-Atlantic Partnership Council (EAPC)*. Signed in 1997, it comprises 46 members, including 19 NATO member states and 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.

10) *NATO's Partnership for Peace (PfP)*. Created in 1994 and currently involving 19 NATO member states and 30 partner countries, it complements the EAPC in promoting transparency and building confidence between the old Eastern and Western bloc countries. These 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.

11) *The Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA)*. Established in 1995 as a supply-side 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.

A number of Black Sea countries are NATO partners and expect to join the EU in the foreseeable future. Therefore, NATO and the EU are of great importance to the region, as inducements to promote better practice in all realms of governance, including the internal control of SALW and their import, export and transit. The OSCE, being the principal forum for regional security dialogue, is also important and needs to be taken into account. The table below indicates the membership and obligations of the countries considered in this study.

## 1.2 Key Findings of the Report

All the Black Sea countries covered in this paper have produced significant amounts of weapons in the past, and many continue to do so. Nearly all the countries, however, have reduced their weapons production due primarily to economic difficulties. The more worrying issue in most countries is perhaps the status of surplus arms. The degree of control over current weapons manufacturing and existing stockpiles varies in the region, as do the perceptions of the role and purpose of arms production and the need for stockpile security and safety.

The enforcement of arms trade laws and regulations varies throughout the Black Sea region as well. All countries in this report have had some success with the seizure of weapons and arrest of arms traffickers. Few, however, have actually seen arrests through to prosecution, conviction and punishment. Penalties for the violation of arms trade laws do exist throughout the region, but are rarely specifically mentioned in legislation and are often considered to be insufficient as effective deterrents. Moreover, some government officials in the region believe that criminal activity regarding illegal arms transfers is simply not a problem. Besides, in many cases corruption within governments remains a problem since it hampers effective enforcement of SALW controls.

Table 1.1 – Participation of Black Sea Countries in the International SALW Control Mechanisms

	UN POA	UN Firearms Protocol	EU Convention on Firearms Possession by Individuals	EU Code of Conduct	EU Joint Action on SALW	Stability Pact	OSCE SALW Document	OSCE Principles	PfP	EAPC	Wassenaar Arrangement
Bulgaria	NP, NR (2001, 2002)	S (15.02.02), R (06.08.02)	No	A (1998)	A (1998)	Yes	Yes	Yes	S (1994)	Yes	S (1996)
Moldova	NP, NR (2002)	No	S (03.11.98), R (05.03.03)	No	No	Yes	Yes	Yes	S (1994)	Yes	No
Romania	NP, NR (2002)	No	S (24.07.95), R (07.12.98)	A (1998)	A (1998)	Yes	Yes	Yes	S (1994)	Yes	S (1996)
Turkey	NP, NR (2002)	S (28.10.02), nyf	S (03.04.79), nyf	A (2001)	A (2002)	Yes	Yes	Yes	No	No	S (1952)
Ukraine	NP	No	No	No	No	No	Yes	Yes	S (1994)	Yes	S (1996)

Key: A-Aligned, R-Ratified, S-Signed, NP-National Point of Contact, NR-National Reports (year), nyf-not yet ratified

Membership in European and Euro-Atlantic institutions such as the EU and NATO seems to be a great motivation for countries such as Romania and Bulgaria, but has little direct impact on the behaviour of Moldova and Ukraine. Both the EU and NATO have been actively engaged in the region, with integration activities in full swing in Bulgaria and Romania and cooperative efforts increasing in Moldova and Ukraine. The government officials throughout the Black Sea region cite security concerns (both national and international) as significant reasons for their interests in SALW control. Terrorism also remains a major motivating factor, especially in Turkey. Ultimately, most countries in the area cite non-proliferation norms and standards as an important reason for their interests in responsible arms trade practices.

## 2. Bulgaria

### 2.1 Background and Overview

By the end of the Cold War, Bulgaria's weapons industry was a significant component of the country's economy. There were approximately 120 defence companies operating in Bulgaria in the late 1980s and early 1990s that supplied weapons to markets throughout the Middle East, Latin America, and Africa. Since then, markets have shrunk considerably and the Government has slowly prepared for the downsizing of and disengagement from the arms industry. Approximately 20 defence companies remain in Bulgaria today with five or six dominating the market.<sup>3</sup> Overall however, the defence industry has floundered throughout the long transition process in Bulgaria. Many shifts in Government have placed varying emphasis on this industry, resulting in a complex that lacks both direction and regulation.<sup>4</sup>

Although the arms industry decreased in profile, the Bulgarian Government has sought new markets for its products (mainly SALW as well as artillery and armoured vehicles). These efforts, according to industry and government officials, have not succeeded. In response, the Bulgarians have sought to establish joint ventures in order to modernise and subsidise parts of the defence industry, but these have proved relatively unsuccessful as well.<sup>5</sup>

Further on, the Government has attempted to privatise the arms industry as much as possible. More than fifteen of the remaining defence companies have already been privatised. Because these companies were near, if not already suffering from, bankruptcy and were a heavy burden on the state budget, they were sold for very little.<sup>6</sup> Their large size and Soviet-style centrally-planned operation mode makes them difficult to convert to civil uses. The few plants that remain state-owned are also struggling financially and government officials are considering their sale as well – further diminishing the state's emphasis on the defence industry, but increasing the challenges the government faces in controlling the production and sale of weapons.<sup>7</sup>

With the decrease of markets for Bulgarian weapons after the Cold War period, the country has been left to struggle with the future of its military industrial complex (MIC) and the negative social impact of the industry's downsizing. Seven subsequent governments proved to have inconsistent ideas about the direction of the country's military and defence structures. Some argue, that this long transition contributed to criminalisation of weapons sales and transfers.<sup>8</sup> The number of brokers, networks, and illicit activities increased substantially during the 1990s, with a significant focus on African markets. In the meantime, the government officials keep suggesting that weapons sales are often seen only as an economic issue given that the country has suffered tremendously from declining standards of living and increasing needs for hard currency. Due to all the above, the defence industry has not been well regulated,



despite the efforts of some outside the Government to establish a law that requires transparency and accountability in military and defence activities.<sup>9</sup>

Despite decreasing production and fewer legitimate markets for Bulgarian weaponry, the Bulgarian military complex has retained much of its potential, and with a significant influx of technology, the defence industry might grow in the future. Government officials, therefore, continue to look for arms markets, joint venture partnerships, and further privatisation of the weapons industry.<sup>10</sup>

#### **Stockpiles and surplus SALW**

Bulgaria possesses substantial stockpiles of surplus weaponry that remained in the country after the end of the Cold War, much of which has found its way to areas of conflict and into the hands of inappropriate end-users. Although government officials report that the plants and warehouses where weapons are produced or stored are located in the middle of the country, away from borders, and are relatively inaccessible, there is little information available on the total quantity of the existing arms and ammunition and on the security of and control over the facilities.<sup>11</sup> The Bulgarian government owns and operates a plant that specialises in weapons destruction, and they have argued that this plant should serve as a regional arms destruction centre. However, officials from the Ministries of Defence and Foreign Affairs report that the Government prefers to store excess weaponry rather than destroy it due to the heavy costs involved in the destruction process. They claim that they would prefer to destroy surplus armaments, but are unable to commit to large-scale weapons destruction without foreign financial assistance.<sup>12</sup>

#### **Accusations of illegal SALW transfers**

In March 2001, a United Nations (UN) committee headed by Canadian Ambassador Robert Fowler compiled a report testifying significant weapons' sales from Bulgaria to Angola's UNITA in violation of the UN arms and fuel embargo on the African country.<sup>13</sup> This incident added to the record of Bulgaria's involvement in the global proliferation of SALW.<sup>14</sup> Throughout the 1990s the country had been charged, among other things, with: exporting light artillery guns worth USD 15 million to Iraq, using Polish intermediaries and forged end-user certificates; transferring USD 25 million in light armament to Croatia; violating the UN arms embargo on Rwanda by exporting weapons to the Hutu military; and arming Burundian armed forces, which were subject to a regional arms embargo, from August 1996 until January 1999.<sup>15</sup>

## 2.2 Elements of the Bulgarian SALW Control System

#### **Legislative basis**

Largely due to the international attention drawn to Bulgaria's irresponsible weapons practices, the country has increased efforts to rein in inappropriate arms deals. Although a legal basis for governmental control of weapons exports existed since the adoption of a Law on the Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies in November 1995, the breadth and strength of the law were questionable, to say nothing about its actual implementation.<sup>16</sup>

Government officials recognised that the 1995 law and its implementation had to be improved, and that the explicit norms of non-proliferation were lacking in Bulgaria, further hampering the procedural practice of weapons control. For these reasons, the Bulgarian Parliament passed new legislation in 2002 that addressed the perceived weaknesses of the previous arms trade law.<sup>17</sup> Thus, the new legislation, which was on the drawing board and circulated for discussion for over two years, confirmed in principle the political commitment that reportedly exists in Bulgaria concerning the arms sales.

### **Brokering, export criteria and licensing**

The new law addresses brokering activities, not covered by the 1995 legislation. Arms intermediaries, including transport companies, are now licensed just like any other defence enterprise. The law provides for governmental control over all arms deals that are carried out on Bulgarian territory or that involve Bulgarian individuals, even if they are operating in other countries. Foreign arms brokers are allowed to participate in the Bulgarian arms trade, but must be licensed by the government commission.<sup>18</sup>

Although the 1995 law did not mention any export criteria that guide the decisions of the licensing commission, Bulgarian officials have asserted for some time that the Government accepts and follows in practice the export criteria set forth by various regional and international bodies such as the European Union (EU) and the Organisation for Security and Co-operation in Europe (OSCE).<sup>19</sup> The 2002 legislation does address this shortcoming and enhances Bulgarian abilities to implement a code of conduct with respect to arms transfers. However, the new law provides the Government only with the basis to establish a decree that may limit weapons sales to certain destinations in relation to export criteria set out by the EU and OSCE, if it chooses to do so.<sup>20</sup>

Although an interagency licensing process is envisaged that would provide oversight and accountability, despite residing solely within the executive branch of government, interagency activities are plagued with coordination problems, such as a lack of communication among participating agencies, which hamper the effective implementation of licensing requirements.<sup>21</sup> The new legislation attempts to clarify licensing roles and responsibilities, but officials admit that in practice the interagency mechanism does not function as it could or should. Moreover, there is a potential conflict of interest as members of the governmental licensing Commission and Council are permitted to sit on the boards of state-owned defence enterprises.<sup>22</sup> When questioned about this, government officials state that they do not see such practices in a negative light. On the contrary, many interviewees believed that their positions on the boards of arms manufacturers and exporters provide a greater check on the behaviour of those companies.

### **Civilian possession**

Regarding civilian possession of weapons, the Bulgarian Government requires individuals to apply for a gun licence and register their weapons with the Ministry of Interior. On the one hand, it appears to be extremely difficult to receive a licence to own a gun. Written statements justifying the need to own a gun must be presented, and the Ministry of Interior, officials say, is very strict about granting civilian gun licences.<sup>23</sup> On the other hand, many officials report that gun ownership among the Bulgarian population is on the rise, although no reasons, explanations, or actual numbers had been provided as to how or why this is the case.<sup>24</sup>

### **Enforcement and penalties**

The 1995 law governing the arms trade in Bulgaria prescribed low-level penalties for the violation of its provisions. The new legislation raises the civil penalties for illegal arms deals to a range of 50,000 to 500,000 lev (approximately USD 25,000 to 250,000). According to a new article (#233) in the Bulgarian Criminal Code, criminal offences can be punished by up to eight years in prison and a fine of 1,000,000 lev (approximately USD 500,000).<sup>25</sup> However, a distinction between individual and corporate violations in the arms trade law implies that companies are likely to face civil penalties (fines and the revocation of export licence) while individuals (brokers) are more likely to face the criminal



ones. Whatever the form of penalty, Bulgaria has had little to no experience with criminal investigations for the arms trade law violations since no individual, group, or company have been prosecuted so far.<sup>26</sup>

Thus, the enforcement of the Bulgarian arms trade law remains questionable. Although enforcement mechanisms exist and officials are required to investigate suspected illicit arms deals, in practice agencies are ill-equipped to implement them. Customs officials and border guards, who have the main authority to investigate and verify weapons shipments before they enter, leave, or transit through Bulgarian territory, are limited by a lack of specialised verification, investigation and enforcement training, and interdiction equipment. The use of false end-user and import certificates further restricts effective arms control activities as such false documentation heightens the enforcement and verification challenges Bulgaria faces. Although the Government is taking steps with its new legislation to crack down on false documents<sup>27</sup>, lack of human and financial resources hampers enforcement as well as other efforts, leaving large gaps between policy and practice.<sup>28</sup>

There are two interagency bodies in Bulgaria that oversee the control of the arms trade. The first is the Inter-ministerial Council on Defence Industry and Logistics housed in the Council of Ministers. Fourteen people representing a number of governmental agencies or offices meet regularly to discuss and oversee weapons production and trade.<sup>29</sup> The Council considers company applications for a permit to engage in military and defence trade. These permits are issued for a one-year period, but may be renewed for a period of three years. The second is the Commission for Control of Foreign Trade Transactions with Arms and Dual-use Goods and Technologies, which is located in the Ministry of Economy but also includes representatives of a number of other Ministries.<sup>30</sup> The Commission licenses individual arms exports, imports and transits, and considers applications for specific transactions on a case-by-case basis. If granted, licences are valid for six months, but are eligible for a further six-month extension.

### **Transparency and accountability**

The sharing of information both domestically and internationally is an important element of effective weapons control systems. The Bulgarian Government does not, however, publish official reports on weapons production, sales, or transfers. Although Bulgarian officials acknowledge that transparency in arms transfers and controls is essential, they have differing views about what is and should be a state secret and what can and should be shared with others, including its own population.<sup>31</sup> This makes holding the Bulgarian Government directly accountable for its arms trade and control practices rather difficult.

Non-governmental actors and agencies that could push for greater transparency and accountability are not yet working on SALW issues in a sustained or systematic manner. Officials and experts suggest that civil society in general is not 'specialised' enough to work on weapons issues. A small group of faculty members at one of the Sofia universities did attempt to engage the Government in the early 1990s on the issue of regulating the defence industry, but it ultimately failed in its efforts, apparently due to a lack of government interest and responsiveness. In the end, the group remained discouraged about the prospects of a civil society role in military and defence issues.<sup>32</sup>

Although the Bulgarian Government has not published any official reports on its weapons activities, it has been quite active with and vocal in a number of regional and international efforts to stem the spread of SALW. Bulgaria is an active member of the Stability Pact and has been involved in, and occasionally hosted some of the Stability Pact's SALW meetings and activities.<sup>33</sup> Bulgaria has accepted the OSCE document on SALW, the EU Code of Conduct, and the UN Programme of Action (UN PoA) that emerged as a result of the 2001 UN Small Arms Conference. Bulgarian officials state that they adopt all international agreements on SALW, approximate European standards on weapons transfers and control in all ways, and accept and implement all UN, EU, and OSCE arms embargoes.<sup>34</sup> Bulgaria's interaction with other countries, particularly the United States and European countries, has

significantly influenced the Government's attempts to act responsibly regarding the arms trade given the Government's passage of better legislation. Continued interaction with Bulgaria on this issue is therefore important.

## 2.3 Bulgarian SALW Perspectives and Realities

There are a number of perspectives that Bulgarian officials express regarding the SALW issue, as well as a number of motivating factors influencing Bulgarian behaviour in the SALW area. The prospects of EU and NATO membership are a driving force behind recent Bulgarian attempts to improve its record in the arms trade – at least in terms of legal improvements. This, they believe, is a necessary element of their bid to join the EU.<sup>35</sup> Despite this motivation, Bulgarian officials confess that they struggle with the trade-off between the short-term gains that result from weapons sales and the long-term benefits associated with European integration. Although reiterating their interest in playing by the rules of the international community when it comes to weapons sales, they admit that they feel uneasy to know that whenever they do not sell their military assets, some other party may very well be there to pick up the sale.<sup>36</sup>

In addition to the Bulgarian interest in EU and NATO membership, all Bulgarian officials consulted during field research admitted that they also view the proliferation of SALW as a serious threat to national and international security. According to them, SALW proliferation is dangerous and could directly affect Bulgaria's territorial security. The connection between weapons transfers and availability and terrorist activity was often raised, and the events of 11 September 2001 reportedly affected the attitudes towards irresponsible weapons sales.<sup>37</sup>

At the date of publication of this report Bulgaria was the only European country to have ratified the UN Firearms Protocol.<sup>38</sup> Additionally, Bulgaria is the only Black Sea country represented on the UN Group of Governmental Experts working on a feasibility study for marking and tracing SALW. The Directorate of NATO and International Security Affairs of the Ministry of Foreign Affairs were established as the national point of contact for reporting on the UN PoA. Therefore, it can be assessed that Bulgaria's SALW efforts have taken a more positive turn and that the positive aspects of EU and NATO membership have played a role in encouraging better Bulgarian practice with regard to SALW exports.

# 3. Moldova

## 3.1 Background and Overview

When the Soviet Army's 14th division withdrew from Central and Eastern Europe in 1989, it retreated to eastern Moldova, which increased the already significant quantities of arms and munitions available there. Shortly after the disintegration of the Soviet Union, the former Soviet forces located in Moldova became involved in a violent conflict in the Transdniester region in the east of the country. Transdniester refused to establish a unified government with the Republic of Moldova located to the west of the Dniester river. Fearing Moldova's perceived connections with Romania and interests to join it, the substantial Russian population in the Transdniester, supported by Russian troops and weaponry, engaged in armed struggle in 1992 to remain a separate and autonomous territory.<sup>39</sup> Moldovan citizens, in turn fearful of the armed population in the Transdniester, allegedly approached their military and security forces asking for armaments for self-defence. In response, the Moldovan Government reportedly provided some 20,000 SALW, and ammunitions to the civilian population.<sup>40</sup> According to military leaders, the distribution of weaponry was a "controlled process", and after the conflict the arms were collected from the civilian population and returned to army depots.<sup>41</sup> Others dispute this statement.<sup>42</sup>

In terms of arms production, Moldova reports no official weapons manufacturing. However in the Transdniester region there is allegedly considerable craft and small-scale SALW production.<sup>43</sup> Advertisements circulate in the Transdniester announcing the production and sale of homemade weapons such as the Kryzhovnik mortar "designed to fight against light armoured and automobile vehicles, personnel and open terrain".<sup>44</sup> In addition to that, former Soviet weapons facilities in Transdniester allegedly produce rocket launchers, grenade launchers, mortars, pistols, automatic rifles, submachine guns and anti-personnel landmines (APLs), operating in close connection with Russian weapons producers.<sup>45</sup>

### **Stockpiles and surplus SALW**

As weapons and munitions were in circulation among the Moldovan population on the west side of the Dniester, the breakaway Transdniester region was supplied with an influx of weaponry from Russian military sources.<sup>46</sup> As a result, Moldova is awash with surplus weaponry, mainly SALW.

Since the end of hostilities there have been various agreements and efforts to collect and destroy arms from the civilian population and to withdraw Russian forces. For example, at the OSCE Summit in Istanbul, Turkey, in 1999, the Russian Federation agreed to withdraw its forces along with 42,574 SALW and 40,000 tonnes of explosives by the end of 2002.<sup>47</sup> Some Moldovan officials argue that the deadline was not met because the Transdniester authorities have prevented the exit of Russian forces and armaments.<sup>48</sup> Other accounts suggest that the Russian forces have refused to leave the region.<sup>49</sup>



### **Accusations of illegal SALW transfers**

The Moldovan Government has sold a large portion of its inherited arsenals. Although claiming that the weapons were not transferred to inappropriate or dangerous end-users, the officials admit that re-export of the weapons was not adequately controlled.<sup>50</sup> As a result, Moldovan arms have emerged in various conflict zones. For example, SALW originating in Moldova have been reported to supply combatants in Liberia.<sup>51</sup> The UN report on weapons in Liberia also indicates that arms easily flowed through Moldova to Africa.<sup>52</sup> An even larger problem was posed by the weapons in the Transnistria region, with former Soviet arms deposited there (including SALW), finding their way to conflicts in the Caucasus and the Balkans. Weapons stockpiled and produced in Transnistria have also reportedly supplied terrorist organisations such as Al Qaeda, Hamas, Hezbollah, and a number of others.<sup>53</sup>

Reports of improper arms transfers in Moldova and Transnistria are often accompanied with accusations of corruption in both territories. Although Moldovan officials deny such allegations, reports suggest that government authorities look the other way when confronted with weapons deals, or are even actively involved in questionable arms transfers. The Moldovan officials tend to point to the Transnistria region as the territory where corrupt activity is the norm, implying that in Moldova proper it is rather an occasional exception. However, corruption appears to be endemic and widespread in Moldova, certainly affecting the illegal trade, including that of SALW.

## 3.2 Elements of the Moldovan SALW Control System

### **Legislative basis**

The Moldovan arms control system is based on the law no. 1163-X14, passed on July 26, 2000. It provides the basis for controlling the export, import, transit, and re-export of military goods. Various regulations further define the control system and identify responsible agencies and controlled items. Since weapons are not manufactured in Moldova, officials claim no need to require licensing for producers, and the law does not control or licence arms brokers, intermediaries, or transport companies either.<sup>58</sup> Despite the absence of a legal basis regarding arms brokering, Moldovan authorities claim to control brokers in practice.<sup>59</sup>

### **Brokering, export criteria and licensing**

Although the Ministry of Economy serves as the coordinating agency responsible for issuing licences, seven additional agencies are, according to law #1163-X14, members of the Interdepartmental Control Commission, and engage in interagency review of licence applications and arms control measures. The members of the Commission include the Ministries of Economy, Foreign Affairs, Defence, Industry and Interior, Customs Department, Service of Information and Security, and Government State Chancellery.<sup>60</sup> Despite the existence of the Interdepartmental Control Commission, the Ministry of Economy handles the entire weapons licensing system and only on occasion consults with the other agencies, perhaps because the legal process is a relatively new one and the Government does not receive many licence applications.<sup>61</sup>

Officials seem unclear about the extent to which European standards, which are outlined in the EU Code of Conduct, are ultimately considered during the licensing process. They report considering the impact of an arms transfer on the recipient's capacity and interest to engage in terrorist activity, as well as the level of the recipient's democratic governance, but the law no. 1163-X14 only mentions Moldovan foreign policy and national security interests as the required criteria considered before issuing licences to export, import, transit or re-export sensitive goods. The law does require the use of import and end-user certificates, but Moldovan authorities have limited capacity to carry out checks on documentation to ensure its authenticity or verifying deliveries to prevent the diversion of military items. As with other governments in the region, the lack of resources, both human and financial, is primarily to blame.<sup>62</sup> In other words, low-level budgets and limited staffing account for the government's failure to employ a sufficient number of well-trained officials and purchase and install relevant equipment such as computers and export control software.

### **Border control**

Borders and points of entry and exit in Moldova remain highly porous.<sup>63</sup> The Moldovan Government passed a new Customs code in 2000 to "harmonise customs procedures with international practices," and the United States and other countries have been actively providing assistance for over three years, though efforts are focused primarily on the control of weapons of mass destruction and dual-use items rather than on military goods such as SALW.<sup>64</sup> Nonetheless, assistance efforts have resulted in enhanced customs controls and border security as equipment and training at entry and exit points have increased.<sup>65</sup> The border with Transdnister undoubtedly remains the greatest problem in Moldova, as the Government in Chisinau refuses to establish customs and border guards at the Moldovan/Transdnister border, since this would tacitly recognise the Transdnister region as a separate, legal territory.<sup>66</sup> Goods of all kinds flow freely between the two sides of the country and, quite often, to other parts of Europe and the world. The Moldovan Government is not involved in jointly controlling the flow of goods on the Ukrainian border either. An agreement between Moldova and Ukraine to establish joint control was voided when Ukraine unilaterally decided to withdraw from the arrangement.<sup>67</sup> The Transdnister authorities continue to use the old Soviet customs seals in cross-border interaction, which Ukraine recognises as legitimate. Moldova did provide new customs seals to the Transdnister authorities after much discussion and debate, but the latter have not fulfilled their part of the agreement with the Moldovan Government about the kinds of goods that can and cannot be transferred using the seals.<sup>68</sup> Thus, both the Republic of Moldova and the quasi-independent territory of Transdnister require substantial and continued work, most likely with external assistance, to improve their system of export and import controls.

### **Civilian possession**

Concerning the legal possession of weapons among the civilian population, the Moldovan Government issues two kinds of licences: (1) a hunting licence, and (2) a self-defence licence. The Ministry of Interior issues licences based on the 1994 Law on Firearms Possession, on the basis of which approximately 43,000 arms have been legally obtained and registered in Moldova.<sup>69</sup> Ultimately, Moldovan authorities claim that there are not many guns circulating among the population, and that the surplus stocks that need to be destroyed due to their age are a much greater problem, as is the Transdnister region where authorities and civilians actively engage in unofficial arms production and illicit weapons transfers.<sup>70</sup>

### **Enforcement and penalties**

According to the law no. 1163-X14, the Ministry of Interior, Customs Department, Justice Department and police and border officers are charged with enforcing arms control provisions. The authorities have on a number of occasions successfully seized weaponry. For example, in 1999 the customs police detained a Ukrainian owned transport plane carrying Hungarian arms because of concerns about the end-user in Yemen.<sup>71</sup> In November 2002, Moldovan authorities seized a large number of weapons in a water treatment facility that had allegedly been illegally manufactured in the Transdnister region.<sup>72</sup> The Moldovan police have also arrested arms traffickers who were smuggling Russian weapons.<sup>73</sup>

However, very few, if any, of the incidents that have led to arrests have actually resulted in prosecutions and penalties being levied. No specifics about criminal and civil penalties are mentioned in the law no. 1163-X14. In fact, Moldovan officials seemingly deny the importance of few legal actions in this area as they suggest that no prosecutions have transpired because “no major violations of the law have occurred”.<sup>74</sup> This position potentially indicates a lack of government awareness and responsiveness to the SALW issue.

#### **International cooperation**

The Moldovan Government has been cooperating with neighbouring countries and with various international organisations on stockpile security and arms trafficking. Agreements have been signed with Russia regarding stocks of arms in the Transdnister region, as well as with Romania, Belarus, Kazakhstan and Ukraine.<sup>75</sup> The OSCE mission in Moldova has been working closely with the Moldovan Government to organise a meeting on combating illicit production and trafficking of SALW in the Black Sea region.<sup>76</sup> Moreover, Moldova recently joined the Stability Pact for South Eastern Europe and will soon become the president of a technical commission concerning defence and security issues. As in other Stability Pact countries, Moldovan authorities report they want to become actively engaged in programmes that address SALW problems.<sup>77</sup> However, Moldova is not a member of any non-proliferation regimes, and there is little evidence that cooperative activity is actually occurring in the area of SALW control. Nonetheless, Moldovan officials suggest that they are indeed supportive of bilateral and multilateral efforts to prevent the illegal proliferation of SALW.<sup>78</sup>

The Ministry of Defence (MoD) is responsible for securing facilities used to store the surplus weaponry, and Russian and Transdnister authorities reportedly protect stockpiles in the Transdnister.<sup>79</sup> However, due to the large numbers of weapons in the area, organisations like the OSCE and NATO have become involved in managing the problem. The OSCE engaged in a large project, the only one of its kind for the OSCE, of destroying the 40,000 tonnes of munitions in Moldova. NATO has two projects in Moldova – one to destroy large numbers of APLs and another to destroy thousands of tons of small arms and ammunition.<sup>80</sup>

#### **Transparency and accountability**

The transparency of Moldova’s arms transfers, as well as its weapons control procedures, is rather limited. Moldovan officials report to the President on licences, granted for arms exports and the Parliament can access such information if they ask for it, but there is no requirement to report to the public more generally. Significant efforts are made to inform relevant companies of arms export control procedures. Workshops have been offered and the law and control lists have been published and disseminated. Although the law was published in 2000, the related control lists were not published until early 2003. This three-year gap was certainly problematic, as the slow pace of information-sharing limits the effectiveness of arms control measures.<sup>81</sup>

No Moldovan NGOs is registered with the International Action Network on Small Arms (IANSA) and none appear to have active programmes specifically related to SALW. Out of about 2,600 registered NGOs in the country, only approximately 70 are actually functioning as independent institutions – and only one, the Institute for Public Policy, is concerned with defence and security issues.<sup>82</sup> Moreover, nearly all NGO activities are concentrated in the capital. There is relatively little active public or civil society concern over weapons issues. Government authorities report that they do not face any domestic pressure regarding weapons availability or proliferation and that the general public remains largely uninterested in the subject.<sup>83</sup>

### **3.3 Moldovan SALW Perspectives and Realities**

Government officials in Moldova state that the law on the SALW trade is based on the national and international security concerns, especially with regard to the security threats that such transfers could

pose. But at the same time, they admit that their country has a small economy and that they have occasionally needed to sell their military assets for economic motives. Still, they argue that weapons sales have been implemented carefully and responsibly, as they do believe that the illegal proliferation of arms is a danger to the international community and to their own region.<sup>84</sup> A number of other motivations or perspectives have been expressed as well. Some officials suggest that human rights considerations are important, but such ideas are not widely shared. Concerns about crime or terrorism are expressed in the context of international and national security. Moldova's 1994 constitution professes neutrality, which makes NATO membership a minor motivation. Although a non-NATO-aspirant country, Moldova has been developing stronger relations with the Euro-Atlantic alliance, especially regarding weapons collection and destruction.<sup>85</sup> The European Union appears to be a weak motivating force as well, since public interest in EU membership has been declining.<sup>86</sup> Therefore, both the government and civil society's continued engagement with the international community would be key to enhancing interests in integration and implementation of international non-proliferation standards. In fact, Moldovan officials themselves argue that it is ultimately international pressure, interest, and assistance that keep the country on track in addressing the SALW problem.<sup>87</sup>

## 4. Romania

### 4.1 Background and Overview

Romania's somewhat strained relations with the Soviet Union during the Cold War account for the fact that it operated on the self-sufficiency principle, especially when it came to defence production.<sup>88</sup> By the end of the Cold War era, Romania was the ninth largest weapons exporter in the world. But like in other countries in Central and Eastern Europe, the Romanian weapons industry underwent dramatic changes in the post-Cold War period. Arms markets were lost and production decreased to about 10 per cent of what it was in the past years. Since independence, the Romanian Government has struggled with various attempts to restructure and privatise the defence industry, but the process has been very difficult. Nonetheless, the Romanian Government endeavoured throughout the 1990s to increase defence spending in an effort to prepare the country for NATO membership, but in December 2001 officials decided to cut back once again due to economic hardships.<sup>89</sup> Thus, arms producers remain essentially state-owned and operate in a rather competitive industry where companies must contend for limited state resources. Arms factories use obsolete tools, suffer from deteriorating technical skills, and are forced to lay off workers regularly. Social consequences of a significant decline in defence production have thus far remained fairly manageable as the law requires that arms industry employees be paid 75 to 80 per cent of their salaries even if not engaged in production in order to keep them available. This law reflects the Romanian mindset that the country must be self-sufficient in arms production in the interests of national security.<sup>90</sup> Currently there are nine companies in Romania that produce a wide range of SALW, namely assault rifles, mortars, ammunition, grenades, grenade launchers, pistols, and explosives.<sup>91</sup>

#### **Stockpiles and surplus SALW**

As with other countries in the Central and Eastern European region, the state of surplus weaponry is perhaps more concerning. Officials report that there is a "strategic reserve of weapons for military purposes in Romania that is kept at weapons depots throughout the country".<sup>92</sup> Ministry of Defence officials, responsible for protecting and accounting for surplus arms, cannot say exactly how many weapons they have in this strategic reserve. Nor can they say what kinds of arms are stockpiled, but they do stress that they strongly prefer to store excess arms in the event they are needed rather than destroy them.<sup>93</sup>

#### **Accusations of illegal SALW transfers**

Many allegations have emerged over the past several years of improper and illegal weapons deals involving Romanian arms, and Romanian officials. A former Minister of Defence was reportedly involved in a number of illicit weapons transfers owing to his numerous contacts, and years of experience in the arms trade.<sup>94</sup> People close to the President have also been implicated in illegal arms deals.<sup>95</sup> Otopemi airport in Bucharest





has been highlighted as a transfer point for weapons and other smuggling activities. Romanian munitions have reportedly been found in Kosovo, Rwanda, and Liberia, and have been sold to the Taliban in Afghanistan,<sup>96</sup> and a December 2000 UN report singled out Romania as a main supplier to UNITA rebels in Angola via Togo and Burkina Faso.<sup>97</sup>

## 4.2 Elements of the Romanian SALW Control System

### **Legislative basis**

The legal basis for the Romanian arms control system evolved throughout the 1990s into a comprehensive arrangement that incorporates most of the elements required for effective control of weapons imports, exports, re-exports, transits, and transshipments. In 1992, a government decree authorised the control of sensitive military items. Since then, a number of revisions, amendments and additions (in 1994 and 1996) eventually led to a new 'Law (No. 158) on the Import and Export of Strategic Goods.'<sup>98</sup> This law was further amended in 2000 and forms the legal basis for the arms control system that operates in Romania today.<sup>99</sup> However, the Romanian arms control effort suffers from a lack of implementation.

### **Brokering, export criteria and licensing**

All military items coming into, going out of, or transiting across the Romanian territory require a licence issued by the Government. Companies engaged in the arms trade must be licensed to do so before they may apply for an export licence. There are two kinds of licences: (1) an individual licence is granted to a specific exporter or importer for the export or import of one or several products to or from a single foreign partner; and (2) a general licence is granted to a specific exporter or importer for one or several products and can be valid for exports and imports to or from one or several determined countries.<sup>100</sup> Sensitive and strategic goods require an individual licence. According to the law, any Romanian person or group that engages in the arms trade requires a licence, whether or not that person or group resides in Romania. Within the territory of Romania, however, any person or group active in the weapons business must be licensed. Presumably then, a person not of Romanian origin living outside the Romanian territory would not be eligible for a licence to trade in Romanian arms.<sup>101</sup>

Although transfers and transshipments of arms require a licence, officials report that these activities cause the greatest number of problems for the country's arms control efforts. As in other countries in the region, the lack of human and financial resources limits the authorities' ability to check all items that transit its territory. Officials appear frustrated by Romania's current insufficiencies and express a strong will to do better in this area.<sup>102</sup>

While Romania does not maintain a list of proscribed countries, officials stress that they abide by UN and EU embargoes.<sup>103</sup> They also assert that they adhere to the EU Code of Conduct, although EU export criteria are not incorporated to Romanian legislation. Instead, the law no.158 states that weapons imports and exports must be consistent with: (1) Romanian foreign policy; (2) Romanian national and economic security interests; (3) non-proliferation objectives; (4) international treaties and

agreements to which Romania is a party; (5) international arrangements and obligations to which Romania belongs; and (6) cooperative efforts in the field of non-proliferation.<sup>104</sup> The Romanian officials advise weapons exporters and importers to not apply for licences where the transaction involves regions in conflict, countries that support international terrorist activity, or countries that are a proliferation risk.<sup>105</sup>

### **Border control**

The General Customs Directorate, housed at the Ministry of Finance, is charged with securing Romanian borders, verifying documents, inspecting shipments, and investigating improper arms deals. Overwhelmed with these tasks, customs officials have sought assistance from other countries in order to enhance their capacity in the area of weapons transfers. Despite various training and equipment programmes, such as those offered by the United States and the European Union, officials report that border controls remain relatively weak and are in need of additional attention.<sup>106</sup> However, the Romanian Government recently altered its end-user certificate forms to make them more consistent with others in the region and crack down on false documentation. These forms are now only available at the Export Control Agency at the Ministry of Economy.<sup>107</sup> Moreover, the law no. 158 requires that arms deliveries be confirmed and verified four months after shipment.<sup>108</sup> The exporter must ask the importing partner to submit a document from the importing country and certify that the weapons arrived at the appropriate destination. When asked if in practice this verification activity had been successful, Ministry of Finance and Economy officials reported that the follow-up on arms deliveries and actual implementation of the law is inconsistent at best.<sup>109</sup>

### **Enforcement and penalties**

The new law outlines the details of an interagency process that governs the licensing procedures in Romania. The National Agency for the Control of Strategic Exports and Prohibition of Chemical Weapons (ANCESIAC), within the Ministry of Foreign Affairs, serves as the central licensing authority and coordinates an interagency group composed of representatives from several different agencies. This group, called the Inter-Ministerial Council (IMC), includes members from the Ministries of Foreign Affairs, Defence, Economy, Finance, Interior, and European Integration, the Romanian Intelligence Service, Romanian Foreign Intelligence Service, and National Commission for the Strategic Economic Investigation Division.<sup>110</sup> To facilitate the licensing process, ANCESIAC first examines the validity of export and import applications before submitting them to the members of the IMC for their review. The IMC meets once a month to consider on a case-by-case basis whether a licence should be granted. Once the group makes a decision, ANCESIAC accepts or rejects the licence application and the Ministry of Economy then issues the licence if it has been approved.<sup>111</sup> Although members of the IMC appear to regularly engage in bureaucratic in-fighting, overall the interagency process functions well in its efforts to oversee the weapons trade.<sup>112</sup>

As an additional effort, the Romanian Government established in July 1998 the Romanian Counter-Proliferation Group. This task force is meant to ensure easier exchanges of information between the ministries and agencies involved in the IMC. Its work goes beyond the specific membership of the IMC and includes all other government officials and entities that are involved in any aspect of arms trade and flows. Meeting once a month, the Counter-proliferation Group discusses control regulations, arms trafficking, verification, and any other issue or problem as it relates to weapons transfers.<sup>113</sup>

Although Romanian officials state that they have a team responsible for enforcement that actively pursues and investigates suspicious arms deals, very few arrests and prosecutions have occurred.<sup>114</sup> Following the 2000 SALW scandal, which revealed that Romania has been illegally supplying weapons to the UNITA in Angola in 1996-99, an arms dealer was arrested; however, he was released in 2001 after implicating a number of former government officials in the transfers.<sup>115</sup> Experts suggest that prosecutions for smuggling have focused on low-level government officials rather than pursuing individuals at higher levels.<sup>116</sup> Regarding punishments for violations, law no. 158 only specifies fines

(10-50 million lei or approximately USD 300- USD 1500) and the revocation of licences.<sup>117</sup> Penal code articles 302 and 312 prescribe two to seven years imprisonment for violating the strategic interests of Romania, the charge that could be brought up against arms smugglers and others engaging in improper trade.<sup>118</sup>

### **International cooperation**

Romania is involved in many international and regional activities regarding SALW control. Within the region, it has been active in NATO's Stability Pact for South Eastern Europe efforts on small arms, and promoted the creation of the South Eastern European Regional Centre for Combating Trans-border Crime, which deals among other things with firearms trafficking.<sup>119</sup> Within Europe, Romania has been involved in NATO discussions on weapons trafficking and reportedly accepts and adheres to both EU and OSCE SALW initiatives. Internationally, Romania is a member of, or adherent to, all export control regimes and engages in UN SALW activities. However, the scope of these commitments overburdens the capacity of the Romanian authorities. One official put it this way: "Romania is over-stretched with all of the regime activity on arms issues". Government representatives stress that the lack of personnel and resources is the greatest obstacle to doing their work. They want to do more to enhance their arms control efforts, but they are struggling just to keep up.<sup>120</sup>

### **Transparency and accountability**

The transparency of Romania's arms control activities needs improvement. The Government does submit aggregate reports to the Prime Minister on the volume of weapons exported to recipient countries, but very limited information is shared officially. There exists no formal mechanism for informing the legislature or the public about the country's weapons practices.<sup>121</sup> Romanian officials allege that they are working on better reporting procedures. For example, two years ago the Government had plans to compile a report specifically on SALW, but this is yet to be released. In their defence on this subject, incidentally, officials say that because of company confidentiality, they are prohibited from releasing detailed arms trade information.

Romania has at least two organisations registered as participants in the International Action Network on Small Arms (IANSA).<sup>122</sup> Civil society in Romania has been growing in recent years, but arms control has not been a focus of NGO activity. One researcher argues that there is no public interest in weapons proliferation in Romania because basic societal needs are not being met.<sup>123</sup> A defence industry trade union has emerged, however, and seeks to protect the jobs of arms makers in these rough economic times.<sup>124</sup> Besides, there is one NGO, which has been especially active in bringing attention to improper arms deals in Romania. With its human rights focus and academic orientation, the Romanian Association for International Law has been conducting research, teaching classes, engaging the Government, and developing law school curriculum that addresses weapons proliferation as a humanitarian issue. However, this group admits that the arms trade is only one of their many concerns, and that ultimately they must place their hope on international NGOs to raise greater awareness of Romania's arms practices.<sup>125</sup>

## **4.3 Romanian SALW Perspectives and Realities**

As with other countries of the region, Romanian officials admit that there are connections between the spread and availability of SALW and criminal activity. Violent crime is on the rise, and the control of weapons transfers and accessibility are recognised as a necessary component to reducing crime and violence.<sup>126</sup> Unlike many of the other Central and East European countries, Romania expresses little concern about military or national security threats in terms of armed attack. Although the country is expected to join NATO in 2004 and has lasting concerns about being prepared for war at all times, Romanian officials stress primarily two perspectives concerning arms trade and SALW proliferation. First, because the Romanian Government is focused on integration with the West, primarily centring on EU membership, there is a recognised need to abide by international SALW obligations, accept

international and regional SALW rules and norms, and adhere to all SALW commitments. Romania must play by the non-proliferation norms of the international community if it is to have a chance to derive the economic benefits of integration. Second, due to the salience of domestic economic needs and the need to improve living standards, there is strong pressure to focus on the short-term economic gains that result from breaking arms trade rules and engaging in improper arms deals. The struggle between a long-term interest in integration and a short-term interest in economic payoffs from arms sales is significant in Romania, and officials and citizens remain unsure which perspective will ultimately win.<sup>127</sup>

# 5. Turkey

## 5.1 Background and Overview

A long-term member of NATO, Turkey is the only country in this study not to have a communist legacy. However, this largely Islamic but secular republic has a history of authoritarian rule, as well as of the military intervening in government's affairs.

Following strained relations with the United States and its allies in the 1960s and 1970s regarding Cyprus, Turkey attempted to decrease its reliance on Western suppliers,<sup>128</sup> thus pursuing self-sufficiency in the production of military hardware. Today, Turkey has a substantial MIC with significant numbers of companies producing many kinds of weapons systems, including SALW.<sup>129</sup> Approximately 14 enterprises in Turkey manufacture various kinds of SALW, from pistols, shotguns, rifles and machine guns to grenades and grenade-launchers, rocket projectiles, mortars, landmines, and ammunition.<sup>130</sup> The Under-Secretariat of Defence Industry (known as SSM), housed in the Ministry of National Defence (MND), serves as the agency controlling weapons production.<sup>131</sup> SSM is responsible for weapons procurement, production, and transfers in Turkey. A SSM publication that advertises its products indicates, that the produced SALW are primarily for domestic military and police consumption – and that less than one per cent of arms trade revenue is generated by the sale of SALW.<sup>132</sup>

SALW are reportedly widespread and easily accessible across Turkey, particularly in the southeastern part of the country where martial law was declared a number of years ago due to the conflict with Kurdish separatists.<sup>133</sup> Allegedly, the Turkish military distributed numerous weapons, mainly SALW, among the civilian population in the region for their self-protection.<sup>134</sup> Some officials claim that these weapons were later collected and returned to the military, but others cast doubt on that. However, it is clear that some SALW remain in the hands of population, not only in the southeast, but in other regions of the country as well.<sup>135</sup>

In addition to producing its own weaponry, Turkey continues to import large numbers of SALW. In recent years, Turkey has imported from the United States more than USD 5 million worth of pistols, carbines, and ammunition for police and paramilitary forces.<sup>136</sup> Countries such as Canada, Denmark, France, Germany, Sweden, and the United Kingdom have also exported SALW to Turkey.<sup>137</sup>

### **Stockpiles and surplus SALW**

There is little information available on the security of existing weapons stockpiles in Turkey. The General Staff of the MND is responsible for managing surplus arms, but knowledge about the status of their security procedure and methods of collection, destruction, or disposal is not readily available. In other words, Turkish officials responsible for such activities do not share much if any information about their activities.<sup>138</sup>



### **Accusations of illegal SALW transfers**

Geographically at the crossroads of three regions – Europe, Asia and the Middle-East – Turkey is at the heart of a network that has served for centuries as a centre for the transit and transshipment of people and goods of all kinds. Weapons are no exception. Turkey's borders are very porous and lack sufficient controls, especially in the southeastern part of the country, providing fertile terrain for smuggling activities.<sup>139</sup> The country's seaports also provide a tremendous potential for illicit activity.<sup>140</sup> Weapons have reportedly entered into and trafficked through Turkey from and to all regions of the world, supplying individual terrorists, terrorist organisations, guerrilla movements, insurgencies and intra- and inter-state conflicts.<sup>141</sup> Turkish-made weaponry has been sold to Indonesia, Algeria, Burundi, Pakistan, Iraq, Albania, Angola, Lebanon, Libya, and a host of other Middle Eastern countries.<sup>142</sup> They have also been seized in Bulgaria en route to Kosovo and confiscated in Greece and Poland in connection with various criminal activities such as drug-smuggling and terrorist plots.<sup>143</sup>

## 5.2 Elements of the Turkish SALW Control System

### **Legislative basis**

Law no. 3763 on the Control of Private Industrial Enterprises Producing War Weapons, Vehicles, Equipment and Ammunition, which was adopted in 1940, governs Turkey's production and export of military goods, but not their import, transit, or transshipment. The Turkish Government has also adopted a number of other decrees that address the export of specific products or technologies such as dual-use items. Provisions of the arms control law are outlined in a 'Notification Regarding the Goods the Export of which is Prohibited or Subject to Licence,' issued each year in the Official Gazette of the MND.

### **Brokering, export criteria and licensing**

Together, the weapons control law and its accompanying decrees establish a two-tiered export regulatory process. First, companies that produce and wish to export sensitive goods must be registered with the Istanbul Metals and Minerals Exporters Union (IMMIB). This union serves as a central clearinghouse for the control of sensitive exports. Once registered, exporters may then submit licence applications for specific transactions. The IMMIB receives such applications and determines whether the items to be exported are subject to the export control process. If the export requires a licence, the application is then submitted to the Ministry of Foreign Affairs and MND for their consideration. A broader interagency review process involving other ministries or agencies does not exist in Turkey. The Undersecretariat for Foreign Trade becomes involved in the licensing decision of dual-use items. The applications are reportedly considered on a case-by-case basis as no recipient country or end-user is automatically blacklisted.<sup>144</sup>

During the licensing process, Turkish officials claim that when considering the appropriateness of a particular sensitive export they employ various criteria. These include the export's impact on Turkish foreign and security policies, compliance with the country's international commitments and membership of multilateral arms control regimes, potential impact on violent intra- and inter-state

conflict, and contribution to terrorist organisations and activities. Neither the democratic nature of the recipient nor its human rights record are explicitly and routinely considered when reviewing export licence applications.<sup>145</sup>

Regarding the licensing of brokers and transport companies, Turkish officials claim that intermediary and transit activities are addressed during the licensing process, but there are no legal instruments to specifically govern sensitive goods. Domestic shipping companies are reportedly investigated in the course of normal business operations, but foreign companies are assumed to have gone through the appropriate channels within their own countries.<sup>146</sup> Brokers and transporters of weapons, therefore, may operate on the margins of the law given that the Turkish Government does not officially register or licence them and places a significant amount of faith in the role of other countries to have appropriately controlled the activities of their companies and individuals operating internationally. It is clear that intermediaries and individuals specialising in the movement of weapons do operate in Turkey. One such individual reported that he can turn to various independent consultants and experts for help with weapons deliveries.<sup>147</sup>

### **Border control**

Turkey's borders remain porous and susceptible to smuggling. Independent experts in Turkey, officials from other countries, and Turkish individuals running guns in and out of the country all allude that Turkey remains an ideal place for smuggling.<sup>148</sup> Moving contraband of all kinds, be that weapons, cigarettes or illegal immigrants, is far too simple, especially in the eastern part of the country. Even in the more controlled parts of Turkey, points of entry and exit on land or sea are not well protected.<sup>149</sup> Turkish officials report that when an export licence is granted, it is presented to customs authorities that have electronic access to control lists and databases to verify the authenticity of documents. In fact, at least 90 per cent of entry and exit points in the country are reportedly equipped with automated customs procedures. However, the customs authorities allegedly operate on the honour system, as they believe other countries importing or transiting military goods have performed appropriate checks. Physical examinations of shipments are therefore only performed on the basis of suspicion or existing intelligence, typically provided by a third party. Ultimately, Turkish officials suggest that their customs and border controls are insufficient largely due to a lack of resources.<sup>150</sup> The United States have been assisting Turkey in its efforts to enhance border controls, namely with the provision of USD 11 million in radiation detectors. The World Bank has also provided loans to Turkey to update border controls in the eastern part of the country.<sup>151</sup> Nevertheless, Turkish officials report that additional assistance in the form of trained personnel and relevant equipment is required to enhance security at their borders.<sup>152</sup> Without it, arms transfers will continue to go undetected and uncontrolled.

### **Civilian possession**

Civilian weapons must be licensed and registered.<sup>153</sup> Despite the legal requirements, guns and gun licences are reportedly easy to obtain.<sup>154</sup> This is contested by some of the officials who assert that arms are very difficult to obtain and own in Turkey. However, when asked for specific data on the availability and the numbers of civilian-owned weaponry, they were either unwilling or unable to provide it.<sup>155</sup>

### **Enforcement and penalties**

The enforcement of Turkey's arms control legislation is the responsibility of, depending on the specific violation or activity, the Ministry of Interior, police or customs authorities. The Ministry of Interior's police force deals with trans-border crime, including smuggling, while the customs authorities focus on the legality of sensitive exports. Since 1999, Turkish officials have attempted to enhance the enforcement of arms control provisions, but admittedly continue to suffer from implementation and resource problems.<sup>156</sup> It appears that enforcement efforts focus largely on the weapons activities of the Kurdish separatists.<sup>157</sup> Nonetheless, Turkish authorities have successfully seized numerous caches of weapons and munitions as well as arresting the occasional international arms trafficker.<sup>158</sup> Ultimately,

weapons valued in the millions of dollars from various countries, such as Bulgaria, Iraq, China and the United States, have been seized and confiscated in Turkey.<sup>159</sup>

The 1940 law on the control of military items prescribes minor penalties for both civil and criminal violations although no officials consulted during the preparation of this report could state exactly what those penalties are. Turkish officials admit that the law has many loopholes and insufficient legal consequences for violators, and therefore a strong deterrent specific to improper weapons transfers is needed. Accordingly, the MND is apparently working on a draft legislation to update the 1940 law regarding violation and penalty.<sup>160</sup>

### **International cooperation**

The Turkish Government has been cooperating with other countries, bilaterally and multilaterally, as well as working with international organisations and regimes regarding SALW control. It has signed agreements with neighbouring and other states, such as Azerbaijan, Bulgaria, China, Georgia, Romania and Russia, addressing trans-border crime and smuggling.<sup>161</sup> As a member of all international arms control regimes, Turkey has been active in establishing SALW control measures as a priority within the organisations, especially within the Wassenaar Arrangement.<sup>162</sup> Moreover, Turkish officials claim that they were also the first Government to propose to the OSCE that it should establish a SALW programme.<sup>163</sup> Officials also say that they would like to see SALW included in the UN registry of arms sales.<sup>164</sup> Finally, Turkey has been substantially involved in establishing small arms activities within the Stability Pact.<sup>165</sup> Turkey's international action on SALW control is therefore well documented, and its officials affirm the country's commitment to international efforts and arrangements to control the SALW proliferation.<sup>166</sup> However it is translating that commitment into effective implementation that remains a key concern.

### **Transparency and accountability**

Government officials in Turkey are quite willing to discuss their country's arms control efforts and perspectives, but are not particularly willing to discuss their country's weapons sales. In fact, governmental officials from other countries residing in Turkey and independent Turkish NGOs, researchers, experts, and analysts suggest that the Turkish Government, specifically the MND, is very secretive when it comes to providing information about arms imports and exports.<sup>167</sup> Although the Government is not required to report the kinds and volume of weapons they have procured or the types and numbers of arms they have transferred, the officials report that they do share information about arms sales to relevant international organisations such as the United Nations. According to these officials, additional reporting is not required, and therefore is not a priority.<sup>168</sup>

Turkey has a well-established NGO community that focuses on foreign and security policy issues. Many academics and interested individuals are also active in the area of national and international security. The issue of weapons proliferation does not, however, receive much attention from non-governmental actors. There is one academic in Turkey working on the spread of nuclear weapons, material and equipment, but no one in Turkey is concentrating on SALW. Government officials and semi-governmental researchers report, in fact, that the Government has not been faced with civil society requests for information on SALW, and are certainly not facing any pressure or targeted campaigns on the issue.<sup>169</sup> Nonetheless, many Turkish NGOs and independent actors having interests in foreign and security policies appear to be quite open to engaging in SALW work.<sup>170</sup>

## **5.3 Turkish SALW Perspectives and Realities**

SALW proliferation is often referred to as a serious security problem in Turkey. Officials and citizens suggest that their country has been victimised by SALW proliferation, and that weapons availability increases terrorist activity. Some of the Turkish individuals interviewed for this report, elaborating on their decades-long experience with terrorism (referring to the Kurdish separatists), argue that fewer



weapons in society would decrease the scope of terrorist incidents and activities. Although non-proliferation principles have been slow to emerge, and even slower to affect behaviour, these principles have already become part of the governmental decision-making structure and are now affecting Turkish actions regarding SALW.

Turkey's interest in joining the European Union enhances its motivation in SALW control as well. Turkish officials and individuals consider their country to be part of Europe and share European values. They assert their willingness to play by the EU rules and do what is required of them to be admitted, responsible arms control policies being one of the aspects of this.

# 6. Ukraine

## 6.1 Background and Overview

The end of the Cold War and the disintegration of the Soviet Union left Ukraine with huge weapons stockpiles. Millions of SALW, and hundreds of thousands of tonnes of munitions remained in Ukraine as Soviet forces withdrew to Russia.<sup>171</sup> The new state did not need such an enormous arsenal since it did not face serious security threats; rather, it was in need of financial resources. Thus, the Ukrainian Government decided to sell its inherited stockpiles.<sup>172</sup> Former Soviet arms worth of billions of U.S. dollars were sold to customers of all kinds, including those involved in violent conflicts and human rights abuses.<sup>173</sup> Ukrainian officials admit that weapons sales in the early 1990s were not subject to strict export control procedures.<sup>174</sup> Ukrainian parliamentary committee investigating arms transfers in the country found that between 1992 and 1998 USD 32 billion worth of armaments were either lost or stolen in Ukraine.<sup>175</sup> The Ukrainian Government has been accused of massive corruption in connection to the sale of the country's military goods, though officials vehemently deny such accusations.<sup>176</sup>

Ukraine does not appear to produce many SALW. According to the Norwegian Initiative on Small Arms Transfers (NISAT) database, only four Ukrainian companies manufacture small arms, including pistols, rifles, mortars, ammunition, and explosives.<sup>177</sup> Yet, a separate report in the same database indicates that overall the Ukrainian arms industry increased ten fold in the past few years and exported more than USD 1.5 billion in armaments.<sup>178</sup> Despite existing stockpiles and some production, Ukraine imported hundreds of thousands of dollars worth of SALW from countries such as Canada, Denmark, Germany, the United Kingdom and the United States.<sup>179</sup>

### **Stockpiles and surplus SALW**

Regarding the stockpiled weapons and munitions that remain in Ukraine (still counting in the millions), the Ministry of Defence (MoD) is responsible for their security and safety. However, the MoD is very difficult to engage with in discussing its policies and procedures for securing, managing, and accounting for surplus arms – and not just to the outside observers, but also to Ukrainian officials from the other ministries.<sup>180</sup> The MoD is working closely with NATO though, to establish a weapons and munitions destruction programme. 133,000 tonnes of ammunition and 1.5 million of SALW are scheduled for destruction under this plan. A NATO-Ukraine programme to destroy 400,000 landmines began in July 2002.<sup>181</sup> Perhaps the issue of most concern in Ukraine is the safety of excess ammunition left by Soviet forces. A total of 252,725 tonnes of ammunition are stored in fifteen different sites throughout Ukraine. These storage depots are close in proximity to populated areas, industrial facilities such as the Khmelnytsky nuclear power plant (within 30 kilometres) and international gas pipelines such as Yamal-West (less than 1 kilometre). The storage sites are overloaded, exposed to the open environment, and not well equipped with fire alarms. In order to tackle



that, the Ukrainian Government initiated in 1995 the State Programme on Destruction of Conventional Types of Munitions aiming at safe removal and destruction of the ammunition, however, the programme has suffered from financial and technological problems hindering its full implementation. But the Ukrainian officials remain hopeful that current NATO involvement will help to solve the dangerous stockpile management problems they are facing.<sup>182</sup>

#### **Accusations of illegal SALW transfers**

As mentioned above, the Ukrainian Government has been repeatedly accused of improper arms transfers. Published reports suggest that Ukraine emptied the huge arsenals inherited from the Soviet Union and turned the blind eye to the transfers of arms to inappropriate end-users by corrupt individuals or dealers.<sup>183</sup> Numerous accusations have been made in the press and other reports, making Ukraine's black and grey market weapons deals widely known in the international community.<sup>184</sup> Specifically, Ukrainian weapons have allegedly been supplied to various conflict zones in Africa, such as Liberia, Sierra Leone and Angola, in the Middle East, largely Iraq and Yemen, and throughout the Balkans.<sup>185</sup> Ukrainian transport companies have also been accused of engaging in the illegal transit of weapons, and international arms traffickers have reportedly been well connected to Ukrainian officials.<sup>186</sup> Despite a number of reports and publications about Ukraine's questionable arms transfers, Ukrainian officials have denied any wrongdoing; and no official has been charged with civil or criminal misconduct in connection with arms sales.<sup>187</sup>

## 6.2 Elements of the Ukrainian SALW Control System

#### **Legislative basis**

Ukraine has been developing and implementing the arms control system since 1993. Since 1996, the legal basis for the control system was formed by a series of 12 decrees, issued by the President and the Cabinet of Ministers addressing such elements as licensing bodies, controlled goods, interagency processes and enforcement.<sup>188</sup> In February 2003, the Ukrainian Parliament passed the first comprehensive law on the control of sensitive exports, re-exports, imports, transits, and transshipments.<sup>189</sup>

#### **Brokering, export criteria and licensing**

The State Service for Export Control housed at the Ministry of Economy is the centrepiece of Ukraine's arms control system. Originally called the Expert and Technical Committee, the State Service was granted independent status in 1996 and is responsible for all activities related to the movement of sensitive items into, out of, and through the Ukrainian territory. The State Service receives applications for export, re-export, import, transit, and transshipment of military and other sensitive items, coordinates the interagency review process, grants licences to sell controlled goods, and regularly reports to the Government on the status of licences issued. Employing a staff of approximately 75, officials at the State Service claim that they run an efficient and comprehensive control system. The only obstacles or challenges the State Service faces are the need for more equipment, computers, and resources for the translation of documents.<sup>190</sup>

Regarding the licensing of brokers, there is only one state-sanctioned company authorised to engage in the sale of military goods. 'Ukrspetseksport' is a state-owned agency that manages the sale of armaments to foreign clients. Although no other intermediary is granted the legal right to sell Ukrainian weapons, independent reports suggest that there are many brokers operating in Ukraine, some with high-level connections inside and outside the country.<sup>191</sup> Brokering activities are not included in the new legislation, though officials report that in practice such activities are controlled.<sup>192</sup>

Ukrainian officials claim that they accept and adhere to the EU Code of Conduct and OSCE Document on SALW, and consider various export criteria during the licensing process, such as the export's impact on human rights abuses, terrorist activity, violent conflict, and democratic development. The specific criteria are not, however, explicitly mentioned in Ukraine's legal instruments governing the transfer of arms.

In terms of documentation and verification, the officials report that they require import certificates for all transactions involving military goods, even transits and transshipments, but delivery verification occurs only when the activity is suspected to be in violation of arms control procedures. Like elsewhere in the former Soviet area, Ukrainian officials cite a lack of resources as the main reason for insufficient verification activities.<sup>194</sup>

### **Border control**

Customs and border controls in Ukraine are important issues since sharing borders with eight different countries means eight different problems.<sup>195</sup> Perhaps of greatest concern is Ukraine's border with the Transdnister region between Ukraine and Moldova. A breakaway republic, Transdnister is like a black hole where things go in and come out with no real understanding of how goods are controlled. The territory, in other words, serves as a hub for trafficking and smuggling of goods and people. Because the Transdnister itself possesses and produces SALW in large numbers, arms flow freely into and out of the region across the Ukrainian border and to various ports on the Black Sea.<sup>196</sup> Ukraine is the only country to recognise Transdnister passports and customs seals, but is not cooperating with Moldovan authorities to control jointly the Transdnister border. In fact, a programme established between Ukraine and Moldova to share control of the border lasted three days as the Ukrainian President decided to discontinue the cooperation.<sup>197</sup>

The EU has stepped up its pressure on Ukrainian and other authorities to address the Transdnister problem, but the corrupt individuals in Ukraine and the Transdnister are rumoured to be well-connected, making a lot of money from illegal activity, and not having any incentive to respond to any international or other demands to fix the problem.<sup>198</sup> The existence of the problem is often denied: many Ukrainian officials consulted for this report have been claiming that Ukrainian borders are well secured, that customs authorities and border guards responsible for points of entry and exit are well trained and supported with technical capabilities, and that the Transdnister problem is in fact more of an issue for Moldova than for Ukraine.<sup>199</sup>

### **Civilian possession**

Concerning weapons availability within society and the issue of civilian possession, some experts and analysts report that large numbers of Ukrainian citizens own guns of many kinds.<sup>200</sup> This is not confirmed by the officials, who assert that civilian gun-ownership is not common and that weapons availability is not perceived as a problem.<sup>201</sup> To legally acquire and possess a weapon in Ukraine, a rigorous process of registration and licensing must be followed, a process that changed little since the Soviet times.<sup>202</sup> There is currently no legislation regarding the private ownership of weaponry, although a law regulating this issue is being debated in the Parliament.<sup>203</sup> Previous attempts to introduce gun-ownership legislation failed as no agreement was found over what kinds of weapons private citizens could legally possess and whether or not private ownership would increase crime or improve security. Many officials simply object to the legal sale and possession of arms among the general population.<sup>204</sup>

### **Enforcement and penalties**

The interagency process in Ukraine involves eleven different ministries and agencies, including the Ministries of Interior, Defence, Foreign Affairs and Industrial Policy, State Border Protection Committee, State Guard Office, State Office on Penitentiary Issues, State Customs Service, Ministry of Emergencies, Security Service of Ukraine and State Service for Export Control. They are involved in interagency reviews of arms control policies and practices, as well as sensitive export, import, and transit activities.<sup>205</sup> Within the ministries and agencies, however, there are very few individuals that are concerned with SALW. For example, the Ministry of Foreign Affairs employs one person who handles all work pertaining to SALW issues. Officials admit that the bulk of the interagency work focuses on large military equipment and dual-use products.<sup>206</sup>

The Ukrainian Security Service coordinates the enforcement of arms trade provisions with the assistance and involvement of the Ministry of Interior and Customs Department.<sup>207</sup> There have been only a few reports of weapons seizures in Ukraine, and a couple of arrests and prosecutions for the violation of arms trade decrees.<sup>208</sup> However, Ukraine has collaborated with other countries, mainly Russia, to crack down on gunrunners, with a number of successful cases.<sup>209</sup> For example, two individuals charged with and convicted of gun smuggling received a prison sentence.<sup>210</sup> Regarding penalties, both civil and criminal punishments are envisaged for illegal weapons activities. Articles 70, 221, 222, 228, 299, and 238 of the Ukrainian penal code outline the penalties, which range from two to seven years in prison. Civil code articles 48, 49, and 50, and customs code articles 103, 111, 113, and 114, outline the possibilities for monetary fines, confiscation of property, and seizure of goods and documents.<sup>211</sup> Ukrainian officials believe the penalties allowed are appropriate and provide a strong deterrent. They argue that the few arrests and prosecutions that have occurred in Ukraine indicate little illegal activity rather than a lack of enforcement.<sup>212</sup>

### **International cooperation**

The Ukrainian Government has engaged in numerous bilateral and multilateral activities, primarily with Poland, Russia, Georgia, Uzbekistan, Azerbaijan, Moldova, the United States, as well as the Commonwealth of Independent States, regarding the international control of trans-border crime, including control over arms trafficking and smuggling.<sup>213</sup> Ukraine is a member of most international arms and export control regimes. Ukrainian officials also believe international cooperation to be an important aspect of SALW control, and that international standards are of key significance.<sup>214</sup> In the words of one of the officials, "Ukraine will never violate international rules and regulations" and "Ukraine takes seriously all of its international commitments with regard to non-proliferation".<sup>215</sup>

### **Transparency and accountability**

The officials suggest that the transfer and control of weapons in Ukraine is an open process. Ukrspetsekспорт submits reports to the State Service of Export Control every month to inform the Service of the status of arms contracts and licences. The State Service submits quarterly reports to the President and Prime Minister, also organises and offers regional workshops throughout Ukraine to share information about arms trade mechanisms, controlled goods, and licensing procedures. The Ukrainian Government, represented by the Ministry of Foreign Affairs, reports to the OSCE, the UN, and the Wassenaar Arrangement about Ukraine's weapons transfers and control instruments. However, there is no systematic reporting on arms activities.<sup>216</sup> One official suggested that information about arms sales would be provided to Ukrainian citizens if specific requests were made, but that they have not received any such requests.<sup>217</sup> On the other hand, many Ukrainian analysts and researchers disagree that the transfer of weapons from Ukraine is an open process. In fact, the non-governmental (and former governmental) sources suggest that the weapons trade is one of the most closed spheres in Ukraine.<sup>218</sup> Therefore the system governing arms sales and control in Ukraine is hardly a transparent one.

Civil society participation on the SALW issue in Ukraine is very weak. One non-governmental association, the Centre for Peace, Conversion, and Foreign Policy of Ukraine, is a registered member

of IANSA.<sup>219</sup> The Centre's focus is not, however, specifically on SALW problems, but on related issues, such as border security and general foreign and security perceptions and trends. Many in Ukraine may be too frightened to engage in work on arms transfers as there have been cases when journalists who have investigated the issue have been threatened, wounded, or have mysteriously died.<sup>220</sup> Civil society is therefore rather wary about digging into weapons transfers in Ukraine.<sup>221</sup> There is little reliable information available from independent sources.<sup>222</sup> The Ukrainian media are perceived to be unbalanced and citizens do not have the information necessary to act on many issues, not just ones associated with SALW.<sup>223</sup>

### 6.3 Ukrainian SALW Perspectives and Realities

Officials responsible for arms trade and control activities suggest that Ukraine faces no major threats to its national security, that it does not feel threatened, and that SALW availability in society is largely not a problem. They do not believe there is a clear link between arms and crime in domestic society. They do recognise, however, that SALW proliferation poses a threat to others, and claim that since 11 September 2001 they have enhanced their weapons control efforts. There is an understanding that export control mechanisms are an important instrument for combating and preventing the unlawful spread of SALW and diminishing the conflict and instability that may result.<sup>224</sup> Despite the seeming confidence concerning national security, the Government is concerned with the safety of the stockpiled munitions that are stored throughout the country. The safety of the Ukrainian population is reportedly the main motivation behind the country's efforts to destroy surplus ammunition.<sup>225</sup>

Although not a member of NATO, Ukraine is cooperating with the organisation, especially with regards to weapons destruction.<sup>226</sup> EU integration is not a major motivation for Ukraine either, though the Government certainly expresses an interest in joining the EU in the future.<sup>227</sup> Nonetheless, Ukrainian officials do assert their commitment to developing and implementing responsible foreign policies and fully supporting international efforts regarding SALW.<sup>228</sup>

# 7. Conclusions and Recommendations

All countries covered in this report have demonstrated a political commitment to control SALW; however, expressing political will is only the first step in enforcing control measures. Although the practical mechanisms for this do exist in the Black Sea region, there remains room for improvement. All of the countries considered in this report contributed to the global small arms problem as sources of supply, and each has contributed in some way to its solution as they develop and implement SALW control procedures.

These, however, have only been successful to varying degrees. The importance of the SALW problem is not equally recognised throughout the area, as there is not an apparent connection between violence committed with guns internally and the international illegal arms trade. Secrecy in the arms trade remains a significant issue. The lack of control in the Transdniester region contributes to problems of SALW supply and control in both Ukraine and Moldova. Government corruption throughout the region also remains an obstacle to enhanced control efforts. Some officials continue to reject responsibility for past irresponsible weapons transfers and deny that problems continue to exist. The region is therefore in urgent need of international assistance, especially with regard to customs and border control and the resolution of the Transdniester standoff. While the countries presented here are developing and implementing arms control measures, smugglers continue to exploit the gaps between policy and practice. These gaps must be filled, and the engagement by the Western counterparts must be enhanced and deepened in order to do so.

## Recommendations

- *Development of systems of transparency and lack of accountability*  
Lack of accountability and transparency is a systemic problem, but commitments to transparency regarding weapons transfers in the Black Sea region differ from country to country. Romania, for example, has made significant steps toward sharing more information with civil society as well as the international community in the area of arms exports, imports, and control mechanisms. However, countries like Moldova, Ukraine, and Turkey remain rather closed in the area of weapons transfers. Officials in

these countries do not even appear willing to admit the need for more transparency and information sharing. Mechanisms should be developed which ensure greater transparency and accountability concerning SALW transfers in the region. This should be seen as a part of strengthening democracy and good governance more generally.

- *Strengthening of SALW legislation*

Each country addressed here provides some legal basis for regulating SALW issues; while all of them have established a legal basis for weapons control, not all aspects of the arms trade are covered in the legal instruments. For example, although licensing procedures do exist in all these countries, the licensing systems cover primarily arms exports and imports, but not all adequately cover arms re-exports, transits, or transshipments. Export criteria are not well integrated into the legislation or legal instruments and there is some confusion among the government representatives as to which criteria are important. Thus, the legislation should be reviewed and improved in order to adequately cover re-exports, transits and transshipments, including the export criteria.

- *Long-term support for customs and border control*

Most land and sea borders in the Black Sea region are quite porous, especially in Moldova, Turkey, and Ukraine. The Transdnier region between the Republic of Moldova and Ukraine poses a particular problem when it comes to customs and border control. Although government officials recognise the existing problems and express their interest in addressing them, this is hampered by resource constraints. It is strongly recommended that border control structures be reinforced. Police, customs, and other border control officials should receive adequate support and training to meet their needs and should be provided with adequate equipment infrastructure to effectively detect SALW and control their circulation.

- *Stockpile management*

Stockpile management and the disposal of surplus stocks of SALW remain problematic in most countries of the region. National programmes and measures to enhance arms stockpile security are key elements to reducing small arms proliferation. As identified by the Small Arms Survey, the basic requirements for good stockpile management include properly designed, constructed and secured storage facilities; adequate procedures of access to stocks, inventory and accounting; well-trained security personnel; transport protection; and adequate financial and technical resources.<sup>229</sup> Bilateral or international assistance programmes are significant in providing financial assistance and technical security training and should be enhanced in order to establish comprehensive registration systems, build secure storage facilities, train security personnel and develop cooperation and share experience at the regional and international level.

- *Improving interagency coordination*

Interagency processes are largely in place in each of the countries studied, but there are significant variations as to the number of agencies involved in the process, which can lead to confusion and interagency rivalry. In the case of SALW controls, rigorous coordination is needed among the



government ministries and bodies to build the base-line for information exchange and political cooperation. It is therefore recommended that the representatives from institutions responsible for SALW convene regular meetings to discuss legal responsibilities, codes of conduct and their role in the implementation of existing agreements.

- *International pressure and support*

The countries covered in this report have engaged in numerous bilateral and multilateral activities and have signed cooperative agreements to combat transborder crime, smuggling, and trafficking of all kinds of goods, including SALW. Most of these countries are involved in the Stability Pact, NATO, and other multilateral arrangements that have actively addressed the SALW problem from various angles. However, the translation of these agreements into practice is questionable. Although the current international policies on SALW focus on control, the international community does not necessarily provide the resources to implement these policies. Membership in European and Euro-Atlantic institutions such as the EU and NATO seems to be a great motivation for countries in the region and this motivation can be used to lobby them to adopt responsible SALW control policies. However, it should be complemented with the financial and technical assistance for the practical implementation of the commitments made.

- *Civil society*

Throughout the Black Sea area, civil society plays a limited role. There are relatively few NGOs and interested individuals that are engaged in activities associated with small arms control. In general, the public is not involved in national and international security issues either. This is partly due to the lack of independent media and, therefore, of information and initiative. Civil society organisations are often instrumental in holding governments accountable for their weapons practices or pressuring them to engage in certain arms trade mechanisms, and their activities should therefore be supported and strengthened by both governments and international donors.

## 9. Endnotes

- <sup>1</sup> For further information on the South Caucasus see Matveeva, A. and D. Hiscock (eds), *The Caucasus: Armed and Divided*, Saferworld, London, April 2003.
- <sup>2</sup> A more detailed description of these international instruments and their application in these countries can be found in the *General Mapping Assessment of Small Arms and Light Weapons Measures in the Eurasia Area*, report from the same series as the present report, published by IA in December 2003.
- <sup>3</sup> For more on Bulgarian weapons production, see Mariani, B. and C. Hirst, *Arms production, exports and decision-making in Central and Eastern Europe*, Saferworld, London, July 2002, pp. 24-25, available at [http://www.saferworld.co.uk/arms\\_security/Beastrep.htm](http://www.saferworld.co.uk/arms_security/Beastrep.htm); and author's interviews with Bulgarian officials at the Ministries of Economy and Defence and Parliamentary Defence Committee, and with a former Prime Minister in Sofia, Bulgaria, October 2000.
- <sup>4</sup> Author's interviews with Bulgarian officials at the Ministry of Defence and Parliamentary Defence Committee, and with a former Prime Minister.
- <sup>5</sup> Ibid.
- <sup>6</sup> Mastagarkov, I. "Bulgaria Sells Kalashnikov Maker for \$2.1 Million", *Reuters*, August 3, 1999, at [http://www.iansa.org/news/1999/aug\\_99/bulgaria.htm](http://www.iansa.org/news/1999/aug_99/bulgaria.htm); and author's interviews with Bulgarian officials at the Ministry of Defence and Parliamentary Defence Committee.
- <sup>7</sup> Author's interviews with Bulgarian officials at the Ministries of Economy and Defence and Parliamentary Defence Committee.
- <sup>8</sup> Author's interview with former President of Bulgaria's Euro-Atlantic Club and now highly placed official in the Bulgarian Ministry of Foreign Affairs in Sofia, October 2000.
- <sup>9</sup> Ibid; and author's interviews with expert researchers at the University of World Economy in Sofia, October 2000.
- <sup>10</sup> Author's interviews with Bulgarian officials at the Ministries of Foreign Affairs, Economy, and Defence.
- <sup>11</sup> Mariani&Hirst 2002, p. 21; and author's interviews with Bulgarian officials at the Ministries of Economy and Defence and Parliamentary Defence Committee.
- <sup>12</sup> In 2002, the U.S. Government has been assisting Bulgaria with the destruction of some of its surplus military items. By July 2002, more than 77,000 SALW and 500 tons of ammunition had been destroyed. See the Human Rights Watch report, *Reforming Bulgaria's Arms Trade*, July 3, 2002, found at <http://hrw.org/backgrounder/arms/bulg.htm>. On the governmental perceptions of cost associated with weapons destruction, see the author's interviews with Bulgarian officials at the Ministries of Economy and Defence.
- <sup>13</sup> *Report of the Panel of Experts on Violations of Security Council Sanctions Against UNITA*, UN Document S/2000/203; "Africans Brace for Counter-Attack on Angola Report", *United Nations (Reuters)*, March 14, 2000, available at [http://www.iansa.org/news/2000/mar\\_00/africa\\_angola.htm](http://www.iansa.org/news/2000/mar_00/africa_angola.htm); and Lara Pawson, "Governments Defy UNITA Sanctions", *BBC News*, October 30, 2000, at [http://www.iansa.org/news/2000/oct\\_00/gov\\_defy.htm](http://www.iansa.org/news/2000/oct_00/gov_defy.htm).
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- <sup>15</sup> Ibid. See also "War-Ravaged Burundi Flooded with Foreign Weapons", *Inter Press Service*, December 9, 1997, available at <http://www.nisat.org>; and Hartung, W.D. and B. Moix, *Deadly Legacy: U.S. Arms to Africa and the Congo War*, World Policy Institute, January 11, 2000 available at [http://www.iansa.org/documents/research/2000/wpi\\_uscongo.htm](http://www.iansa.org/documents/research/2000/wpi_uscongo.htm).
- <sup>16</sup> For a translation of the Bulgarian 1995 law and related implementing documents, visit the SIPRI database at <http://projects.sipri.se/expcon/natexpcon/Bulgaria/bulgaria.htm>, and Mariani&Hirst 2002.
- <sup>17</sup> *Reforming Bulgaria's Arms Trade*, Human Rights Watch, July 2002; and author's correspondence with Bulgarian official at the Ministry of Foreign Affairs, July 2002.
- <sup>18</sup> *Reforming Bulgaria's Arms Trade*, Human Rights Watch, July 2002; and author's correspondence with officials at the Ministries of Foreign Affairs and Economy, July 2002.
- <sup>19</sup> Author's interviews with officials at the Ministries of Foreign Affairs, Economy, and Defence, at the Inter-ministerial Council, and at the Parliament, October 2000.
- <sup>20</sup> *Reforming Bulgaria's Arms Trade*, Human Rights Watch, July 2002.
- <sup>21</sup> Author's interviews with officials at the Ministries of Foreign Affairs and Economy and with officials at the Inter-ministerial Council.
- <sup>22</sup> The current Bulgarian Foreign Minister recently resigned from the board of a major arms manufacturer after its license was revoked for allegedly engaging in illegal arms deals. See *Reforming Bulgaria's Arms Trade*, Human Rights Watch, July 2002.
- <sup>23</sup> Author's interviews with officials at the Ministry of Interior and at the Parliament.
- <sup>24</sup> Ibid.
- <sup>25</sup> SIPRI database.
- <sup>26</sup> Ibid.; and *Reforming Bulgaria's Arms Trade*, Human Rights Watch, July 2002.
- <sup>27</sup> *Reforming Bulgaria's Arms Trade*, Human Rights Watch, July 2002.
- <sup>28</sup> Author's interviews with officials at the Ministries of Economy, Foreign Affairs, and Defence.
- <sup>29</sup> The agencies represented are the Ministries of Economy, Defence, Development, Education, Foreign Affairs, Finance, Interior, and Transport, as well as the Bulgarian Intelligence Service. The Council is chaired by the Deputy Prime Minister. See the SIPRI database and Mariani&Hirst 2002, pp. 22-23.
- <sup>30</sup> Members represent the Ministries of Foreign Affairs, Interior, Defence, and Industry. Ibid.
- <sup>31</sup> Author's interviews with officials at the Ministries of Economy, Foreign Affairs, and Defence, Inter-ministerial Council, and Parliament.
- <sup>32</sup> Author's interviews with experts at the University of World Economy.
- <sup>33</sup> See the report of the Stability Pact Seminar on SALW Collection and Destruction held in Sofia, Bulgaria, October 17-19, 2000, at <http://www.stabilitypact.org>. For additional evidence of Bulgaria's active participation and proposals, see the report of the workshop on SALW: *Possible Contribution to the Stability Pact for South Eastern Europe*, held in Ljubljana, Slovenia, January 27, 2000, available at [http://www.iansa.org/documents/regional/2000/jan\\_00/stabilitypact\\_summary.htm](http://www.iansa.org/documents/regional/2000/jan_00/stabilitypact_summary.htm).
- <sup>34</sup> Author's interviews with officials at the Ministries of Foreign Affairs, Economy, and Defence.
- <sup>35</sup> See the Bulgarian Prime Minister's speech of February 4, 2002 as he introduced the revised arms trade law to parliament, found in *Reforming Bulgaria's Arms Trade*, Human Rights Watch, July 2002.
- <sup>36</sup> Author's interviews with officials at the Ministries of Foreign Affairs, Economy, and Defence, Inter-ministerial Council, and Parliament.
- <sup>37</sup> Author's correspondence with Bulgarian officials at the Ministries of Foreign Affairs, Economy, and Defence, December 2001.
- <sup>38</sup> Although 51 countries have signed the UN Firearms Protocol (including Turkey, covered in this report), only four have ratified it so far. See [http://www.unodc.org/unodc/crime\\_cicp\\_signatures\\_firearms.html](http://www.unodc.org/unodc/crime_cicp_signatures_firearms.html)
- <sup>39</sup> For a history and discussion of the Transdniester/Moldovan conflict, see <http://www.moldova.org/about03.html>; *National Security and Defense of the Republic of Moldova* Institute of Public Policy, Chisinau, 2002; and Pintea, I. *The Military Aspect of the Conflict Settlement in the Eastern Part of the Republic of Moldova*, Institute of Public Policy, Chisinau, April 2001. Also see author's interviews with Moldovan officials at the Ministry of Foreign Affairs, Chisinau, Moldova, March 2003.
- <sup>40</sup> Author's interviews with Moldovan government officials at the Ministry of Foreign Affairs and with Moldovan non-governmental and former governmental experts and analysts, Chisinau, Moldova, March 2003.
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- <sup>47</sup> For the OSCE Istanbul Summit Agreement, see the complete text at <http://www.osce.org/docs.english/1990-1999/summits/istadec199e.htm>. For more on the agreements and the Russian forces, see the *SEESAC Mission Report on Moldova*, 19 July 2002, at <http://www.undp.org/yu/seesac/about/moldavia.htm>.
- <sup>48</sup> Author’s interviews with Moldovan officials at the Ministries of Foreign Affairs, Economy, and Defense, Chisinau, Moldova, March 2003.
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- <sup>53</sup> See “Minister Warns Dniester Supplies Arms to Terrorists”, *Basapress*, 10 November 1998, found at <http://www.nisat.org>; “Soviet Republic of Transdnier Said Supplying Islamic Terror Groups with Arms”, *Panorama*, 4 February 2002; found at [http://www.iansa.org/news/2002/feb2002/transdnier\\_armssupply4202.htm](http://www.iansa.org/news/2002/feb2002/transdnier_armssupply4202.htm); and author’s interviews with Moldovan officials at the Ministries of Foreign Affairs and Defense, and with non-governmental experts and analysts, Chisinau, Moldova, March 2003.
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- <sup>61</sup> Author’s interviews with Moldovan officials at the Ministries of Economy, Foreign Affairs, and Defense and Customs Department, Chisinau, Moldova, March 2003.
- <sup>62</sup> Ibid.
- <sup>63</sup> For a detailed analysis of border security in Moldova, see *New Borders in South Eastern Europe: The Republic of Moldova, Ukraine and Romania*, Institute of Public Policy, Chisinau, 2002.
- <sup>64</sup> Author’s interviews with Moldovan Officials at the Customs Department and with U.S. officials responsible for customs assistance, Chisinau, Moldova, March 2003.
- <sup>65</sup> Ibid. For example, Moldova just received \$6 million from the World Bank, \$1 from the United States, and \$1 from Romania to establish an online information system at border control sites.
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- <sup>92</sup> Author's interview with official at the Ministry of Defence, October 2000.
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- <sup>100</sup> See Article 12, Sections 1 and 2 of the 1999 law #158.
- <sup>101</sup> See Articles 1 and 3 of the 1999 law #158.
- <sup>102</sup> Author's interviews with officials at the Ministries of Economy, Foreign Affairs, Defence, and Finance, October 2000.
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- <sup>104</sup> See Article 8 of law #158.
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- <sup>106</sup> Author's interviews with officials at the Ministry of Finance, October 2000; and correspondence with Romanian officials, November 2001.
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- <sup>127</sup> Ibid.
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# Notes



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