

Seminar Report

National and International Norms, Principles and Measures for Controlling Small Arms Proliferation: The View From Russia

Saferworld and Center for Policy Studies in Russia (PIR
Center) joint seminar

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PIR CENTER

Center for Policy Studies in Russia



ПИР-ЦЕНТР

Центр политических исследований в России

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1. Seminar summary and conclusions

Introduction

On 6–7 December 2001 the conference 'National and International Norms, Principles and Measures for Controlling Small Arms Proliferation: the View from Russia' was organised in Moscow by Saferworld together with the Center for Policy Studies in Russia, (PIR Center). With an exclusive focus on various aspects of the small arms and light weapons (SALW) ¹ agenda, this was a groundbreaking event for Russia. It brought together representatives of most relevant government departments and ministries, including the Ministry of Foreign Affairs, (MFA), the Ministries of Defence (MoD) and Interior (Mol), the Office of the Chief Military Prosecutor, the Committee for Military-Technical Co-operation, and Rosoboronexport. Representatives of civil society, including NGOs, research institutes and journalists, were also present. The conference provided a unique opportunity to identify key concerns for local and international actors with regard to SALW proliferation, as well as to identify Russia's interests as a major arms producer and exporter. Addressing the conference, Deputy Foreign Minister Georgy Mamedov noted that "this event.....is an important step in intensifying the efforts of Russian civil society to tackle the problems of SALW diffusion."

The conference agenda included such diverse topics as reflections on the follow-up to the United Nations (UN) Conference on the Illicit Trade in SALW; trafficking and possession of SALW and links to organised crime; export controls and legal small arms transfers; and stockpile security and weapons reduction measures. Leading international experts from the Organisation for Security and Co-operation in Europe (OSCE) Conflict Prevention Centre and the OSCE Mission to Georgia, Saferworld, SIPRI, Small Arms Survey, BICC, BASIC and the UN Observer Mission to Georgia all made contributions on the subject of international norms and practices, provided analyses of relevant experience in other countries such as former Yugoslavia, and outlined the situation in the turbulent region of the Caucasus. The discussion of SALW challenges in the Caucasus was led by Moscow-based independent experts on the Caucasus, with input from officials of the Ministries of Foreign Affairs of Georgia, Armenia and Azerbaijan, giving rise to heated debate over the relationship between conflict, security and proliferation of SALW in this volatile region. The participants, by way of conclusion, reiterated the importance of international co-operation. It is envisaged that concrete projects will follow as a result of these discussions.

Russia and SALW

The Russian Federation (RF) is a key player in every aspect of international politics. It is a member of all major international organisations and party to all major disarmament and arms control arrangements in the world. Russia's territory stretches over Europe and Asia, connecting remote places, peoples, economies and cultures. However, the very size and diversity of this territory also offers great opportunities for illicit producers, smugglers, and other criminals. The fact that Russia sometimes experiences domestic turbulence, violent insurgency and conflicts in neighbouring countries means that incentives for illicit transfers through Russian territory exist. With these illicit flows comes the criminal activity typically associated with SALW proliferation. This places a heavy burden on the shoulders of the Russian authorities (not to mention on the national budget) responsible for carrying out the painstaking daily work resulting from SALW proliferation.

Russia is also, however, one of the world's major producers and exporters of SALW. It is therefore important that the RF contributes to international co-operation by exercising a responsible export policy and strict regulation.

¹ The working definition of SALW adopted by a UN Panel of Governmental Experts in 1997 has now become widely (if not universally) accepted. This definition distinguishes between small arms, which are weapons designed for personal use, and light weapons, which are designed for use by several persons serving as a crew. The category of small arms includes: revolvers and self-loading pistols, rifles and carbines, submachine guns, assault rifles, and light machine guns. Light weapons include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft missile systems, and mortars with a calibre of less than 100mm. Ammunition and explosives are considered to form an integral part of the SALW with which they are used in conflict.

Curbing the proliferation of SALW and combat associated problems requires concerted action at all levels, domestic and international. The international community has begun to pay increased attention to SALW over the past few years. Over a relatively short period in international relations terms, considerable progress has been made in concentrating efforts and resources. It has been widely recognised that a comprehensive approach to tackling the diffusion of and problems related to SALW is a prerequisite for achieving tangible results.

There is a key role here for civil society. NGOs can support the efforts of governments to tackle SALW-related problems in several ways, not least by raising public awareness of these issues and thereby helping to reduce corruption, eradicate gun-cultures and end impunity.

The objectives of this seminar were as follows:

- To pool national and international expertise on SALW issues
- To assess the situation in Russia and neighbouring countries with the aim of facilitating an exchange of ideas on how best to address the national, regional and international problems identified by experts from different constituencies at national, regional and international levels
- To create an impetus for further work on SALW by local and international actors

Next steps

The significance of the Moscow Small Arms Proliferation seminar lies in its explicit focus on SALW issues, an entirely new perspective as far as the RF is concerned. In the course of the event, many facets of the SALW problematic in the RF and in neighbouring Commonwealth of Independent States (CIS) countries were highlighted.

Many avenues exist for follow-up activities. It is therefore crucial not to lose any of the momentum generated by this event. All states, Russia included, are already facing-up to the challenge of implementing their commitments in line with the UN Programme of Action (July 2001) and with the recent OSCE Document on SALW (November 2000). It is important to start thinking now about how best to ensure that the implementation of these commitments is carried through.

In the short term, it is envisaged that the publication of this report in two languages will help to raise awareness of SALW-related problems within Russia and neighbouring CIS states, not least by promulgating the relevant international documents to a wide audience. Looking to the medium term, at least three priorities for further action have emerged from the seminar.

Increasing the effectiveness of export control mechanisms

Effective export control is an important issue for all major weapons producers. This is certainly the case for Russia, given its high ranking in the global league of small arms producers and exporters. Over the past two years Saferworld has been running an ongoing project in Central and Eastern European (CEE) countries that works to strengthen arms export controls. The project's initiatives include deepening co-operation between the European Union (EU), Central and Eastern European (CEE) national governments, NGOs and international actors, improving transparency and accountability, and fighting organised crime. Saferworld is now planning to establish links between officials, experts and NGOs in the EU, Central and Eastern Europe and Russia so that both regions can share the benefits of the project. These links would facilitate information exchange, improve contacts and serve to develop a more informed debate in the field of arms export controls. The participation of Saferworld's Russian partners in an upcoming conference in Vilnius, Lithuania on Combating Illicit Arms Trafficking in the Baltic Region, and again in Sofia, Bulgaria on Controlling Small Arms Proliferation: the View From Bulgaria, will be the first steps in building this relationship.

Further research

During the course of the seminar, participants learnt that SALW-related research is already underway in Russia. However, it also became clear that more substantial efforts are needed to address such areas

as domestic legislation, rules governing production and export, marking, stockpile management and weapons held in private possession and by private security companies. Saferworld is therefore planning to address these issues by commissioning a research report on 'Russian Small Arms Production, Stockpiles and Transfers' in co-operation with the Small Arms Survey and the Centre for Analysis of Strategies and Technologies (CAST), to be published as an SAS/Saferworld/CAST Occasional Paper.

However, in keeping with the importance the participants at the Moscow seminar gave to the region, the primary focus of Saferworld's future work in the CIS will be on the Caucasus. The Moscow seminar addressed the links between the North and South Caucasus, the role of SALW in the Caucasian conflicts, and the impact of the dissolution of the Soviet Union on proliferation of SALW in the region. It also underlined the fact that the persistence of conflicts acts as an impediment to successful disarmament and weapons control measures. Saferworld therefore plans to initiate a research and analysis project entitled SALW Proliferation, Security and Humanitarian Concerns in the South Caucasus, relying heavily on co-operation with local researchers in the Caucasus and in Moscow. The first step in the project will be to map out the existing situation and identify potential for change. The longer-term goal will be to combat proliferation of SALW in this turbulent region and to develop effective advocacy strategies. The experience that Saferworld has gained from working in the Balkans on the relation between arms, conflict and human insecurity will bring valuable expertise to the Caucasus initiative. The foundations for this work were laid at the Tbilisi roundtable (April 2000), in which officials and independent experts from three South Caucasian countries took part.²

Dialogue, advocacy and capacity-building

Finally, Saferworld regards it as essential to further involve Russian partners in the activities of the organisation in addition to those seminars and roundtables outlined above. Advocacy initiatives could include projects targeted at a global level, such as follow-up activities associated with the implementation of the UN Programme of Action,³ while the production and distribution of Saferworld's jointly developed SALW training manual to local NGOs will help build local capacities in this field.

² See appendix 6.

³ Saferworld is now initiating phase two of its 'Biting the Bullet' project in co-operation with International Alert and the British American Security Information Council. Phase one of the project provided officials and NGOs with a series of briefings on SALW-related issues and involved them in a range of interactive seminars in the run up to the UN Conference on the Illicit Trade in SALW, July 2001. Phase two concentrates on monitoring implementation of the UN Programme of Action adopted by the Conference and convening expert groups to maintain momentum for change.

2. Presentations and Discussions

Welcome and introduction on behalf of the Ministry of Foreign Affairs of the RF

Oleg Pozdnyakov, Ministry of Foreign Affairs of the RF, on behalf of Georgy Mamedov, Deputy Foreign Minister of the RF

This international seminar on the control of SALW is a significant event for Moscow. We believe that its occurrence demonstrates an appreciation of the role that Russia has played as a major producer and exporter of arms and in developing global and regional measures to curb the proliferation of SALW. Moreover, this event, co-organised by the PIR Center and Saferworld, is an important step in intensifying the efforts of Russian civil society to tackle the problems of SALW diffusion.

Today, with the worsening situation in many parts of the globe, the problem of preventing the illicit trafficking of SALW is particularly urgent, especially when we take into account the close connection between the illicit proliferation of these weapons and international terrorism. In recent years the efforts of the international community have been focused on adopting global and regional measures to curb such trafficking.

In 2000, the OSCE passed the Document on SALW aimed at co-ordinating efforts to solve the problem of illicit trafficking at the regional level. Now it is a matter of practical implementation, implying laborious everyday work to stem illicit flows of SALW. The OSCE Document is also targeted at the demobilisation and reintegration of former combatants in the process of post-conflict peace-building by means of the collection, reliable storage, and destruction of weapons.

Russia took an active part in negotiating the OSCE Document, which is set to become an important contribution to the common cause of combating illicit trafficking in SALW. We commend the endeavours of the UN and other regional organisations in this sphere, but we have to admit that they are not yet sufficient.

Cases that demonstrate the urgency of the issue include illicit trafficking in SALW in Kosovo, Macedonia and other parts of the Balkans. Russia too is familiar with the problem from its experiences in the North Caucasus. A matter of particular concern is the situation in Afghanistan, which seems to have resulted in uncontrolled SALW traffic. Unless the illicit SALW that are currently in circulation are seized, it will be difficult to fully resolve the conflict in Afghanistan.

We assess the outcome of the UN SALW Conference positively, and believe that the forum has coped well with its major task. The international community has expressed its concerns over SALW issues, and given support to national and regional efforts to curb illicit production, trafficking and transfers of SALW.

We are convinced that the major burden of responsibility for establishing reliable and appropriate control of SALW proliferation should be born by national governments whose territory is used to produce and to circulate arms, as well as by the states exporting such weapons.

In Russia all arms manufactures are controlled by the state. Export of SALW and domestic handling of weapons are conducted under the strict oversight of the governmental agencies concerned.

Meanwhile, there are significant differences between states in terms of the legislation regulating production and trafficking in SALW. It is therefore important to involve producers and exporters of such weapons in the process of marking, co-ordinating and improving voluntary measures such as those concerned with the marking and transfer of SALW in accordance with international law.

The role of NGOs in preventing the proliferation of SALW is especially important. It is evident that without their persistent activities to 'bother' governments, it would be impossible to mobilise global and national public opinion to combat this evil. NGOs were the first to draw the international community's attention to SALW proliferation in Africa in the mid-1990s.

The events of the UN SALW Conference in New York indicated that NGOs could make a real contribution toward efforts to prevent illicit SALW proliferation. One has to admit that the activities of Russian NGOs in this sphere have not been sufficient, and this seminar is of special importance in this respect.

In conclusion, on behalf of the Russian Foreign Ministry, let me wish all participants in the seminar success in their work, and let us hope that your activities prove fruitful, thereby contributing to international peace and security.

After the UN Conference on the Illicit Trade in SALW: Taking Stock

The key challenges of SALW proliferation in the post-Cold War era

Dmitry Polikanov, PIR Center, RF

The problem of small arms proliferation has many dimensions. It became particularly topical in the mid-1990s when the international community began to develop new approaches toward disarmament, conflict management and sustainable development. SALW, for a number of reasons, have become the true weapons of mass destruction, killing hundreds of thousands of people every year, most of them civilians. SALW contribute to the escalation of conflicts and to the general destabilisation of different regions. The tragic events of September 11, 2001 have provided additional evidence that the key weapons of terrorists are not ICBMs or strategic bombers.

During the Cold War, small arms were supplied by the superpowers to their satellite states for ideological reasons. The supplies not only connected the states, but also linked various opposition and rebel movements whose activities were aimed at undermining the regimes in the adversary's bloc. Quite often these weapons were distributed without any controls, conflict zones were flooded with surplus arms, and extraordinary secrecy facilitated the illicit traffic in SALW.

Since the end of the Cold War, commercial interests have come to prevail over ideology. Arms exports are not only a major source of funding for the military-industrial complex (particularly important now, given the cuts in the defence contracts once so common in CEE countries and in the CIS), but also a profitable business for criminal groups. The trade is funded by 'dirty money' earned by means of a wide range of commercial activities, including mining and drug trafficking, in addition to more mundane criminality.

It is important to note that the legitimate arms market has a limited turnover, and that this turnover is in fact diminishing as a result of certain political and institutional restrictions. Conflicting parties, however, are always interested in acquiring arms and turn to the black market for the purpose. Small arms do not require advanced technologies for their production and are relatively cheap. They are easy to use and do not lead to mutual destruction in the way that traditional weapons of mass destruction (WDM) do, a fact that actively facilitates their employment.

The spread of SALW also rests on the rapid growth in the number of internal conflicts in the post-Cold War world. At the end of the Cold War the latent and low-intensity conflicts once contained by the discipline exerted by the superpowers were able to break out with new intensity.

Eastern Europe and the CIS have become large SALW suppliers in the period since the end of the Cold War. These countries lacked a reliable system of export controls. The increase in crime and its links with bureaucratic groups impeded the establishment of tight controls on SALW proliferation. Insufficient state funding for domestic defence industries forced these industries to look to extra-budgetary sources to ensure their survival through economic crises. Reduction and modernisation of the armed forces resulted in surplus weapons being transferred to conflict zones at cheap prices.

Thus, the most important point to note is that the importance of the problem of SALW proliferation has grown during the post-Cold War era. Bearing this in mind, however, there are other, associated issues that demand attention.

First of all, there is the problem of obtaining reliable statistics. The approach put forward by the UN SALW conference in July 2001 was quite reasonable – to enhance co-ordination among law enforcement agencies, to ensure the security of stockpiles, to tighten customs controls, to exchange information and to improve export control mechanisms (end-user certificates, marking, etc.). However, it turns out that there is no clear data on illicit trafficking, and estimates vary widely. Some sources suggest that the illicit market is worth ten times the value of the licit one, others that it is worth a mere 40–60 per cent. The most reliable source of all is probably the Small Arms Survey, but it concentrates on legal transfers of registered arms and cannot for example be precise about weapons supplied by states, such as China, that refuse to submit data.

Another problem area is terminology, since there is no legally binding definition of SALW. The definition currently in use is a working term recognised by the experts.

Besides this, there are no legally binding controls or regulations at the international level. Some regional arrangements are valuable as a preliminary step towards a global regulatory regime, but they remain inadequate in light of the onward progression of globalisation. At the international level there are certain advisory documents, but the UN SALW conference failed to pass an act with binding commitments (primarily as a result of the stance taken by the United States). Even legally binding UN embargoes are not sufficiently effective. UN investigations in this area end with no more than the submission of reports, following which the onus is on national governments to take legal action against violators of sanctions. In developing and transitional countries however, the punishment is often more symbolic than real. This is why marking is so important – so that we may ascertain the origin of weapons. That said, the international community would still have to possess efficient mechanisms for the punishment of violators.

It is also important to promote awareness of small arms issues both among the public, and among non-governmental organisations in Russia. In neither constituency is the problem taken sufficiently seriously, so one can only hope that this conference proves instrumental in raising the issue's profile among the public, the media and decision-makers.

Important regional and international agreements during the year prior to December 2001

Paul Eavis, Director, Saferworld, UK

I would like to use this presentation to provide our participants with an overview of three important regional and international agreements that have been concluded this year in relation to preventing and combating the illicit trade in SALW. These are the OSCE Document on SALW (November 2000), the UN Firearms Protocol (March 2001) and the UN Programme of Action (July 2001). The OSCE Document on SALW reflects the concept of co-operative security. It integrates the small arms problem into the OSCE's wider efforts in the fields of early warning, conflict prevention, crisis management and post-conflict rehabilitation. The UN Conference Programme of Action approaches the problem from the point of view of conflict prevention and disarmament, and as such is comprehensive in scope. The UN Firearms Protocol is principally a crime control instrument and thus is more narrowly defined. I will begin by outlining the UN Small Arms Conference Programme of Action.

The UN Programme of Action (July 2001)

The process leading up to the UN Conference on the Illicit Trade in SALW In All Its Aspects lasted over 18 months, during which time the Conference and its possible outcomes were discussed at numerous regional and international meetings, and a number of regional groupings of states issued statements and declarations of intent concerning the UN Conference. The Conference was held in July this year and led to the agreement of a comprehensive Programme of Action.

The first section of the Programme of Action is a preamble, which basically defines the scope of the problem and recognises the wide-ranging factors driving the illicit small arms trade as well as its social and economic impact. The second section specifies measures to be taken by states at national, regional and international levels – this is the main body of the Programme of Action. Among other things, it requires states to do the following:

- To establish laws, regulations and administrative procedures for the control of the legal manufacture, stockpiling, transfer and possession of small arms
- To assess authorisations for small arms exports in accordance with strict national criteria based upon states' responsibilities under international law
- It has provisions relating to the collection and confiscation of illicit small arms and requires that governments give preference to destruction of illicit small arms (as opposed, for example, to their stockpiling or re-sale)
- To mark SALW in their possession with a unique identifying mark which would allow national authorities to determine where the arm was manufactured
- To take steps to address the problem of arms brokering, where people facilitate the transfer of SALW between countries without them ever entering into the physical possession of the broker (the activities of such arms brokers are unregulated in many countries and are a major source of supply of illicit SALW into conflicts such as those in the DRC and Angola)
- To establish effective systems for stockpile management and control of states' stocks of SALW, (it also specifies the standards that states should aim for)
- To establish, and where necessary support effective disarmament, demobilisation and reintegration programmes, particularly in post-conflict environments
- It encourages states to undertake public awareness programmes regarding the dangers of the illicit trade in SALW, citing civil society as an important partner to governments in preventing and combating this trade

The third section of the Programme of Action relates to implementation, international co-operation, and assistance, and basically sets out a variety of ways in which states can co-operate in order to address the illicit SALW trade and to implement the provisions outlined above.

The fourth and final section of the Programme of Action relates to following-up the UN Conference and has two main components – a Review Conference in 2006 at which the Programme of Action will be up for discussion and possible revision, and biennial meetings of states to discuss implementation of the Programme of Action in the period running up to the Review Conference.

The UN Firearms Protocol

Another important international agreement was finalised this year – the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, commonly known as the UN Firearms Protocol (supplement to the UN Convention against Transnational Organised Crime). This is a legally binding protocol on illicit firearms trafficking supplementary to the Convention against Transnational Organised Crime. Negotiation of the Firearms Protocol began in early 1999 and was completed in March 2001. The UN General Assembly adopted it on 31 May 2001. It contains practical, tools-based measures designed to assist law enforcement communities by enhancing international co-operation and promoting greater transparency in legal transfers of firearms. Comprehensive procedures are set out for the import, export and transit of firearms, their parts and components, and ammunition. The Firearms Protocol also establishes a reciprocal system requiring countries to provide authorisations to one another before permitting shipments of firearms to leave, arrive in or transit across their territory, facilitating the tracking of the legal movement of shipments by law enforcement agencies to prevent theft and diversion.

Principally a tool for fighting crime, the Firearms Protocol seeks to “promote, facilitate and strengthen co-operation among state parties in order to prevent, combat and eradicate the illicit manufacture of and trafficking in firearms, their parts, components and ammunition”. It applies to all commercially traded and manufactured firearms but not to state-to-state transactions or to what is called transfers for the purpose of national security.

The Firearms Protocol requires states to do a number of things. Firstly it requires them to criminalise, in their domestic law, the illicit manufacture, possession and trafficking in firearms; secondly it requires states to mark firearms with a unique identifying alpha-numeric mark which would permit any government authority to identify the country of origin of a particular firearm and to identify the name and place of its manufacture and serial number. (An exception has been made for China, however, which is allowed to maintain its own system of marking identifiable to the Chinese authorities.)

The Firearms Protocol also requires states to keep records, for not less than 10 years, of firearms produced and traded in their country and to exchange information and co-operate with other governments in tracing illicit weapons and lines of supply. It also requires states to take steps to strengthen customs and border controls in order to prevent the illicit trade in firearms, and requires states to co-operate with each other and to provide technical assistance, experience and training to facilitate implementation of the Protocol.

Many of the provisions outlined in these two agreements have been identified as a priority for action by the Russian Government in co-operation with its OSCE partners as set out in the OSCE Document on SALW.

OSCE Document on SALW (November 2000)

The Forum for Security Co-operation of the OSCE adopted the OSCE Document on SALW on 24 November 2000. The Participating States agreed to co-operate to address the problems posed by SALW and to do so in a comprehensive way.

- The Document outlines commitments to exchange information on national marking systems and SALW manufacture, export, stockpiles and destruction
- Participating states agreed to adhere to norms of common export criteria, with a view to preventing a destabilizing accumulation and spread of small arms and technology related to their design, production, testing and upgrading. Each state is therefore required to take into account the following factors when considering a proposed arms transfer: human rights in the recipient country; any tensions or conflicts in and around that country; the country's record of compliance with international obligations such as the non-use of force, arms control, disarmament and the laws of war; the nature and cost of the proposed transfer in relation to the country's resources; the legitimate security needs of the country; and its record of stockpile management. Each state has accordingly committed itself to amending its national legislation and bureaucratic procedures to ensure that “appropriate national mechanisms are in place to enhance the co-ordination of policy and co-operation between their agencies involved in the import, export and transit procedures for small arms”. Export licences are to be withheld wherever there is a clear risk that these norms will not be adhered to
- The Document contains commitments by Participating States to improve co-operation with each other and with relevant international bodies in the area of law enforcement, and to the enhancement of “mutual legal assistance and other mutual forms of co-operation in order to assist investigations and prosecutions conducted and pursued by other Participating States in relation to the illicit trafficking of small arms”
- The Document envisages such co-operation involving the sharing of relevant information with the investigating authorities of other Participating States, and the encouragement and facilitation of regional, sub-regional and national training programmes and joint training

exercises for law enforcement agencies, customs, and other appropriate officials in the small arms field

- A further transparency measure is the agreement of the Participating States to exchange information of a general nature about their national stockpile management and security procedures on an annual basis, to come into effect no later than 30 June 2002
- Individual OSCE Missions are envisaged as acquiring the capacity to aid member states with any small arms related programmes. The OSCE Permanent Council would typically extend the mandate of an individual Mission to allow it to advise, contribute to, implement and monitor collection and destruction initiatives and programmes, stockpile security, border controls and co-ordination with other international organisations

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

Conclusion

We hope, therefore, that by working at the national level and in partnership at regional and international levels, these agreements can be fully implemented and the scourge of the illicit trade in SALW significantly reduced.

Efforts to curb small arms proliferation: the view from Russia

Alexandr Orlov, Ministry of Foreign Affairs, RF

The attention of the international community has been focused on the problem of illicit trafficking in SALW in recent years. According to UN sources, there are presently over half a billion SALW circulating globally. These weapons are for the most part industrially produced by more than 70 states, but in some countries SALW are also manufactured by local craftsmen.

Problems relating to SALW become particularly important in the context of the many regional and local conflicts around the world, the number of which has increased significantly since the Cold War. This is especially true with respect to developing states, which seem to be more prone to open conflict. Of the 150 conflicts that have taken place since World War II, 130 of them occurred in the so-called Third World.

Some reports by UN experts studying SALW are careful to emphasise that although stockpiles of SALW are not themselves the reason for the conflicts in which they are employed, they can aggravate them and make them more lethal. Furthermore, SALW in the hands of terrorists and criminal groups are dangerous instruments of destabilisation and may push latent conflict towards violent confrontation. As the aforementioned reports stress, a complex of political, commercial, socio-economic, ethnic, cultural and ideological factors is what causes such conflicts. This being the case, it is obvious that they will not be settled unless the root causes are addressed and it is recognised that small arms are only indirectly connected with such conflicts – SALW are no more than metal objects; they require people to wield them in anger. Thus, the origins of modern conflicts should not be sought in SALW, for they are but one factor among many. It is clear that if SALW were not available, people would fight with spears, swords, axes, etc., albeit, perhaps, with less harmful consequences for the health and lives of a large number of people.

One also has to bear in mind that SALW are the standard operational tools of the armed forces and domestic security forces of all countries. Moreover, all states enjoy the right to individual and collective self-defence under Article 51 of the UN Charter and can legally procure the weapons they deem necessary, including SALW. Hence, every state has the same legal right to produce and sell weapons. This is both a fact of life and an indispensable component of bilateral and multilateral relations between states. A world without wars, violence or weapons would be better than what we have now, but we must deal with reality, not dreams.

It is absolutely essential to take active measures to prevent the uncontrolled proliferation of SALW lest they be made available through illicit channels to those who should not possess them. Unless adequate preventative measures are taken in this respect, SALW proliferation will have dangerous consequences, making it impossible to settle conflicts, to ensure the security of people and to maintain sustainable economic development. Russia's position on the issue is firmly based on these guidelines.

Russia is one of the major producers and exporters of SALW and follows a responsible policy as far as its international supplies are concerned. Russia continually strives to tighten controls over production, trafficking and the transfer of such weapons and to eliminate surplus weapons regularly in accordance with state plans. For instance, between 1998 and 2001, more than 420,000 items of small arms and close combat weapons were destroyed at the storage facilities and bases of the Russian MoD. In addition, the MoI seized more than 2,500 SALW between 2000 and 2001, of which 1,150 were destroyed. The remaining weapons will be eliminated as the criminal cases relating to these items are settled.

We are deeply appreciative of the activities of international organisations aimed at combating illicit trafficking in SALW. Russia made a significant contribution to the elaboration of the OSCE Document on SALW, approved in 2000. Furthermore, our assessment of the outcome of the UN SALW Conference held in New York in July 2001 is a positive one. Some delegations were 'disappointed' with the alleged emptiness of the document passed by consensus at this forum. However, the UN Programme of Action contains some important recommendations, whose implementation may help to solve the problem of illicit trafficking in SALW. I assume that despite the complicated course of the aforementioned conference and some lost opportunities to strengthen the final document, the UN Conference will be regarded in time as having produced positive results. The UN, as a universal organisation, should without any doubt play the leading role in co-ordinating national and regional efforts to prevent the uncontrolled proliferation of such weapons.

In this context, it is important to ensure the effectiveness of UN Security Council arms embargoes. If these embargoes are not fully adhered to, the confrontations they seek to contain can only be exacerbated, while the authority of the UN Security Council and the UN in general will be undermined.

Russia supports UN involvement (including activities during peace operations) in efforts to collect and destroy SALW with the consent of the corresponding governments or in light of requests for assistance made by them. Meanwhile, we are ready to take into account regional initiatives establishing moratoriums or restrictions on exports, imports and production of SALW, if such regimes are set up on voluntary and non-discriminatory bases. In this context, it would be useful to have a special report by the UN Secretary General summarising UN activities on SALW to date, including the contribution of UN groups of governmental experts and the outcome of the UN SALW Conference.

At the same time, it is clear that global and regional efforts alone are not enough to establish effective barriers to the illicit trafficking of SALW. The international community can adopt many documents on this matter, but they would remain on paper without the persistent efforts of member states. This is especially true with respect to countries saturated with SALW, whose representatives make humanistic speeches at different international fora, but when it comes to specific national measures, abstain from action. The Russian delegation to the UN SALW Conference was faced with a telling example of this practice when we attempted to incorporate a provision into the final conference document, namely that the re-transfer of a shipment of SALW from a recipient country to a third destination be made conditional upon the consent of the country of origin. We assumed that the tightening of re-transfer rules would be accepted as an efficient mechanism preventing illicit trafficking in SALW and that those interested in curbing such trafficking would also endorse this mechanism. Surprisingly, the proposal met with strong opposition from developing countries (mostly African states) and some other states, among them European countries with huge SALW stockpiles.

A number of legal acts regulating arms trafficking inside Russia have recently come into force. Rules governing production, transfer, storage and export have been elaborated. Accordingly, shipments of Russian weapons, including SALW, only leave the country under licence and with strict state control.

At the recent UN SALW Conference, Russia, with many other state delegations, endorsed the proposal to limit the number of SALW manufacturers and suppliers to those entities authorised by the state. All Russian producers, exporters and importers of weapons must obtain the permission of the government. If such practices were expanded to all manufacturers, exporters and brokers in the world, international co-operation and efforts to curb illicit trafficking in SALW would be greatly facilitated. Unfortunately, as is known, this proposal was blocked by the United States delegation.

The RF stands for developing practical co-operation among the border guards, customs officers, law enforcement and other relevant agencies of different states in order to combat illicit SALW trafficking. We are ready to exchange information on national legislation regulating SALW and to provide information on leaks and smuggling of such arms on a reciprocal basis.

We believe that at present, close everyday inter-state collaboration among the agencies that are actually involved in combating illicit trafficking in SALW is the most effective way to fight this evil. The willingness of some states, which seem to neglect the importance of routine co-operation among professionals, to run ahead and establish an overly ambitious mechanism for monitoring legal SALW transfers seems premature. The same goes for the idea of setting up a global marking system. It is currently more important to resolve the issue of mutual recognition of national marking systems and to exchange the corresponding information. In our opinion this is the most realistic way to facilitate the tracing of illicit SALW supplies.

Meanwhile, Russia admits that regional co-operation on combating illicit trafficking in SALW may take more advanced forms than global interaction. This is natural, since the UN brings together states with different levels of preparedness to curb illicit SALW proliferation.

In conclusion, let me point out that the topic of SALW is an urgent one and that global attention to the issue will only grow. One can only commend the PIR Center's initiative in holding this seminar in Russia, since this demonstrates growing public interest in the matter. The UN SALW Conference officially accredited 177 NGOs from different countries and there was not a single NGO from Russia! Let us hope that the situation will change.

Discussion: After the UN Conference on the Illicit Trade in SALW: taking stock

The main points that emerged during the discussion following session one were as follows:

- Participants agreed that small arms production and export should be tightly controlled, that weapons marking must be accurate and permanent, that unofficial production should be minimised and that all transfers should be accurately recorded by well-resourced border guards to ensure that only official end-users obtain weapons
- It was also acknowledged that illicit flows must be tackled by means of a combination of national and multilateral means, but there was no clear consensus on whether the effects of legal flows were a matter for concern
- It was noted that the Russian government has adopted several resolutions in an attempt to bring its own agencies into line with its perceived national security imperatives (ie controlling illicit flows) but that implementation is often the most difficult task. To that end the Office of the Chief Military Prosecutor has produced a guideline document for all CIS countries, a database to record relevant information, and now advocates the creation of a single body to direct these efforts
- Russian participants noted that public awareness of SALW issues is almost non-existent in Russia. This implies that the only real pressure on policy-makers to date will have come from producers and from international actors

The RF and the problem of SALW

SALW control in the post-Soviet space: a decade of experience and prospects for the future

Yuri Golotiuk, Vremia Novostei Daily, RF

The end of the Cold War, the collapse of the Warsaw Pact and the demise of the Soviet Union created a unique situation. Since the end of World War II, mankind had not witnessed an injection of surplus weapons that was both massive and global in scale. Even the lessons learned at the end of World War II could not be applied in full at the end of the Cold War, since there were no winners or losers and therefore no possibility of enforced demilitarisation. As a result, the Warsaw Pact countries, the states of the former Soviet Union (FSU), and even some of the constituent entities of Russia began to organise massive sales of surplus arms. All this happened during a period of dramatic political reforms, and because of this controls within the ex-socialist states were lax. The international community could use the agreements concluded at that time to verify Soviet WMD arsenals, missile arsenals and some heavy armament stockpiles, but until recently small arms were not subject to the same controls.

In fact the first serious blow to the Soviet Union's system of SALW control was dealt before the collapse of the country, when Soviet forces withdrew from Europe and Mongolia without due preparation. The Soviet military leadership planned to complete inventories and organise the final storage of materiel after the completion of its withdrawal to the USSR. However, this process coincided with the collapse of the country and the plans were not completed for political and financial reasons. While the leaders of the newly independent states claimed property rights over the army stockpiles, the demise of the USSR led to a serious economic crisis. As a result, full inventories of many weapons removed from abroad were not completed until very recently.

The collapse of the Soviet Union aggravated the situation. The power struggle in the FSU states and the emergence of new political elites led to a number of crises. Moreover, the Armed Forces of the former USSR were disorganised. In late 1991 and in 1992 the commanders of military units would often receive orders emanating from three different sources at once – from the Headquarters of the United Armed Forces of the CIS, from the Russian MoD, and from the Defence Ministry of the republic in which they were deployed. The division of materiel was chaotic. There was no clear understanding of whose authority was legitimate, and even the politicians were unable to reach agreement on this matter (for instance, materiel in Chechen territory was transferred to the local authorities there by the Russian 'power ministries' [security sector ministries]). On top of this, Moscow's attention was focused on the withdrawal of WMD and delivery systems, and the issue of SALW seemed unimportant in comparison.

It was only after open conflicts developed within former USSR territory, in places that were formerly under tight control, that the Russian leadership began to realise that the problem of SALW could not be ignored. A classic example of the injection of SALW into a potential conflict zone was the distribution of automatic rifles at rallies in Dushanbe in spring 1992, just before the start of the civil war in Tajikistan. Yet cases such as this did not result in any new initiatives, and Moscow was only able to exercise strict control over stockpiles situated near the conflict zones. Nonetheless, the situation in Chechnya before the first war (December 1994) proved that large amounts of SALW were available on the black market (the kiosks at the central city market of Grozny had the widest variety of SALW available within FSU territory). Conflict zones are the major consumers and suppliers of SALW in the post-Soviet space. The lack of reliable internal and external controls over arms trafficking makes such zones an ideal environment in which to conduct illegal commercial transactions.

Measures aimed at solving the small arms problem were only taken after a series of emergencies at Russian storage facilities and arsenals. However, poor finances were a major constraint on effective action, and Russia struggled to find the funds required to include the costs of SALW destruction in the annual defence budget.

Lack of defence funding since the late 1990s means that Russia is unable to dismantle those small arms already earmarked for destruction. Funding is provided for arms destruction subject to the international treaties signed by the RF, but in the case of SALW there were no legally binding commitments until recently. Governmental Resolution No. 556 of 26 July 2001, On the Implementation of the OSCE Framework Document on SALW and on the Procedure for Submitting Information by the RF in Accordance with This Document, is likely to bring about a change in the situation in 2002. Resolution

No. 556 requires compulsory annual submission of data on the amount of SALW destroyed on Russian territory and allows for any legal changes that might be required for international financial and technical assistance to aid the process. The ability of Russia and its European neighbours to co-operate in this field is now being put to the test. Russian troops are leaving Transdniestria, and while some weaponry is being withdrawn, the destruction of weapons, in co-operation with other states, is also taking place.

The UN Conference in July 2001 and the August 2001 debate at the UN Security Council had a positive impact on Russia's policy. Russia prepared and adopted a number of documents enhancing export controls on legal SALW supplies. The conference demonstrated that domestic conditions in Russia and the FSU states made it comparatively easy for them to move in the direction of enhanced export controls, since, unlike the United States, they had no powerful lobby of private arms owners and SALW producers.

In the near future, Russia may once more be faced with a flood of SALW. On 6 November 2001, at a meeting of the Russian Security Council, President Putin initiated a revision of the military's plans for national mobilisation in time of war. Most of the current mobilisation plans were inherited from the Warsaw Pact when the strategic reserve has excess stockpiles of weapons that numbered in the millions (and according to some experts, the dozens of millions) of items. Demographic trends in Russia make changes to the old mobilisation plans inevitable, so it is important to create a sound legal and material basis for them now. In parallel with military reforms, the entire system of defence budget allocations will change. If SALW elimination remains the responsibility of the MoD it will be given low priority because the MoD lacks funding for rearmament programmes and could only finance SALW destruction using money left over from other work. It would be logical to put this process beyond the remit of the Armed Forces as has been done with nuclear-powered submarines and chemical weapons stockpiles.

Moreover, Russia should complete its inventory of all its military arsenals and storage facilities. Russia should also make checks on the bases that the army left hastily in the early 1990s, ie those vacated when force levels were reduced in the remote areas of the North, Northeast and Far East. It is known that in some cases these departures resulted in a loss of some materiel which was 'left behind', eg at the island bases.

The SALW problem in the post-Soviet space cannot be resolved without harmonising the laws of Russia and the other CIS countries, since small arms move easily across borders. The situation is exacerbated by the weakness of some post-Soviet governments (especially in Central Asia and in the Caucasus), since SALW stockpiles and political instability complement each other and encourage conflict. This is why Russia is interested in assisting its neighbours in the preventative elimination of surplus weapons during periods of relative stability.

The current ideological environment is favourable to schemes that aim at tackling SALW proliferation, since SALW are the classic weapons of terrorists and militants. This advantage should be exploited and legally binding international agreements on SALW should be developed, the provisions of which can later be incorporated into national legislation. Russia should be inspired by the example of Europe rather than the USA in this, since European norms are much stricter.

Finally, the Russian delegation to the UN Conference admitted the impossibility of comprehensively marking all its existing SALW. This should not impede efforts to ensure that all new weapons and ammunition are properly marked.

SALW trafficking and organised crime – making the links

Alexandr Shklyar, Ministry of the Interior, RF

Unfortunately there are a great many illicitly trafficked arms in Russia today. Mol units, starting with central staff and down to the smaller units and police stations, are actively engaged in efforts to collect and seize SALW from illicit traffickers. The very term 'light weapons' may disguise the serious nature of some of these weapons, since some criminal groups and individuals dealing with the illicit arms trade possess short-barrel firearms, grenade-launchers, and even portable air defence rocket systems. One example would be the North Caucasus, where the Mol seizes not only pistols and machine guns, but also grenade-launchers and air defence and anti-tank missiles and missile systems. These seizures are the culmination of both the public activities (regular checks at checkpoints, patrolling, etc.) and the undercover work (planting agents in criminal groups) that the Mol undertakes.

In Moscow and the surrounding region dozens, even hundreds of arms and ammunition are seized from criminal groups. The 'power ministries', including the Mol, and the Government as a whole are attending to this problem.

On a more positive note, if one compares 2000 to the first nine months of 2001, it is clear that the level of theft from weapon storage facilities has decreased. Security of weapon storage rooms and warehouses at military bases and private companies is improving and special equipment for their protection is being installed and upgraded.

I would like to mention some figures that illustrate the Mol's activities with respect to illicit small arms seizure. Seizures of homemade explosive devices have recently increased. Criminal pursuits are the overwhelming reason for the production and use of these devices. Firearms seizures are also increasing. In 2000, we seized about 21,000 firearms; in 2001 we have seized more than 25,000. Regional differences are evident here. The Northern regions have more smoothbore hunting guns in illicit trafficking, and they are less frequently used in crimes. In the European parts of Russia and in the Caucasian region, more serious weapons are used for criminal activities. Besides the storage facilities and arsenals, one of the channels for illegal arms supplies to the black market and to criminal groups is the so-called 'black diggers' who dig up arms caches left over from World War II. In order to reduce the amount of such supplies, the Mol works with historical clubs and societies and explains to them the legal norms and regulations in this sphere. Certain members of these clubs have on occasion been prosecuted, and supplies from these sources are now declining.

The arms seized from illicit traffickers (illegal arms dealers and criminal groups) are delivered to Mol facilities and are checked against federal records to discover whether they have been used to commit crimes. The owners and the origin of the weapons are identified. After that, weapons that need not be kept for the purpose of criminal proceedings are dismantled. Normally this is done in smelting furnaces. There is strict control of weapons as soon as they enter Mol jurisdiction, so it is practically impossible to remove them and to sell them on again. However, there have been some cases where Mol officers have sold seized and stored weapons from storage facilities. In one case where weapons had been sold to criminal groups, press reports blamed the Mol department in Stavropolsky Krai. I must emphasise that police officers who violate regulations are severely punished, and sometimes even face criminal charges.

Russia has put in place a state programme to enhance the security of storage facilities at military bases, warehouses and military stations. Activities include the fortification of storage rooms and facilities, installation of new alarm systems, physical guarding of sites and strict accounting and control of each weapon. For this purpose, the Mol is developing and introducing a computer information search system, 'Weapon', capable of counting and tracking every weapon from the production plant to the military unit taking delivery (including Mol units), to the individual end-users of such weapons. This will help us to prevent the theft and illicit use of these arms.

SALW - the challenges for the RF and comparisons and lessons from other countries

Owen Greene, Saferworld, UK

SALW issues are clearly important for the Russian Federation, but from our earlier sessions it is also obvious that these are complex matters. Although SALW problems have existed, at the very least, for decades, it is only in the 1990's that SALW proliferation and misuse rose to prominence on the political agenda as a problem that demanded specific responses. Initially policy debates focussed on one aspect of the problem. In some regions, including the Russian Federation and its neighbours, the focus was primarily on the problems of criminal trafficking, possession and misuse of SALW. However, since the end of the 1990s, it has been widely recognised that the problem is truly multi-dimensional. In addition to combating illicit trafficking and misuse, there are also central issues relating for example to: management and security of official arms and ammunition stockpiles; controls of legal and 'grey' market arms transfers; controls on civilian possession and trade of arms; and collection and destruction of SALW, particularly in conflict-prone or war-torn regions. The need for comprehensive approaches to the reduction and control of SALW holdings and flows in Russia and its neighbourhood, as elsewhere in the world, has been illustrated by previous presentations at the seminar, and is now firmly recognised in OSCE, UN and other international agreements.

The second lesson that studies of SALW problems has to teach us is that this is a 'cross-cutting issue' which traditional state institutions, with their partial responsibilities, find difficult to address in an appropriately integrated way. Ministries of Interior are established to deal with problems of criminality and internal security; Ministries of Defence are designed to focus on issues related to preparations for combat and post-conflict control, and military stockpile management; and so on. This problem of fragmented government responsibilities and responses needs to be addressed. Several countries have now learned to act across these sectors either by setting up special bodies, or by establishing systems for co-operation between the MOI, judiciary, MOD etc. Belgium and the United Kingdom have tried this type of solution with some success. These changes should be systematic and institutionalised, rather than simply ad hoc.

Turning to the issue of illicit SALW, there are several key challenges to be met. The first is the matter of border and customs control, which is crucial. Often there is great confusion of responsibilities between the police, border guards and customs agencies within a country. Clarity and co-ordination with neighbours is very important in this area. Several countries in Europe, Southern Africa, East Africa, the former Yugoslavia and Latin America are now making good progress in addressing this challenge. Russia could certainly improve its co-ordination with its neighbours, in the Southern Caucasus, in Eastern Europe, and in central Asia where there is the advantage that the Russian military already plays a role in border controls, for example in Tajikistan and Kyrgyzstan.

A second challenge is marking and record keeping. Personally I agree with Mr Orlov who spoke earlier – from a global perspective the best solution to this problem is to establish unique systems in every country and then to co-ordinate them. From what we have heard, Russia's system for ensuring marking seems to be good. Nevertheless, there is a case for review: several advanced countries have discovered problems where manufacturers have made inadequate or non-unique marks, and most countries have work to do to ensure effective and accessible record-keeping.

In this context, the issue of reliable marking, which is hard to erase or modify, is also important. There are now good and cheap methods in existence which can achieve this, provided the process is carried out during manufacture. A combination of both visible and background marking is best, but now that most commentators have agreed on the importance of marking, we must strive to develop and implement technical advances. It is excellent that the OSCE is now sharing information on this, but the information remains confidential between member states. I am also pleased to hear that that Russian MOI has developed an IT system to track small arms. Without such a system there is no basis for co-operation over tracing. States committed themselves at the UN Conference in July 2001 to co-operate on tracing sources and lines of supply of SALW of concern, but unfortunately the Conference failed to agree on follow-up agreements to clarify how such co-operation should be carried out.

Thirdly, there is the question of losses from official arms stocks, since a large proportion of the weapons of concern come from this source. This appears to be a major problem in the Russian federation and its neighbours, as it is in many other parts of the world. Most countries that investigate this matter are surprised how many weapons are lost from their official stocks, whether from military, police, border guards, special forces, or manufacturers' stocks or stores of weapons confiscated after a crime. For

example, losses from holdings of confiscated weapons is turning out to be a major problem: sometimes tens of thousands of them can be held for years in insecure conditions.

Fourthly, much of the problem of destabilising accumulations and flows of SALW, including grey market trading and diversion to the illicit market, is due to inadequate laws, regulations and policies relating to legal production, trade, possession and transfer of these weapons. As previous speakers have emphasised, legal controls need updating and reviewing. Most states that examine their laws find loopholes, incoherence or other inadequacies. For example, a common problem arises from lack of co-ordination of export control policies with domestic needs: states with a lax neighbour have found that they have been authorising exports to the neighbour which have then flowed back to criminals in their own territory.

Finally, in this short presentation, it is important to discuss transparency and information exchange. Co-operation has no substance unless the information is made available, whether it be between ministries or countries. Experience proves that it is difficult for both ministries and countries to think and act in a 'joined up' way: without enhanced information exchange and openness, this is almost impossible. The OSCE has now established mechanisms for information exchange, which are a welcome, though modest start. However, probably from habit or institutional inertia, all of this data exchange remains confidential between governments, obstructing all parts of government and society from playing their full role. The exchange of information amongst OSCE countries needs to be developed further. For example, OSCE countries could also provide information on their transfers of SALW to countries outside the OSCE area, which are omitted from existing information sharing commitments. This could bring many practical benefits to governments, for example facilitating co-operation on assessing risks of authorising exports to various destinations.

Overall, the challenges posed by SALW proliferation and illicit trafficking for the Russian Federation are complex and multidimensional. Although the specific challenges it faces are unique, requiring customised policy responses, they are similar in most respects to those of many other countries around the world. There is a need for co-ordinated and co-operative responses, including full implementation and effective further development of the OSCE Document on SALW and the UN programme of Action agreed in July 2001.

Discussion: The RF and the Problem of SALW

The main points that emerged during the discussion following session two were as follows:

- The weapons proliferation problems of the FSU states are not unique; much can be learned from the fifty other civil/ethnic conflicts around the world
- The post-Soviet space is increasingly diverse in terms of culture, politics etc. Each area must be studied in its own right, and while comparisons between, for example, Belarus and Tajikistan, or Azerbaijan and Armenia, are sometimes useful, the differences can be more profound than the similarities
- With the notable exception of participants connected to the military forces of the RF, the general consensus among participants was that in retreating from empire in the early 1990s, Soviet troops almost certainly left weaponry behind without adequate controls in place. Several participants expressed the view that the political class of the RF must share the blame for these chaotic events and for the resulting diffusion of SALW
- As the hub of the Soviet Union, and as a diverse territory in its own right, the RF was composed of many separate entities. Border controls were taken seriously, especially with Russia's 16 neighbouring states. Some of these administrative structures remain in place, and have even been strengthened where they border on a conflict region. For example, in the North Caucasus there are currently approximately 190 border stations. The challenge now is to focus the authorities' attention on SALW questions, because administrative resources tend to be expended on programmes aimed at illegal drugs, chemicals, migrants and WMD. A related problem is that the traditional division of labour between border agencies (customs, intelligence and border guards) means that SALW problems must be addressed using special co-operative arrangements
- Many participants expressed concern that weapons were yet again being supplied to non-state actors in Afghanistan

Small Arms Proliferation and Security in the Caucasus

Regional implications of small arms proliferation: challenges facing the region

Alexandr Iskandaryan, Centre for Caucasian Studies, RF

Before I begin I should say that I cannot name the sources that have provided me with the information I am going to give you about black and grey markets, for obvious reasons. This is unfortunate because there are no authoritative studies that I can refer you to either, but I assure you I have conferred with a good number of weapons users and suppliers.

I have two key points to make. The first is that the Caucasus region is the main consumer of the SALW that are available within the post-Soviet space because of the conflicts occurring in both the North and South Caucasus. My second point is that we should be careful to distinguish the North Caucasus from the South. Only if we do this can we understand the processes at work.

SALW proliferation in the Caucasus is not something that can be tackled by legal means alone. The reason for this is that no matter how perfect we make legislation in the Caucasus, weapons proliferation is occurring there for political, not criminal reasons. The problem is qualitatively different when compared with other areas in the RF. Basically, the greater the number of arms a particular Caucasian political or ethnic group has, the greater its influence.

Before continuing however, I must emphasise that the commonly held notion that the area has always been like this, that the populace has always been armed, is nothing but a myth. A gun culture certainly exists, but in Soviet times there were only antique and sporting weapons, and only a small number of weapons in criminal hands. It is true that there were arms markets in the South Caucasus, but the numbers involved were small. A related myth is the notion that Diasporas or mercenaries from the area imported many foreign arms. While this may have occurred, it was not a widespread practice. It might be controversial to say this, but the main source of the weapons now circulating in the Caucasus was the Soviet, and now Russian military. This is not officially accepted, but it is a fact. Other weapons sources, such as Eastern Europe and China, do not come anywhere near this main source in terms of quantity.

Another difficulty one encounters when examining the Caucasus is that outside observers tend to think of the North and South as one region. In fact they are two very different territories with different histories, trends and conflicts. In Ossetia and Karabakh for example, the conflicts initially started with the use of rifles. Only later were they fuelled by better equipment. When official structures began to use the chaos to consolidate their hold on power, real armies emerged out of the paramilitary forces. In the South Caucasus a combination of centralisation and decreasing tension seems to be occurring. However, the number of arms available to the population is absurdly high, as the 1999 shootings in the Armenian Parliament showed. Chechnya is rather different. Having moved away from early centralisation to relative chaos, the area is undergoing the reverse process. In the early 1990s Chechnya was the main market for arms in the Caucasus. With the departure of Russian troops in 1991–1992, massive weapons sales took place. These weapons are currently making their way out of Chechen territory again.

To summarise, the problem of SALW in the Caucasian conflicts is not an instrumental one but an institutional one, and therefore police measures cannot be of much help. Supply is following demand. Guns are merely implements, in the absence of which the conflicts would nevertheless continue. It follows that it is political rather than law enforcement solutions that are needed.

The security situation in the neighbourhood of Chechnya and the problem of small arms proliferation

Enver Kisriev, Russian Academy of Sciences, RF

My presentation concerns the social and political significance of arms in Dagestani society. First I will give a brief history of small arms possession there, then I will outline the factors that perpetuate gun use today.

With the exception of slaves, every Dagestani enjoyed a right to bear arms prior to the Soviet period. This right was widely exercised. Only after the Soviet takeover was Dagestan disarmed, in part to exert control over the citizenry, in part for security reasons. In time most people accepted this. However, during the 1980s, in the confusion of reform, politicians began using criminal elements for their own purposes. The police lost all credibility and society reverted to a clan structure reminiscent of the Greek polis. The basis for personal security was once again the family. Re-armament seems to have begun at the top of society as the nouveau-riche clans began establishing militias, sometimes a thousand strong. Conflicts did initially break out, and on occasion there were virtual invasions of rival clan territory. Ethnic divisions and parties (eg the Chechen) also began to appear at this time. As the number of arms held by each group increased, the process spiralled further until weapon possession was almost universal.

In a short space of time people seemed to realise that society had changed. It is remarkable how little violence there was in these conditions of mass gun ownership. The society had become self-policing because the capacity for bloodshed was widely appreciated. When Shamil Basayev's group invaded Dagestan to establish an Islamic state, resistance from within the territory was strong. Despite Russian forces being stationed in the territory, they were reluctant to give the Dagestani militias a free hand. In time the Republic's authorities gave the militias official recognition, and these paramilitaries are now firmly established.

Nowadays the political, economic and social conditions in Dagestan all reinforce SALW possession. Politics plays its part because prestige is attached to those parties with guns. Economics is certainly a factor too. One of the most notorious routes for SALWs into and out of Chechnya is across Dagestan's southern border with Azerbaijan. In recent years there have been some high profile political murders related to operations along this trade route. Unfortunately, I have to conclude on the note that corruption is at the bottom of contemporary Dagestan's SALW problem. Corruption is so pervasive that those in a position to influence levels of gun ownership and supply have every interest in controlling the diffusion of weapons for their own purposes rather than in eliminating these weapons altogether.

Proliferation and illicit flows of SALW in Georgia and the Caucasus – a western view

Domitilla Sagramoso, King's College, University of London, UK

The spread of SALW in Georgia

This presentation outlines the preliminary findings obtained during a visit to Georgia in July 2001. Preliminary findings seem to indicate that the possession of SALW in Georgia is relatively widespread. In major cities like Tbilisi, most of the weapons in civilian possession are small concealable weapons rather than light weapons of war. Ordinary people do not walk through the streets carrying AK-47s, as apparently used to be the case in the early 1990s. However, one cannot rule out the possibility that people keep automatic weapons at home. According to foreign observers, guns are mostly used for private security purposes. Criminal groups, however, tend to be armed with weapons such as AK-47s, pistols and grenades.

In the areas where conflict has broken out, such as Abkhazia or South Ossetia, and in zones where the level of crime is relatively high, such as the Pankisi Gorge, possession of SALW seems to be higher. Ordinary people can be in possession of AK-47s, and criminal groups have light weapons such as submachine-guns, pistols and hand grenades. In rural areas all over Georgia, possession of weapons is primarily related to a gun culture typical of the Caucasian region. Guns and rifles are also used for hunting.

After the wars in Abkhazia and South Ossetia, programmes to retrieve weapons were introduced, and according to independent local observers, many weapons were handed in. However, at the time, the authorities had not been keeping records of the weapons distributed among the population. Consequently the results and the successes or failures of the programmes are hard to assess. Apparently, a buy-back programme was envisaged but it was never implemented because of lack of funding. It is suspected that many people decided to retain their weapons, particularly in the rural areas. Moreover, people were allowed to keep some of the weapons, often pistols and handguns, legally. Georgian legislation allows for the private possession of firearms with a licence; according to independent observers, however, licences can easily be bought.

The Georgian armed forces as a potential source of weapons

Overall, the Georgian armed forces are in a difficult situation. The military are ill equipped and heavily underpaid. Crime and illegal activities associated with corruption or abuse of office are not uncommon in the military and the security bodies. Despite this situation, according to independent local and foreign observers, the armed forces seem not to have emerged as a major source of SALW. Preliminary records seem to indicate that very few thefts from the arsenals of the armed forces have taken place. Moreover, initiatives have been in place since the 1990s to bring the various independent military and paramilitary organisations under a single authority, thus reducing the possibilities of uncontrolled weapons distribution, theft and looting. However, risks to the spread of SALW from military stockpiles remain. According to foreign observers, significant stocks of SALW have accumulated over the past ten years, and their management has not been up to reasonable standards.

The Georgian military-industrial complex

Georgia hosts a small amount of SALW production, and the trade in SALW is also relatively limited. Consequently, the Georgian arms industry has not emerged as a major source of illegal SALW. However, despite the decline in SALW production, export controls and effective border controls are necessary in order to avoid the spread of SALW from Georgia to other regions.

Borders, smuggling routes and conflict zones

Georgian control over its borders remains tenuous. Two border regions remain beyond direct control of the government in Tbilisi (Abkhazia and South Ossetia) and other regions are developing independently (Adjara and Javakheti). In the Pankisi Gorge and the Kodori Valley, Tbilisi's control is also weak. Borders are porous because of the mountainous nature of the terrain in the north, the ineffectiveness of border guards operating in certain areas, and the lack of resources. Despite these bleak realities, no evidence has emerged so far of a major smuggling network of SALW through Georgia towards neighbouring regions or vice-versa.

Chechen section of the Russian-Georgian border:

The Chechen-Georgian border has become a transit zone for drugs, counterfeit money, and probably SALW. It is thought that a small number of weapons trickle from Georgia into Chechnya, but the level is considered insignificant by independent Georgian experts. It is apparently conducted with the support of corrupt Georgian officials, and seems to take place across the Georgian-Ingush border.

Why has Georgia not emerged as a major source of weaponry for Chechen fighters? There are various reasons. First, although sympathy for the Chechen cause is to be found among many Georgians, their attitudes toward the Chechens are rather mixed. On the one hand, Georgians feel sympathy towards Chechnya because of their own struggle with Russia. On the other, Chechens are disliked because of the support they provided to the Abkhaz during their struggle against Georgia, and because of the lawlessness that emerged in Chechnya during the period of *de facto* independence. Second, the mountainous terrain acts as an impediment to the transport of large quantities of weapons. There are no major roads crossing this border, and mountain paths have to be used. Third, Georgian and Russian border troops currently patrol this section of the border. Moreover, OSCE monitors have been sent to the region, at the request of the Georgian government, in order to help avert a spill over of the Chechen conflict, and the United States is providing support for surveillance by giving electronic surveillance systems to Georgian border guards.

However, serious problems with SALW are to be found in the Pankisi Gorge near the Chechen border, where most Chechen fighters and refugees have found shelter. In the Pankisi area criminal activities have flourished, often with the co-operation of local Georgian officials from the security bodies. Kidnappings, extortion, drug trafficking and smuggling of stolen goods are common. Despite the gravity of the situation, no efforts have been made in the Pankisi area to retrieve weapons from the local population. This is partly explained by the fact that Georgian security forces are unable to effectively maintain law and order here.

South Ossetian section of the Russian-Georgian border:

Due to Tbilisi's effective lack of control over South Ossetia, the border with Russia also remains beyond Georgia's direct control. This partly explains why South Ossetia seems to have emerged as an important market of SALW and as an important transit route for arms towards North Ossetia. The main demand for weapons seems to come from local criminals rather than from the ordinary local population. This is probably explained by the fact that most of the population is already armed. A weapons collection programme has been introduced by Russian Peacekeepers under the supervision of the OSCE to deal with illegal SALW proliferation. However its successes are hard to assess. Although some weapons have been handed in by the population, their number looks insignificant (a total of roughly 1,000) when compared to the estimated number of weapons around (roughly 10,000).

Abkhaz section of the Georgian-Russian border:

Due to Tbilisi's lack of control over Abkhazia, the Abkhaz-Russian border also remains beyond its control. The border is open, and according to experts there is no patrolling by Russian forces. There is a major illegal trade in goods across the Georgian-Abkhaz border. Goods are being brought from Turkey and Russia into Abkhazia, and are then smuggled into Georgia proper without payment of the necessary customs duties. Georgian officials estimate lost revenue to be around \$10 million per month.

In Abkhazia possession of weapons among the population is widespread. There have been no effective disarmament programmes because the whole defence strategy of the unrecognised republic is based on partisan warfare. No peace agreement has been reached with Georgia, and as a result the republic and the local population are not ready to hand in weapons. According to Abkhaz Defence Ministry officials, when the war against Georgia ended in 1993, heavy and light weaponry was placed in secure bases, but the local Abkhaz population was allowed to retain weapons such as AK47s and pistols (though not to carry them in the streets).

Main conclusions

The pattern of SALW possession

There is widespread possession of legally and illegally held SALW in Georgia, in the regions which have seceded from Georgia (Abkhazia and South Ossetia) as well as in regions where the control of the central government remains tenuous, such as the Pankisi Gorge, bordering Chechnya, and the Kodori Valley. The widespread possession of SALW increases tensions in areas of unresolved conflict, undermines attempts to resolve conflicts, and contributes to the spread of violence and criminality. The

level of crime throughout Georgia is extremely high, and criminal activities usually involve the use of SALW such as pistols and AK47s, particularly in the conflict areas.

Demand for SALW

At present, there is no major demand for light weaponry such as submachine guns, hand grenades, and RPGs among the Georgian civilian population in major towns such as Tbilisi, despite the high crime rates there. This is probably because the perception of lawlessness is not so acute that people feel the need for light weaponry to protect them. Most Georgians already possess firearms such as pistols, and do not feel the need to acquire anything more. In the secessionist regions, however, the demand for weapons is higher, and comes primarily from criminal gangs and partisan bands that roam the countryside and attack villagers.

Sources of SALW

Russian bases have in the past been the main source of weapons in Georgia. In 1992, a legal transfer of SALW from Russian/CIS bases took place in accordance with agreements reached between the Georgian authorities and the Russian/CIS authorities. There was also the illegal transfer of weapons from Russian bases during the early 1990s, when civil war and conflicts ravaged the country. It has now been proved that Russian bases supplied weapons to the warring factions in Abkhazia and South Ossetia. More recently, and according to the Georgian media, Russian bases appear to have provided weapons to Chechen fighters. However, these allegations have not yet been verified.

On the other hand, during the early 1990s, the population acquired weapons from the Georgian authorities to fight the various wars. During the civil war, weapons were also stolen from depots, resulting in the emergence of various paramilitary groups and the widespread possession of arms among the civilian population. As a result of these developments, it is probable that a black market for weapons, no longer linked to Russian bases, will have emerged. The widespread availability of weapons in Georgia, particularly among criminal groups, certainly suggests that this is likely to have happened, but no reliable data has been obtained thus far.

Government responses

Despite this gloomy reality, the Georgian authorities do not perceive the widespread illegal possession of SALW as a problem. They have focused their attention on addressing other security challenges that are perceived to be more pressing, such as the potential escalation of conflicts in Abkhazia, South Ossetia and Javakheti, the threat posed by the presence of Chechen fighters in the Pankisi Gorge, and the spread of criminal activities. Although all of these problems are directly related to the easy availability and illegal possession of SALW, the Georgian authorities do not perceive things in this way. Consequently, no major efforts have been made to address these issues from the specific perspective of SALW.

The problem of small arms control in the Caucasus after the demise of the Soviet Union

Konstantin Reitor, Office of the Chief Military Prosecutor, RF

My presentation deals with the problem of the control of SALW proliferation in the South Caucasus after the collapse of the Soviet Union. I would like to present the perspective of the Office of the Chief Military Prosecutor, which I have the honour to represent at this seminar.

In the last decade the number of actors relevant to international law has increased, largely due to the collapse of certain states. One such case is the collapse of the Soviet Union, an understanding of which provides useful lessons regarding SALW proliferation and related issues. Events flowing from the chaotic situation in the Caucasus between 1991 and 1993 are probably the most relevant part of this story.

We at the Office of the Chief Military Prosecutor believe that the following processes are the major reasons for the sharp increase in illicit SALW trafficking in the Caucasus.

After the demise of the USSR, the need to resolve the problems of succession emerged. Former Soviet republics became sovereign states and it was necessary to regulate the succession of state property, including materiel of the Armed Forces of the former USSR.

An analysis of the succession process clearly shows that no workable basis was agreed for the transfer of the Armed Forces' materiel. As a result, the division of materiel and military property was sometimes spontaneous, especially in the South Caucasus, where the Soviet Union had deployed one of its largest military groups – the troops of the South Caucasian Military District. All this occurred within the context of the region's armed conflicts of 1991–1994. Let me say a few words about the Soviet legacy to Azerbaijan, Armenia and Georgia at independence. This military district had two armies and one army corps, as well as units assigned to the district but subordinate to the central authorities – an Air Defence Artillery army, an Air Force army, airborne units and the Caspian flotilla. In total, more than 1,000 military units and organisations were deployed in the South Caucasus. One has to add to this the military units of the Frontier Guard (subordinate to the Soviet KGB) and the interior forces of the MoI. They possessed more than 100,000 SALW between them, as well as mobilisation reserves. To emphasise the size of military materiel available to the South Caucasus by 1992, let me note that in one arsenal in the village of Kilyazi in Azerbaijan, there were several thousand railcars with munitions for all types of weapons, including about one billion pieces of ammunition for small arms.

In 1990–1991, the authorities of three Caucasian states passed legislation unilaterally declaring all materiel of the military units and organisations (the Armed Forces, the MoI, the Frontier Guard) deployed on their territory the property of these states. As a result, there were numerous cases of violent seizure of arms, materiel, and other property of the military units deployed in the Caucasus. Such incidents often led to casualties among the Russian military and their families. As a rule, the objective of such attacks was to capture SALW and ammunition, although there were some cases of seizure of armoured vehicles and large-calibre artillery pieces.

The lack of a clear legal status for the forces exacerbated the situation. The Agreement of December 30 1991 by the Heads of States of the CIS on the Armed Forces and the Frontier Guard and the Agreement on United Armed Forces for the Period of Transition (20 March 1992) established the United Armed Forces of the CIS for the period of transition. But the units of the South Caucasian Military District had no clear legal status for several months – from December 1991 until 19 March 1992, when they fell under the provisional jurisdiction of the RF in accordance with the Russian Presidential Decree. Only after that were the units disbanded and some of them withdrawn to the territory of Russia. At the same time, the arms and other materiel of the disbanded units were transferred to the Caucasian states. The remaining forces deployed in Armenia and Georgia were transformed into the Group of Russian Forces in the South Caucasian Region, and this group still exists now.

To characterise the difficult situation that Russian military units were in during 1992, let me cite the classified telegram of 20 June 1992 issued by a commander of a motor rifle division and addressed to the commander of the military district. I omit certain details to avoid identifying the Republic in question, since any military commander in Azerbaijan, Armenia, or Georgia could have signed such a report. "I report that on 20 June 1992 at 6.30 p.m. the representatives of the Republican Defence Ministry [of a Caucasian state] arrived and made an ultimatum that I transfer (privatise) the division into their hands. I did not give my consent without the approval of my superiors and the government. At 6.50 p.m. they warned me that the military base and the dwelling houses of military and civilian personnel within it may

be blockaded jointly by the national army and the local populace. I have reported on the division's difficult situation many times. I, my officers and men have the courage and sufficient means to protect the division and its materiel. However, I will not give the order to fire on civilians and therefore need orders clarifying our position. Decisions must be taken to avoid putting our personnel and their families in such a desperate situation. When will the high command begin to take responsibility for our plight?" Two days later, the commander of the district received another desperate telegram – "Please accept my decision to withdraw the division to the territory of the RF. This is my personal decision – do not send your aides to me".

According to reports by the military prosecutors of the Group of Russian Forces in the South Caucasian Region, in 1998 the Group registered, in total, the theft of 64 grenade launchers, 1,736 pistols, 46 rifles and carbines, 1,768 sub-machine guns, and 130 machine guns.

Most of the weapons seized at that time are now circulating on the black market. The cases investigated by the Russian military prosecutors and handed to the local law enforcement agencies have not been tried and appropriate measures have not been taken.

One cannot rule out that the Caucasian authorities had a stake in these developments. There is lots of evidence on this in the criminal cases and in the materials gathered during investigations by military prosecutors.

In this connection, let me quote another curious document to you, one that was given to the commander of a Russian military unit. "The Defence Ministry of the Republic confirms that arms and ammunition belonging to military unit No. ... were seized by illegal groups on 15 August 1992. These weapons and ammunition are now in use by the Defence Ministry". The list of seized weapons is then outlined in the text that follows.

Unfortunately the leaders of the former Soviet republics paid little or no attention to the problem of dividing the Soviet Union's military materiel when negotiating over the other components of the Soviet legacy. In fact, they confined themselves to determining the fate of heavy weapons, whose numbers had been reduced in accordance with the Conventional Forces in Europe (CFE) Treaty of 1990. They signed the appropriate agreement on the principles of the CFE Treaty's implementation, and also signed the Protocol on Maximal Ceilings of Conventional Arms and Materiel in the Territories of Azerbaijan, Armenia, Belarus, Kazakhstan, Moldova, Russia, Ukraine and Georgia. These latter Tashkent agreements were signed on 15 May 1992. These international treaties do not cover SALW.

Several further steps were taken later. On 9 October 1992 in Bishkek, the CIS members concluded the Agreement on Mutual Recognition of Rights and Property Regulations. The document stated that the parties recognised "the transfer of equipment, including financial resources, enterprises, organisations, their units and entities formerly subordinate to the Soviet authorities, situated on their territory and declared their property in accordance with their national legislation". It also maintained that the property issues relating to the Armed Forces, Frontier Guard, Interior Forces and Railroad Forces would be regulated by special agreements between the parties. However, no agreement concerning division of arms has been concluded since then between the Caucasian states and Russia.

We believe that such norms are not enough to regulate relations between Russia and the FSU states concerning the future of military materiel. This was demonstrated by the Concept of Military Security of the CIS States (approved in Bishkek at the same summit) which reaffirmed that "Firstly, there are mutual claims of the newly independent states and new national entities over each other's property that remain unresolved. Secondly, the property rights over some materiel (including military stocks) within the FSU were not clearly set out, allowing for different interpretations by each state. Thirdly, the status of some forces that came under Russia's jurisdiction but were temporarily deployed in the territories of other CIS states is also uncertain".

International law resolves these problems on the basis of the 1983 Vienna Convention on Succession Rights with respect to State Property, State Archives and State Debts. The Convention states that after the emergence of a newly independent state or the split of a state, the real estate assets belong to the successor state on whose territory they are located, whereas all movable assets (if they are not connected with the activities of the predecessor with respect to the territories that are the subject of succession) are divided among the successor states in fair shares. However, neither the RF nor the Caucasian states are parties to this convention, so its provisions were not applied in this instance.

Another significant shortcoming of the legal basis regulating relations between Russia and the Caucasus on military materiel was the character of the regulations themselves. Very often they took the form of bilateral, even oral commitments between defence ministers instead of between governments. One exception to this was the Agreement between the RF and the Republic of Armenia on the

Procedures and Terms of Transfer to the Republic of Armenia of Certain Arms, Military Equipment and Military Property of the RF Deployed on the Territory of the Republic of Armenia (10 July 1992).

Most of these inter-governmental treaties were signed in 1992. They were drafted in a hectic manner when Armenia and Azerbaijan were arming against each other and Georgia was militarising to fight secessionists. These acts were only framework agreements and did not cover all weapons subject to division. The lack of care shown by those drawing up these documents has resulted in ambiguous interpretation of their provisions. For instance, the Protocol of Understanding on the Lists of Military Units and Facilities signed by the Russian and Armenian Defence Ministers in May 1992 had no date, a matter that had to be resolved in the course of later investigations. A similar protocol with another Caucasian state did not rule out the possibility of the transfer of weapons held by Russian military units to regional authorities. The latter took advantage of this and armed the population for self-defence, the commanders of Russian military units sometimes receiving requests directly from the leaders of small paramilitary units. We have serious doubts that the central authorities of the country in question are able to control these weapons even now, since many end up in the hands of militants in conflict zones. Those states that supplied local paramilitary units with arms often did so with little regard to the legitimacy of these units. Weapons were sometimes transferred to remarkably low-ranking ringleaders with the accompanying rationalisation that they were on temporary 'loan'. This policy has proved unduly optimistic, because today it is difficult to get these weapons back.

Transfers of arms and other military materiel held by Russian troops deployed in the CIS have been taking place up until very recently. There is no strict and agreed procedure for such transfers, so there is always the possibility that the Russian military may abuse its power. Sometimes the military benefits from the complicated verification procedures for transfers required by the appropriate agencies of the foreign state who allow them to submit false reports. This is possible because there is no effective oversight of these shipments, so no one can verify the exact volumes that are transferred and weapons can be stolen and sold. At present these cases only come to light as a result of criminal investigations. There is an added incentive, because according to the Convention on Legal Assistance and Legal Relations on Civil, Family and Criminal Cases (22 January 1993), CIS member states are not obliged to render assistance to investigators from neighbouring countries. Those investigations and supervisory activities that the Russian military prosecutors do manage to carry out can only take place because their colleagues in other CIS law enforcement agencies owe them favours. It would be far preferable to establish verification procedures so that such information could be checked on a routine basis. Provisions for this could be written into the agreements that FSU states enter into.

Russian military prosecutors, at all levels from garrisons to the Office of the Chief Military Prosecutor, have taken legal measures to respond to such violations, including criminal investigations into illicit trafficking in arms. Thus, I would like to conclude by saying that the following legal conditions should apply in order to make the control of illicit arms trafficking more effective after the collapse of the state:

- Timely, legally comprehensive and clear agreements among the successor states on the legal status of deployed forces of the predecessor states and other successors, as well as on the succession of military materiel
- The law enforcement agencies of these states should be able to conduct prompt investigations into any illicit arms trafficking that takes place in the course of routine verification procedures that are not part of criminal investigations

Small arms non-proliferation as a conflict resolution strategy in the South Caucasus

Elkhan Nuriyev, Alexander von Humboldt Research Fellow, Peace and Conflict Research Institute, Germany

Over the past decade, the South Caucasus has been the scene of bloody ethnic conflicts in Nagorno-Karabakh, Abkhazia, and South Ossetia. Since the Soviet Union's collapse, the region has been rife with ethno-political tensions that threaten regional security and economic development. Unresolved conflicts are causing increasing anxiety to the international community. Resolution of the Nagorno-Karabakh dispute, the first serious conflict to break out on the former Soviet Union's territory, is vital for establishing long-term security and a lasting peace in this volatile area of the world. Since the ceasefire in May 1994 however, neither the OSCE nor its mandated initiative, the Minsk Group, has been able to find a mutually acceptable political solution to the Armenian-Azerbaijani conflict over Nagorno-Karabakh. Regrettably, the region's stability seems likely to remain precarious for a long time, as Armenia, Azerbaijan, and Georgia continue to exhibit the combined characteristics of war-torn societies and countries in transition.

Obviously, armed conflict undermines the state's integrity, and the existence of separatist, terrorist and criminal groups involved in the illegal transfer, accumulation and stockpiling of SALW also weakens the government's control over areas of its territory. The problem of SALW is particularly acute in the South Caucasus. Flows of SALW to the region are hampering international efforts to achieve a peaceful resolution of the conflicts there and are contributing to increased mistrust and tension between neighbouring states. In the South Caucasus therefore, there is a very real need for efforts to reduce small arms proliferation, to enhance regional security and to develop effective peacekeeping policies.

With its negative impact on national, regional and international security, the illicit trade in SALW is one of the most pressing and difficult problems of today. No single country can be entirely safe from the threats posed by the spread of the illicit trade and circulation of SALW.

Illegal trafficking and free and uncontrolled access to SALW presents an extremely serious threat to security and political stability at the regional level, and is a major factor behind the emergence and exacerbation of armed conflicts. Regional conflicts, in their turn, contribute to further expansion of the illicit trade, trafficking and accumulation of SALW. For instance, Nagorno-Karabakh and seven other occupied territories are currently experiencing the illegal trade and transfer of arms and weapons in parallel with terrorist and smuggling activities.

The uncontrolled proliferation and illicit trafficking of small arms is also fuelling crime and undermining development in the region. Addressing the problems associated with small arms proliferation is more difficult in those states where the government does not have full control over its own territory, as, for example, in the long-lasting Armenian-Azerbaijani conflict over Nagorno-Karabakh.

An efficient regime for prevention of SALW proliferation in the South Caucasus will only be possible when all states in the region adopt a responsible approach with respect to their international obligations, renouncing territorial claims on their neighbours and ceasing to support separatist movements.

From this perspective, Armenia, Azerbaijan, and Georgia should aim to stand firmly for international co-operation to prevent, to combat and to eradicate the illicit trade in SALW. On the other hand, the newly independent states in the South Caucasus should constantly work on developing their legal base and on strengthening state control in the sphere of production and sale of SALW, thereby making their contribution to international efforts to prevent illegal trafficking, proliferation and accumulation of SALW.

Small arms initiatives should be pursued in tandem with conflict resolution measures. The UN and OSCE should play a more assertive role in order to reach a speedier resolution of the conflict in the region. The role of UN and OSCE missions should be a particularly active one in this respect.

In addition, regional powers (Russia, Iran, and Turkey) need to be engaged in the search for solutions, together with the USA and other relevant inter-governmental organisations. There is also the need for close co-operation with local civil society and NGOs. Thus while initiatives should come from local actors, outside institutions (both governmental and non-governmental organisations) have an important role to play in facilitating and supporting local initiatives. More transparency is needed with regard to the legal trade in and production of small arms in the region. National governments should seek agreements to limit transfers of small arms to other states. In other words, they should attempt to eliminate the 'grey' market of supplies by states to non-state actors.

Most importantly, Armenia, Azerbaijan, and Georgia should make an effort to devise a comprehensive programme of action that is realistic, and thus feasible, in its approach. This programme should strive to ensure that arms transfers be authorised exclusively between states in order to prevent SALW being acquired by illegal entities, separatist groups and terrorist groups.

A system of information exchange on SALW transfers, coupled with appropriate verification techniques such as marking and traceability, will enhance the effectiveness of measures to combat the illegal transfer of weapons.

And finally, an international conference should be organised either by the UN or by the OSCE to produce a meaningful programme of action which would include attempts to raise awareness, to mobilise political will and resources, and to draw up a plan for concrete action at various levels.

Small arms proliferation has become an urgent problem in the South Caucasus. Putting in place workable policies is one of the biggest challenges for the new democracies in the region, and a particularly topical one at present as fears of an arms race in the region grow as the delay in settling ethnic conflicts drags on. Conflict resolution will be one of the essential ingredients for stability in the region. As time passes, the absence of an agreement seems to be giving the new democracies of the South Caucasus even more cause for suspicion, leading to even greater insecurity in a complex part of the world.

The diffusion of SALW and its impact on regional security: the view from Georgia, Azerbaijan and Armenia

The view from Azerbaijan

Esmira Jafarova, Ministry of Foreign Affairs, Azerbaijan

First of all, I would like to thank the organisers for providing this opportunity to exchange views on this important and topical problem. Along with other participants, we look forward to comprehensive deliberations aimed at finding practical ways to curb the proliferation of this category of conventional weapons.

Following the terrorist attacks of 11 September 2001, the world community is faced with the task of combating the scourge of terrorism affecting the lives of thousands of innocent people. The menace of terrorism has been strengthened by its close links with drug trafficking, the illicit trafficking of SALW (and their transfers in any form to terrorist groups), separatism, and all forms of extremism that provide sources of financing and manpower for terrorist activities. Therefore, in view of the increasing threat and danger of terrorism, it is vital to strengthen our combined efforts to deprive terrorist groups of access to weapons and ammunition. From this perspective, in our view, addressing the issue of curbing the proliferation of SALW is a dire necessity.

SALW problems are of direct relevance for the South Caucasus region. The flow of SALW into conflict zones leads to the intensification of armed hostilities, undermines ceasefire regimes, impedes the peaceful resolution of conflicts, has a negative effect on confidence-building measures between neighbours, and can present a serious threat to the safety of international peacekeepers.

Azerbaijan has repeatedly drawn the attention of the international community to the large-scale illegal transfers of weapons, both during the active stage of the Armenian-Azerbaijani armed conflict, and after concluding the ceasefire in May 1994. Azerbaijan has always been opposed to illegal supplies of weapons and ammunition to Armenia, as it is a country that is involved in the conflict.

In the end, all these weapons end up being deployed in Azerbaijan's occupied territories. The situation in the region of the conflict is complicated by the fact that as a result of the occupation, 130 kilometres of Azerbaijan's state border with Iran is currently controlled by the occupiers. Terrorists and criminals trading in various materials, including small arms and drugs, enjoy complete freedom of movement within the occupied territories of Azerbaijan, including Nagorno-Karabakh.

Azerbaijan believes that an efficient regime for preventing the proliferation of SALW in the South Caucasus will be possible only when all countries of the region demonstrate a responsible attitude towards international obligations, renouncing territorial claims on their neighbours and ceasing to support separatists.

The Republic of Azerbaijan is constantly working to develop legislation and state controls relating to the production and sale of SALW, thus making its contribution to international efforts to prevent illegal trafficking in and proliferation and accumulation of SALW.

The law On the Arms of Civilians and the Services of the Republic of Azerbaijan regulates the circulation and use of SALW. The Ministry of Internal Affairs and the State Centre for Standardisation and Metrology are the bodies responsible for controlling SALW circulation in the country.

I would now like to describe the procedures for the storage and transfer of small arms that are currently in place in Azerbaijan.

Information about SALW is usually included in the State Register of Arms being created and supervised by the State Centre for Standardisation and Metrology. The Register is an official document that includes systematised information on SALW in legal circulation, including information such as the model of weapon. The Ministry of Internal Affairs issues permissions for possession and use of SALW.

The manufacture and sale of weapons and ammunition is usually carried out by state enterprises or by private companies in which the state is a controlling shareholder. The Defence Ministry of the Republic of Azerbaijan licences the production and repair of all types of weapon, ammunition and accessories.

Certain enterprises and organisations created by presidential decree and financed by the state budget are exempt from licensing requirements. Legal requirements that those engaged in the manufacture of SALW must adhere to include regulations relating to the safe production and storage of weapons, and to controls over the type and amount of weapon produced. The weapons must also be registered, tested and accounted for in compliance with normative-technical documents.

Each weapon and its ammunition must pass safety tests, and be uniquely marked both for identification and to indicate that it complies with the latest standards. Those weapons and ammunition that do not conform to technical standards and cannot be repaired are withdrawn and destroyed in accordance with the legislation.

Currently, marking is mainly carried out by the State Committee for Special Machine Building and Conversion, in accordance with the procedure agreed with the Defence Ministry. This procedure requires the name of the manufacturer and the year of production to be marked on the weapon.

Exports and imports of SALW are regulated according to the Presidential Decree of 24 June 1997 on Guidelines Regulating Operations on Export and Import in the Republic of Azerbaijan. According to this document, export and import of weapons, ammunition and component parts for their manufacture can be undertaken only on the authority of the Cabinet of Ministers of the Republic of Azerbaijan.

In order to obtain a licence for the export of a batch of weapons, an application must be made to the Cabinet of Ministers. The Cabinet then forwards the application to the relevant ministries and state bodies for examination. The usual ministries are those of Defence, National Security, Internal Affairs and Health. The list of relevant state bodies also includes the State Committee for the Control of Safety Works in Industry and Mountain Mines, the State Committee for the Protection of the Environment, the Academy of Sciences, and several research institutes and other state bodies. The Cabinet of Ministers is only able to issue licences when positive reports have been received from these state bodies.

The illegal export and manufacture of arms is a criminal matter, dealt with in accordance with the provisions set out in articles 206 and 279 of the Criminal Code of Azerbaijan.

Azerbaijan only permits SALW imports from state-recognised organisations. In addition, imports can only take place where those persons handling the transaction are certified to manufacture, sell and purchase the weapons, and where the weapons are recorded in the State Register. All imports of SALW must be certified. If there is no agreement on mutual recognition of certification procedures between Azerbaijan and the manufacturing state, imports are certified on the basis of submissions regarding standards from the manufacturers and from the persons importing the SALW.

Azerbaijan has participated in international fora that deal with SALW. On 17 March 2000 the Parliament of Azerbaijan passed a law on Joining by the Republic of Azerbaijan with the European Convention on Control over Purchase and Keeping of Small Arms by Civil Persons. As evidence of the importance we attach to the SALW issue, one can also cite Azerbaijan's involvement in a workshop entitled SALW: Practical Challenges for the Implementation of Current Undertakings that took place in Baku on 21–22 June 2001. The workshop permitted an exchange of views on how nations implement or plan to implement their new commitments, and provided a forum for discussion of SALW issues from different angles.

The Republic of Azerbaijan welcomes the OSCE Document on SALW and believes that action against illegal trafficking and increased transparency with regard to SALW sales will contribute significantly to the security of the whole OSCE area, including the South Caucasus region. There is an obvious need for the OSCE to redouble its efforts to tackle SALW, especially given the new conditions prevailing since 11 September 2001. It is of particular importance to ensure that SALW are only transferred between states and that they do not come into the possession of separatist and terrorist groups.

In conclusion I would like to stress that an efficient regime to curtail the proliferation of SALW in the South Caucasus will only be possible when all the countries interested in this and related matters combine their efforts to create a stable and secure region.

The view from Armenia

Ruben Ananyan, Ministry of Foreign Affairs, Armenia

After the end of the Cold War, stopping proliferation of SALW became one of the most important tasks facing the international community. The civilised world deeply appreciates the importance of preventing proliferation of this kind of weapon. During the past decade the international community has taken a number of important steps aimed at reducing global stocks of these deadly arms. Noticeable progress has been made. However, a serious threat to international stability is still presented by stockpiling, illegal production and uncontrolled transfers of SALW. Illegal diffusion of SALW also presents a serious challenge for the internal stability of states.

Research into SALW issues reveals that after hostilities have ceased in areas of armed conflict, 90 per cent of victims of the SALW that had been fed into the region are civilian, 80 per cent of whom are women and children. The illicit trade in SALW prolongs conflicts, aggravates violence, exacerbates crime, works toward population displacement, and establishes intimate links with terrorism, organised crime and the drugs trade. International criminal groupings and terrorist organisations use this particular type of weapon. Precise data regarding the turnover of SALW does not exist; however, according to estimates, annual turnover of SALW is about \$10 billion.

This problem creates anxiety and concern, and it is not the problem of any one single state, but a global one. An effective campaign against the problem can only be undertaken within a framework of international co-operation. Being aware of the gravity of the problem, international organisations are therefore taking steps to consolidate a coalition of countries to fight the destabilising accumulation and proliferation of SALW, as demonstrated by the OSCE Document of 2000 and UN Conference of July 2001.

Armenia actively participates in the work of these international fora and is consistent in its support of those efforts of the international community that are targeted towards the struggle against this negative phenomenon. The Foreign Minister of the Republic of Armenia has signed the OSCE Document on SALW, which obliges member states to undertake important commitments. Armenia promises to fulfil its commitments, in accordance with current Armenian legislation.

Armenia welcomes the initiatives implemented at regional and inter-regional levels to tackle this problem. We highly appreciate the EU Joint Action of December 1998, aimed at providing financial and technical support to interested countries.

At the present time, there is no likelihood of surplus SALW becoming a cause of internal destabilisation in Armenia. This problem was acute around the time of the USSR's dissolution when conflicts drove the population to acquire huge quantities of unregistered arms, which then in turn affected the criminal situation in the republic. The government of Armenia, motivated both by national security interests and international commitments, launched a fight against the illicit trafficking and proliferation of SALW from the first days of independence. For well-known reasons, informal armed formations had spontaneously emerged in the Republic. These were soon disarmed and disbanded thanks to the successful work of the country's leaders at that time. Some of these groups were incorporated into the MoD and MoI troops, while others were integrated into civil society. The situation has thereby been brought under strict control, and appropriate laws have been adopted. Current quantities of SALW in Armenia are adequate for the lawful requirements of the state in the field of security and self-defence.

Sale of weapons is banned in Armenia. At border points, customs mechanisms exist which are aimed at preventing the illegal import and export of SALW. Illegal import and export are prohibited by the Law on Arms and by a number of other norms and legal acts. Mechanisms exist for co-ordination and co-operation between all ministries and agencies with responsibility for this issue, and they are working well. Strict control over every single weapon is ensured and weapon storage facilities and stockpiles are properly guarded. Work has also been undertaken to persuade the general population to surrender unregistered arms: citizens who voluntarily surrender their weapons are not subjected to criminal prosecution and their weapons are received by a special Interior Ministry commission and later destroyed.

At present the criminal situation in the country is stable, while the number of registered crimes involving the use of firearms is currently decreasing. On this basis, one can conclude that the situation in Armenia is a favourable one, and that there is no problem with illicit diffusion of SALW.

Armenia is prepared to share its experience of bringing SALW under control. We are open to any constructive proposals and are willing to familiarise ourselves with the experience of other states. We

will co-operate with the international community in the future and make every effort to reach a final settlement of this urgent global problem.

The view from Georgia

Malkhaz Mikeladze, Ministry of Foreign Affairs, Georgia

Georgia is just beginning to elaborate a comprehensive institutional approach to the problem of small arms. At the same time, the necessity of such a complex approach is obvious and has been brought home to Georgia by a number of serious security threats and challenges that our state has faced at its current stage of development.

In general, Georgia shares the commonly held opinion that the excessive accumulation or the uncontrolled spread of SALW poses a threat to human security. The continuing availability of small arms can ignite conflict and seriously hampers post-conflict peace-building efforts.

The role of stockpile management and security is therefore crucial. Let me offer you a concrete example: the proliferation of huge numbers of small arms in post-conflict areas and other parts of Georgia is a direct result of chaos among former Soviet military units deployed in Georgia. During the early 1990s, following the collapse of the Soviet Union and the withdrawal of many former Soviet military units from the territory of Georgia, many arsenals and storage sites were left poorly protected or accounted for. As a result, huge stockpiles of small arms were able to spread among the population.

Unfortunately, the problems resulting from the dissolution of the Soviet army are not the only ones, so I will outline some other threats and challenges.

Firstly, there is the question of Russia's military presence in Georgia. Many sources argue that there is evidence that the territory of Georgia is used by profit-seeking groups among the Russian military to traffic illicit small arms and munitions from the North to the South and vice versa. Although much of this commentary is exaggeration, there have been several cases giving rise to suspicion.

Secondly, there are two post-conflict areas in Georgia, neither of which is currently under the control of the central authorities. Unknown amounts of small arms have already been disseminated among the local population and among paramilitary structures belonging to local separatist regimes.

Third, there are unwelcome influences on Georgia that derive from its position at the heart of an unstable region. Paramilitary groups abound and a variety of weapons can be bought and sold easily. As a result, there is still a very high demand for weapons, and demand always leads to supply.

The difficult economic situation is another factor whose effects are felt in every sphere of life. Manifestations include difficulties in equipping military arsenals with security and control systems to protect the stockpiles of small arms.

Finally there is a notable lack of multilateral co-operation between Georgia and other FSU states in dealing with the excessive, destabilising accumulation and uncontrolled spread of SALW. This also applies to regional co-operation among the newly independent states.

Because Georgia has experienced two conflicts in the recent past (in Abkhazia and in Tskinali), our government is seriously concerned with the negative consequences of the accumulation and spread of SALW in post-conflict areas. Georgia actively participates in the efforts of the international community to find solutions to these problems. Georgia joined the 'Group of Friends' of the International Conference on Illicit Trafficking of SALW In All Its Aspects initiated by the UN General Assembly (resolution 54/54V, 15.12.99); the President of Georgia, Mr Eduard Shevardnadze, accepted the invitation to become a member of the 'Eminent Persons Group on Curbing Illicit Trafficking in SALW'. The group is comprised of persons from all around the world and exists to focus international attention on the problem of SALW and to elaborate proposals for the UN Conference. We also attach great importance to co-operation within the OSCE and Euro-Atlantic Partnership Council frameworks, and are always trying to use the expertise and readiness of the international community in a most efficient manner.

Shortly after attaining independence, Georgia began passing a large number of legislative acts, some of which were closely related to the main subject of the present workshop. On 15 March 1994 the Law of the Republic of Georgia on Fire Arms was passed, and since then seven supplements have been added. This document establishes the State Weapons Register. The Register aims to make a systematised list of the varieties of weapons, to indicate their main technical characteristics and to identify standards. One objective of this scheme is to reveal any patterns in the distribution of arms in order to better control their production, sale, ownership and usage. The Register has two parts, the first incorporating classified information on military-combat weapon patterns, the second information on

unclassified weapons. The National Security Council of Georgia is authorised to define the degree of classification of this sensitive information. The State Chancellery of Georgia defines the structure of the Register.

The main legislative act in the field of export control, the Law on Export Control of Arms, Military Equipment and Dual-Use Products, was passed by the parliament on 28 April 1998. On 15 October 1997 Presidential Decree No. 582 was issued, according to which the permanent inter-agency commission on military-technical issues of the National Security Council was established for the co-ordination of military-technical co-operation with foreign countries and the regulation of export-import issues of sole military use products. The Decree also required the adoption of three statutes: the Statute of the National Security Council Permanent Inter-Agency Commission on Military-Technical Issues, the Statute on Licensing Regulations for the Export-Import of Sole Military Use Production, Technical Documentation, Activities and Services, and the Statute on Regulation of Military-Technical Co-operation with Foreign Countries. The Statute on Licensing, together with Presidential Decree No. 103 adopted on 13 March 1999, nominated the Ministry of Justice as the agency responsible for issuing licences on export, transit, re-export and import of arms on the basis of the recommendations of the permanent inter-agency commission on military-technical issues of the National Security Council.

On 7 December 1999, Presidential Decree No. 650 On Some Measures of Regulation of Export-Import of Military Armament, Equipment and Ammunition was adopted. On 15 July 2000, Presidential Decree No. 304 regarding the list of military use production under export control was adopted.

These legislative acts comprise the core national legislation regarding controls on the export and manufacture of SALW. These acts closely reflect current national practice in export policy.

I will conclude my presentation by describing some of the remaining challenges, and how Georgia is addressing them. I will try to make it clear where we believe the possibilities for greater international assistance and co-operation to be.

- The government agencies in Georgia concerned with stockpile management and security (ie the Ministries of Defence, Interior, State Security and the State Department of Border Guards) would benefit greatly from offers of assistance
- Participation in and financial support for small arms collection and destruction programmes: such programmes may be a very effective part of complex peace-building activities in post-conflict areas, and include economic rehabilitation programmes, peace support measures and demobilisation and reintegration of former combatants. For this purpose, schemes with financial incentives tend to be the most effective, especially in voluntarily arms collection programmes for civilians
- Assistance in border/customs control: such assistance might include financial support, the organisation of training programmes for customs and border guard officials, the establishment and improvement of national databases, communication systems and equipment for monitoring and controlling movements across the border
- Training of relevant Government officials: including assistance in establishing inter-agency working groups involving all relevant national structures in order to enhance co-operation and information exchange among law enforcement agencies at the national level
- Assistance in initiating a common regional approach: potentially including support to establish common standards and criteria, encouragement of regional agreements to facilitate tracking and destruction of small arms, and the elaboration of regional training programmes and joint exercises to strengthen regional links between law enforcement and other agencies
- International co-operation: active international co-operation is also important, and should be carried out in tandem with the above-mentioned measures

Discussion: small arms proliferation and security in the Caucasus, the diffusion of SALW and its impact on society, the view from Georgia, Azerbaijan and Armenia.

The main points that emerged from the discussion following sessions three and four were as follows:

- A gun culture often precedes a conflict, but it is equally possible for a gun culture to develop in the course of conflict. The factors that give birth to and sustain such cultures are many and complex
- Caucasian states have a shared post-Soviet history of conflict, and to some extent of resulting gun cultures. However, each of these gun cultures is different, and in each region develops in a different way. Differing traditions and other factors, such as the character of the state, work to produce different outcomes. In some cases the state is strong enough to discourage conflict. Elsewhere, eg in Dagestan, although the authorities are weak, communities have managed to develop a system of consensus politics. This indicates that even when there are sufficient quantities of arms for large-scale conflict to develop, war is not inevitable

Export controls and small arms transfers

A difficult dilemma: export promotion versus export controls

Col Sergei Chernykh, Committee for Military-Technical Co-operation, RF

During yesterday's presentations and discussions on SALW exports the speakers touched upon a number of topics that I had initially planned to cover. I have therefore made some changes to my presentation and would like to say a few words about the organisation that I represent here. The Committee for Military-Technical Co-operation of the RF with Foreign States was established on 1 December 2000 by Presidential Decree in order to enhance the efficiency of military-technical co-operation and to ensure coherent state policy towards the political, economic and military components of such transaction. This is why the Committee is headed by Deputy Defence Minister Mikhail Dmitriev. Besides this, I would like to add that one of the tasks of the Committee is to participate in the development of an effective export control mechanism for military supplies. For one year now we have been maintaining close contacts with the MoD (its Directorate for Export Controls and the Main Directorate for International Military Co-operation), the Foreign Ministry and the Ministry of Economic Development and Trade.

Secondly, yesterday it was directly or indirectly indicated that the Armed Forces of the Soviet Union and RF are major culprits with respect to illicit SALW trafficking. I would not agree with this for two reasons. First of all, all materiel of the armed forces, including SALW, is the property of the State. No minister of defence, no senior official of the MoD enjoys the right to take a decision on the transfer of this materiel without the consent of the Ministry of Property of the RF and the appropriate decision of the Russian Government, which has exclusive rights to authorise such transfers. From my experience I can say that even to give a pistol or any other weapons as a gift to the head of a foreign state (and Rosoboronexport knows this well), we have to issue a special Government resolution. Besides this, in 1992, the MoD set up the Commission for Export Controls, whose primary duty was to consider issues pertaining to the export of arms and materiel. Unfortunately, the norms and laws of CIS states are not fully in line with existing international standards. Nevertheless, we maintain our efforts in this area and hope to resolve these issues in the future, since the RF has certain international commitments that have priority over domestic legislation (these include the single system of air defence, the joint border patrols, joint activities to combat terrorism, and a number of other measures).

Thirdly, I have to confirm the words of our chairman and emphasise that even at the peak of arms sales during Soviet times, SALW did not account for more than five per cent of total exports of arms and materiel. At present, there are practically no requests from foreign states for massive supplies of such weapons. On the other hand, our foreign partners continue to be interested in advanced SALW designated for their special forces.

Now we come to the issue I agreed to cover at this conference – 'A difficult dilemma: promotion of exports or control of exports'. As far as my committee is concerned, this question needs clarifying, since the Security Council of the RF distinguished earlier this year between the terms 'export controls' and 'control of exports'.⁴ Export controls cover a wide range of issues concerning the export of high-tech dual-use goods, items produced exclusively for defensive purposes, military services and intellectual activities pertaining to the development of WMD, missile technologies and other types of weapons. At the same time, export controls are a major instrument of state regulation of foreign economic activities with respect to military production, together with mechanisms such as price policy and licensing. Following a governmental decision, we will submit data on SALW transfers to the OSCE.

Russia is a member of four international export control regimes, viz the Zangger Committee, the Nuclear Suppliers Group, the Missile Technology Control Regime, and the Wassenaar Arrangement. All these organisations have international legal status. They consider the lists of goods and services that may be promoted on the market, discuss these matters, take appropriate decisions and facilitate the spread of national production in the delicate sphere of military trade. Russia has already become a prominent actor in the regulated arms market, mostly because Moscow maintains its relations with other participants on the basis of international law regulating high-tech exports. Let me give you a few examples. Firstly, clear regulations and export control norms enable consumers to plan their activities

⁴ Editor's note: The Russian legal system distinguishes between 'export controls' and 'control of exports'. The latter concept concerns strategically important raw materials such as oil but has no bearing on military or dual use goods. It is the category 'export controls' that is relevant to this seminar. The most important laws in this area are the Law on Export Controls (1999), relating to dual-use and nuclear goods and the Military-Technical Co-operation law (1998).

correctly and to build relations with their partners. Secondly, compliance with the rules of military-technical co-operation enables the exporters to enjoy the support of the state. Thirdly, the existence of a coherent legal basis in the area of export controls ensures the compliance of the RF with its international obligations.

The objectives of export controls (in accordance with the Federal Law On Export Controls) are the following:

- Protection of the interests of the RF
- Implementation of Russia's commitments under international treaties, including the non-proliferation of WMD and their delivery systems and control of military and dual-use exports
- Creation of conditions for the integration of Russia's economy into the world economy

Export controls have two components: political and technological. The interests of exporters and specialists (who possess intellectual property) are protected and regarded as a priority. At the same time, there are a number of problems in this area, including:

- The absence of legislative harmony between the CIS states, since the absence of a single approach and the openness of borders within the CIS leaves some loopholes in Russia's national security system
- The absence of a firm legal basis on which to prosecute those who traffic arms in violation of existing international norms
- The need to establish effective controls over designated and declared use of SALW
- The absence of effective barriers to unauthorised transfers of intellectual property

In other words, export controls are important both for Russia and for specific economic players. Russia must protect those technologies that cannot be obtained on the open market if they are to be best employed in the service of national security and foreign trade. Meanwhile, it is necessary to defend and support the developers and manufactures of military products who operate under conditions of international competition, and at the same time to use these producers to enhance Russia's foreign trade.

Russia's legal standards in the area of export controls comply with many international requirements (including marking standards) and to a certain extent, as far as internal compliance systems are concerned, our standards are higher than those of Western countries and the United States. This is not mere speculation. I co-chaired the US-Russian group on conventional arms export controls. We let our US colleagues study the Russian system and had a chance to see how the mechanism worked in the United States.

Russia would like to ensure that supplies of arms and materiel, including SALW, are used for stated purposes only. This is why we plan to discuss a proposal with our foreign partners in 2002 via the inter-governmental commissions on military-technical co-operation. Our proposal is that Russia, in its capacity as a supplier, be granted unilateral access to the storage facilities and deployment sites of the materiel supplied to foreign contractors. We hope that this proposal will be accepted, as everybody has a stake in ensuring that supplies to the defence ministries of foreign states comply with the goals set out in the end-use certificates.

Overall, we consider export controls to be an important mechanism for facilitating the legitimate promotion of our weapons in the world market and for assisting the defence industries and entities concerned with military-technical co-operation in achieving this objective.

The relationship between legal and illicit small arms transfers – ways to enhance controls

Maxim Pyadushkin, small arms project, Centre for Analysis of Strategies and Technologies, RF

Legal transfers

The extent and geography of Russia's small arms transfers - Russia's role in the global small arms market

Despite the general decrease in defence production in Russia in the 1990s, there is still great potential for the production and export of SALW. It is well known that after the demise of the Soviet Union, Russia maintained major SALW production facilities on its territory, among them Tula, Izhevsk, and Kovrov.

According to data that is openly available, legal Russian SALW transfers can be presumed to amount to \$150–200 million per year, or to account for approximately five per cent of all Russian arms exports. The major recipients of Russian SALW are Africa, Asia and the CIS.

Legal transfers of SALW in Russia are mainly carried out by Rosoboronexport, the state broker. Among the Russian manufacturers of SALW only the Tula Design Bureau of Device-Building and the Kolomna Machine Building Design Bureau enjoy the right to pursue independent foreign economic activities that involve military production.

Export controls and small arms

Russia has a relatively effective system of state export controls with respect to SALW and weapons in general. The system is based on a state monopoly on arms exports and provides three hurdles for would-be exporters of military products:

- Obtaining permission to manufacture military products
- Obtaining the right to independently export these products
- Obtaining a licence to export military products and to export specific military products under a specific contract

If and when applicants are successful in these three areas, they still have to obtain approval from a number of ministries and other federal executive agencies dealing with military-technical co-operation. If the exporter violates any one of these procedures, the licences may be cancelled on the initiative of any of the authorities dealing with military-technical co-operation. The authorities have two different information sources on which to base these decisions. The first is a list of all products that may be exported, including SALW, the second a list of those countries to which exports are permitted. In cases that are not covered by these lists, the President and the Government make decisions on export.

The existing system of state regulation of defence export in Russia is centralised and is subordinate to the President. The Committee on Military-Technical Co-operation serves to supervise and co-ordinate the activities of the exporters and the federal agencies involved. Such strict export controls enable the government to reduce to a minimum the number of unauthorised arms exports, to prevent technological drain and to comply with international non-proliferation commitments. Besides, by overseeing the activities of arms exporters, the state is able to prevent tax avoidance, as nearly 30 per cent of revenues from arms exports are paid as taxes to the federal budget. Russia has recently begun to further tighten arms export controls, and strives to concentrate all arms flows through Rosoboronexport.

Russia takes its international commitments concerning SALW export controls very seriously and complies with UN arms embargoes. In July 2001, the Russian Government determined the procedures for submitting the following data to the OSCE on an annual basis: the level of SALW exports, the national marking system, procedures for the control of SALW production and stockpile management, and information regarding the number of SALW which have been collected and destroyed.

Although the Russian system for regulating SALW exports is strict, there is no efficient control of its functioning. Since the mechanism for decision-making is centred on the President, opportunities for public oversight, including parliamentary control, are limited and effectively excluded from the system of state control altogether.

In the last decade, transparency in military-technical co-operation, and public debate on export controls, have improved, but in some areas there is still an incredible desire for secrecy among defence enterprises and exporters of military goods, even around the most general economic indicators.

The attitude of Russian producers and exporters to the problem of international control of small arms proliferation: scepticism and apprehensions

Although Russia takes an active part in international initiatives on SALW non-proliferation, one has to note the low level of public debate on this topic within the country. Research conducted by CAST indicates that Russian producers and exporters of SALW are sceptical about the development of a unified international mechanism for SALW export controls. To explain this position, one has to note the traditional dislike of any form of foreign or international control, regarded by the Russian political elite and the military as interference in domestic affairs. Legally-binding international commitments, the country's involvement in international export control mechanisms, and full transparency of SALW proliferation are regarded as tools designed by the West in order to control the production and stockpiling of SALW in Russia and impede the activities of the Russian arms exporters in international markets. Russian manufacturers and exporters of SALW believe that the national marking system and export controls currently in place are sufficient to prevent supplies reaching conflict zones.

Whatever the prevalent attitudes, there are several ways in which controls over legal SALW supplies can be enhanced and the 'grey' market curtailed:

- To ensure the effective operation of the current system of state regulations relating to SALW exports by making it more transparent and by strengthening the role of parliamentary and public oversight
- To change public opinion regarding international initiatives on SALW non-proliferation by intensifying public debate on the topic and by involving NGOs
- To provide for more active Russian involvement in the development of international SALW non-proliferation mechanisms at all levels (state and civil society)
- To increase control over intellectual property transferred to the FSU states in the Soviet era in the form of licences for the production of SALW and ammunition

Illicit transfers

Due to the lack of credible information, one can make only preliminary estimates of the size of the illicit SALW market in Russia. According to a number of open sources, tens of thousands of weapons are now being sought by the police. Most of them are SALW. Several hundred thousand weapons and the accompanying ammunition are seized by law enforcement agencies each year.

Sources of illicit small arms proliferation: theft, conflict zones, and foreign supplies

To enhance control of illicit SALW transfers, it is necessary to scrutinise their major sources. For Russia, these sources are as follows:

- Theft from production facilities and military storage facilities. Weakened state control in the early 1990s resulted in a wave of SALW theft from military units and storage facilities, especially in those regions prone to separatism. The most obvious example is Chechnya, where the population obtained about 60,000 SALW from military storage facilities. Another is Transdnestrria, where more than 20,000 SALW belonging to the Russian forces were stolen in 1991. According to the Mol, in 2000 investigators were searching for about 25,000 small arms belonging to the MoD
- Major production centres such as Tula and Izhevsk are also hotbeds of illicit proliferation, though on a smaller scale
- Conflict zones in the North Caucasus, above all Chechnya, are another source of illicit SALW proliferation. At present, the ongoing hostilities and the slow rate of progress in rebuilding government structures is facilitating the development of the illicit arms trade
- Supplies from abroad. Illicit SALW supplies to Russia from abroad, mostly from the Baltic States and Central Asia, occurred in the early 1990s. The major reason was poor border controls at the former administrative borders, later to become state borders. When the border controls were enhanced in the mid-1990s and the conflict in Chechnya broke out, the domestic black market in arms shifted to more affordable and available weapons from Chechnya

Practical ways to enhance control of illicit small arms proliferation in Russia: how to restrain the sources of proliferation

Russian law enforcement agencies conduct regular campaigns to seize illicit arms, including buy-back and arms collection programmes. The following measures would be likely to improve control over the sources of illicit SALW transfers:

Preventing thefts from military storage facilities:

- Full inventories of SALW stockpiles belonging to the Armed Forces should be established
- Funding should be specifically allocated for the timely destruction of surplus and obsolete SALW that are not of use to the Armed Forces

Preventing thefts from production centres:

- The internal compliance systems at defence enterprises should be strengthened

Preventing transfers from conflict zones:

- Illicit transfers from the North Caucasus could be stopped after a settlement of the Chechen conflict, disarmament of bandit groups, and seizures of arms possessed illegally by the population. As for Dagestan and other autonomous regions of the North Caucasus, it would be necessary to develop political mechanisms for conflict resolution and to integrate the existing paramilitary units into the legal structures

Prior and retrospective parliamentary scrutiny of strategic exports – the oversight roles provided by Duma select committees

Maj Gen Valery Cheban, Duma's Defence Committee, RF

Parliamentary control of strategic exports is a matter of particular importance to the State Duma and to all parliamentarians for a number of reasons. The first is that the rule of law and normal functioning of civil society implies the need for the legal regulation of both inward- and outward-oriented activities. Secondly, strategic exports have more than just commercial aspects; there is also the international legal dimension and the political dimension. Thus the domestic legal framework underpinning Russia's co-operation with other states should be brought into line with the international framework, so as to avoid the gap between the two being exploited by extremists who would look to use legal discrepancies to further their criminal activities. Thirdly, parliamentary oversight is needed to determine who is supplied with strategic goods such as arms or plutonium, be it abroad or in our country, for whatever the purpose. This is not only an economic problem, but also a national security challenge, and we must appreciate the impact of decisions concerning these matters on the national economy and national security. This is a prerogative of parliamentarians.

What is the attitude of parliamentarians to the problem of SALW? First, they regard SALW as a tool of low-intensity armed conflicts. Second, it is clear that SALW are the weapons of terrorist organisations. Third, it is obvious that SALW are a commercial item. Fourth, SALW represent Russian know-how. Finally, we should not forget that any weapon represents an instrument of influence between states or power centres.

When we speak about SALW, we are always aware that the consequences of their use are grave. The blind logic of supporting the enemy of one's enemy, for instance, may give birth to such movements as the Taliban. We know who was involved in the establishment of the Taliban, who armed it and supported it in its early stages. Political short-sightedness led to the emergence of a monster that attacked democratic countries and even the United States. I think that this is also a matter for parliamentary control.

In a more practical vein, what is the procedure for parliamentary oversight in the RF? The apparatus is fairly well known. Firstly, parliamentary oversight is based on the Constitution, which states between whom, when and on what terms agreements can be signed and relations developed on behalf of the RF. Secondly, there is the law On Military-Technical Co-operation, passed by the State Duma on 3 July 1998 and approved by the Federation Council on 9 July 1998. It took only six days to make the law effective. The law sets out the principles, objectives, goals and mechanisms for co-operation. So at the most basic level we have the Constitution itself, and then the law On Military-Technical Co-operation. What we have in addition to this are agreements on specific types of weapons, agreements on certain strategic facilities and contracts on certain sensitive areas, for example on the protection of nuclear industry and chemical industry facilities.

I would also like to speak about major lessons learned during years of parliamentary control. The first lesson is that not all agreements that have been entered into have been subject to parliamentary oversight. This was the case during the period of confrontation between different branches of power in Russia, with all Government initiatives meeting strong opposition from the State Duma. This period has now come to an end, and today we have different problems. We have, for example, signed an agreement on chemical weapon dismantlement. Are there flaws in parliamentary oversight of this and other current matters? Everything has been agreed and approved in this case, but there is no financial underpinning for the implementation of the agreement. The delay Russia is experiencing in implementing the Chemical Weapons Convention is attributable to miscalculations concerning the financial capabilities of the state. We can conclude from this that there are possible contradictions between legal commitments and economic resources when it comes to parliamentary oversight.

Finally, those involved in parliamentary control today, particularly parliamentarians themselves, realise that it would make sense to share responsibility with the structures involved directly in military-technical co-operation. We have visited a number of states and noticed that their parliaments oversee the accounting procedures of certain agencies. If the finances involved in the dealings these agencies engage in exceed a certain set level, the agency has to report to parliament and account for itself. My personal opinion is that this is a good idea since it enables different institutions to share responsibility for the approved decisions.

When we speak about parliamentary control, we cannot forget about European security. Following our discussions with our counterparts from other states, we have come to the conclusion that arms controls will only be effective if two conditions are met: that we eradicate the motivation for the use of arms, and that we limit arms production and proliferation. One must therefore conclude that there is a need to establish a new security system. I might add that parliamentary oversight in the area of arms control has a long way to go all over the world. For instance, the United States often accuses Russia of transferring nuclear technology to Iran. In fact, in 1999 the US Ciro Commission investigated the issue and found 1,750 cases of violation of US nuclear export controls by US corporations. These violations enabled other countries to access missile and nuclear technologies.

Parliamentarians are working to solve the problems of strategic security. The UN has an enormous number of tasks and delegates some of its missions to regional structures, in Europe for instance to the OSCE. Thus, if there were to be another Balkans conflict, a sub-structure of the UN/OSCE would be charged with resolving the problem using a combination of force and persuasion. The paradox is that the major burden in peacekeeping operations is now falling on the shoulders of the military. In some respects this is bad, because the military is not the sort of organisation that can eliminate the fuel that sustains these conflicts, rather it can only fight the fire. Only a comprehensive approach can eradicate the conflict completely.

There is no question that parliamentary oversight is necessary. Talk of democracy will remain mere talk if our public does not (through their parliamentarians) come to know what goals the Government pursues by selling SALW. Parliamentary oversight does not come into existence so that blame can be apportioned between this or that company, but rather so that responsibility is shared and so that Russia can achieve prosperity, good relations with its neighbours, and international respectability.

Educational efforts to promote export control and disarmament values

Anton Khlopkov, PIR Center, RF

In my presentation I would like to touch upon the problems of education and training in the area of disarmament and arms control, since international experience in this sphere may certainly be applied to the problems of SALW non-proliferation.

Today, disarmament issues are a matter of concern for the international community. On 20 November 2000, the UN General Assembly, acting on the advice of the Advisory Board on Disarmament Matters, unanimously adopted the resolution entitled UN Study on Disarmament and Non-Proliferation Education. In it, the Assembly requested that the Secretary-General prepare such a study with the assistance of a group of qualified governmental experts for consideration at its fifty-seventh session (in 2002).

The study has been carried out by a small group of ten governmental experts representing different regions of the world and different approaches, philosophies and cultures with respect to education. Among them are representatives from Egypt, Hungary, Japan, Mexico, New Zealand, Peru, Poland, Senegal, and Sweden.

The resolution requests the experts to "invite university educators, disarmament and peace-related institutes and non-governmental organisations that have special qualifications in education and training or in the field of disarmament and non-proliferation to make written and oral presentations to it." At the first two meetings of the working group existing disarmament training programmes were studied. Much attention was paid to the experience of the PIR Center in this sphere. The PIR Center has been carrying out educational and training programmes for five years and now holds lecture courses to promote awareness of arms control, export control and non-proliferation issues among experts, young specialists, legislators, executive officials and representatives of NGOs.

One of the educational programmes of the Centre is the training programme for young experts in the area of disarmament and arms control. These young specialists represent the Department for Security and Disarmament Affairs of the Ministry of Foreign Affairs, the MDD (International Treaty Directorate), research institutions (IMEMO and the Russian Institute for Strategic Studies), and NGOs. The two-week intensive lecture course is conducted by experts from the PIR Center and its Research Council (from different agencies and NGOs) and consists of 18 lectures on the most urgent disarmament and arms control matters.

PIR Center's distance learning programmes include the publication of reference books on arms control. Some of these materials are posted on the web site. In April 2001, PIR Center experts and specialists of the 27th Central Research Institute of the Russian MoD published the Arms Control Guide – a collection of key agreements on arms control. Particular attention is given to arms control by the Yaderny Kontrol Nuclear Control Journal, published by the PIR Center since 1994 and disseminated in 50 Russian cities and abroad.

Another important element of the educational activities of the PIR Center is the development of the Nuclear Russia (YADRO) Database, which contains materials on arms control and nuclear non-proliferation. The database contains more than 15,000 items and gets 100 new documents every day. At present, YADRO is available to the Research Council members, but the PIR Center is considering making it available online.

International recognition of the PIR Center's educational and training activities in the area of disarmament and arms control came with the appointment of PIR Center Director Vladimir Orlov as UN Consultant on Disarmament and Non-proliferation Education and Training.

The PIR Center expands its educational programmes by using the Internet. In the next few years, the Centre will develop an educational module for online training. This will enable us to increase the number of participants, including those from the Russian regions.

In conclusion, let me point out that the active participation of NGOs in educational activities, including those related to SALW proliferation, will be an important contribution to control of the proliferation of different kinds of weapons.

Discussion: export controls and small arms transfers

The main points that emerged from the discussion following session five were as follows:

- While participants agreed that the RF has high legal standards in this area, it was noted that only regular, detailed reporting in the public domain would allow observers to scrutinise actual practice. There are plans in existence to provide SALW information to the public for the first time in 2002, and the participants await this development keenly
- With respect to the criteria in use by the government of the RF to determine whether particular exports are in line with agreed government policy, it was noted that proposed exports are judged at three administrative levels before approval. It is the President himself who authorises producers and export destinations. This process, however, is not particularly transparent. Whilst three parliamentary committees have the remit to examine these issues, namely the Defence, Security and Foreign Affairs Committees, their powers are restricted to discussion and comment, and they have no power over the Executive. The criteria used to evaluate exports are set out in the Law on Military-Technical Co-operation and the Law on Export Controls, but information beyond this is difficult to obtain. Russian participants remarked that it may be the case that citizens of the RF are able to access more information on Russian arms exports from abroad than from home. In light of the Russian government's commitment to supply the OSCE with information regarding imports and exports of SALW, the contrast with tight domestic controls on information relating to SALW was noted by several participants ⁵

⁵ The relevant pieces of legislation are Government Decree No 556 dated 26 July 2001, On the Implementation of the Framework Document of the OSCE for SALW and On the Procedure for Russia's Presentation of Information According to this Document, signed by the Prime Minister Kasyanov.

The Importance of international co-operation

International co-ordination of exports – information exchange within the international organisations

Yury Kryvonos, OSCE Conflict Prevention Centre, Austria

We have heard several presentations now from experts on the RF's legal controls on the production and sale of SALW. The consensus is that the existing measures are effective, and it is a view that I concur with. However, it is also a fact that large amounts of illegal arms are moving in and around the territory of the RF. Our task as participants in this seminar is not to apportion blame to those we consider responsible for this problem, but to concentrate our efforts on finding solutions. Together, the OSCE and UN Documents provide an ample basis for preventing the uncontrolled spread of SALW, the reason being that these Documents are comprehensive in nature. Only joint, comprehensive efforts can work in this area. We have already seen that joint co-operation in the field of arms control can be effective – the Wassenaar Arrangement of 1996, for instance, has been helpful in alleviating the problems of the early 1990s. But SALW problems are impossible to solve if we just employ prohibitive methods such as those that have been adopted to curtail landmine use. At the root of the problem is the demand for small arms, which has remained constant through the 1990s because of numerous unresolved conflicts. The supply of small arms also increases demand because proliferation fuels insecurity.

The international community already has one protocol against the illegal production of SALW, ie the UN Protocol Against Transnational Organised Crime. The EU also has an appropriate document, and the OSCE states have agreed an unconditionally binding text. I would like to run through some of the key measures that the OSCE text elaborates and explain the contribution they will make towards controlling the spread of SALW.

Firstly there is the issue of national and international co-operation over export controls. All OSCE states are involved in the import and export of SALW, but the majority also serve as transit routes. Each OSCE member state is required to set out national standards in accordance with the norms and procedures agreed in the document. Yesterday we heard that Azerbaijan and Georgia are setting out comprehensive measures, and this is to be welcomed. States should also be consulting each other to ensure the implementation of the agreed measures. If this can be achieved, we will all have greater confidence that SALW shipments are being used in the way set out in the relevant end-use certificates. This is already being done by the EU, and should be copied elsewhere.

Secondly there is the question of marking regimes. Introducing unified marking systems is difficult, so states can best act by exchanging information on their national marking systems in the manner set out in the OSCE Document. Confidentiality is essential, and is an area where the OSCE has a good track record. Without confidentiality illegal producers are able to obtain the information they need to misuse and subvert the mechanisms that are in place.

A third area is that of international co-operation between those government bodies charged with handling SALW issues, eg Ministries of Interior, Customs Services and National Security bodies. Interpol is the obvious organisation to facilitate such exchanges, and the OSCE Document makes provisions in this area.

Lastly, there is the need to identify and to publicise best practice where it exists. Only when we have studied and understood the successes and failures of schemes to control, collect and destroy SALW will we have the means to change public opinion in conflict-prone regions where the demand for SALW is high. The measures in the OSCE Document are preventative in nature, and I believe that if they are implemented with tenacity and sincerity we will go a long way to reducing SALW proliferation.

End-user controls, brokering and licensed production of SALW

Ian Anthony, SIPRI, Sweden ⁶

End-user controls are a means to discover what happens to controlled items once they leave the jurisdiction of the exporting state. They help to establish a chain of custody over these items, using co-operation between exporter and importer to reduce the risk of diversion into illicit channels. The risk of diversion has been underlined in recent United Nations reports investigating the implementation of the mandatory arms embargo against UNITA in Angola. The main issues are identifying the end-user in each instance and ensuring as far as possible that controlled items are only provided to legitimate end-users. The end-user is the legal person receiving and using the exported items. The end-user is not a forwarding agent or an intermediary but the purchaser or ultimate consignee for a shipment.

The authorities in the exporting state may take responsibility for delivering controlled items to the stated end-user. However, where arms production is carried out by private companies, the shipment of military equipment may be organised by a specialised division of the manufacturing company or enterprise or another entity contracted for the purpose. The instrument most commonly used by governments to create a degree of reassurance and responsibility is end-user certification. An end-user certificate is issued by the competent authority of the country of final destination and contains information about the end-user that has been requested by the authorities of the exporting country competent to authorise the export. The information provides the exporter with some assurance that the end-user is a recognised and legitimate entity regarded by the authorities in the importing state as being sufficiently trustworthy and responsible to receive controlled items. It may also create some obligations on the side of the importing authorities regarding the future uses of the controlled items.

To summarise, end-user control systems are intended to prevent three things:

- The delivery of an item to someone other than the person authorised to receive it according to the terms of an export licence
- The onward shipment of an item by a person identified as the ultimate consignee for the purposes of obtaining an export licence
- The use of an item for a purpose other than that stated during the process of acquiring an export licence

Different end-user control systems have been employed in different countries. The way in which controls are used also depends on the nature of the end-user – for example, whether the end-user is a government entity or a non-government entity of some kind.

End-user control procedures

There is a responsibility on the exporter (not the export control authorities) to ascertain the specific end-user and end-use prior to submitting an application for the licence or permit that authorises the export. As part of the export licence application, the exporter must submit documents that identify the specific end-user and the export control authorities are unlikely to consider the application until this documentation is provided. The form in which the documents are presented may be subject to rules that dictate both format and content, eg a requirement that a representative of the end-user give a commitment that controlled items may not be transferred or otherwise disposed of by the end-user either within the country of final destination or to any other country except under particular circumstances.

Where the exporting authorities have confidence in the export control system of the importing country, re-export may be managed through a system based on an import certificate. The national authorities of the country where the end-user is located may issue an import certificate that guarantees that the controlled items concerned will not be diverted, transhipped, or re-exported to another destination except in accordance with the export control regulations of the importing country. Sometimes delivery verification documents are also required after the delivery of the controlled items to the end-user. The documents are intended to verify that the delivery was made in accordance with the terms of the approved export licence.

Approaches to end-user control

⁶ The following presentation is an abridged version of a more detailed paper which is available on request. Please refer to Appendix 2 for Ian Anthony's contact details.

The above description introduces the different elements on which end-user controls are based. However, particular countries approach end-user controls and re-export in different ways within their national export control systems. Even within groups of states that have developed habits of co-operation (eg within the EU) there are different views on basic issues such as whether an end-user certificate should always be required during licensing, or whether certificates should only be issued by government authorities. National systems develop within national legal frameworks and administrative systems over a long period of time, and these systems are also shaped by the identity of the main foreign customers for controlled items. Harmonisation will require states to change national procedures that are already well established.

Few countries have a system for regular post-shipment controls to verify that items really were imported into the country identified during the licensing process and delivered to the identified end-user. The most highly developed import certificate/delivery verification system is used within NATO. The use of IC/DV procedures has expanded in Central Europe alongside the process of NATO enlargement, and some other European countries (in the Baltic region and in South East Europe) that are seeking to join the alliance have already begun to introduce such procedures.

Some general observations

End-user certification procedures – in particular post-shipment procedures related to import certification and delivery verification – are mainly intended to meet the needs of the exporting side. The procedures reduce the risk of a controlled item being used for purposes that are inconsistent with the objectives laid down in export control guidelines. The use of end-user controls therefore probably requires an element of supplier solidarity. The controls require exporters to establish procedures and internal compliance systems involving costs that are passed on to the customer. Without solidarity between export control authorities, the practical impact of end-user controls may reduce the competitiveness of exporters in countries with elaborate controls and provide competitive advantages to exporters in countries with fewer controls.

The exporter also needs to explain to the importer why such a system is in their mutual interest, as the importing side would have to put in place procedures that involve financial costs. In the case of SALW the case for co-operation between exporter and importer may be easier to explain because the importing state itself has an interest in knowing which end-users have access to such items.

Are end-user statements always required?

Certain countries are keen to stimulate greater co-operation both in arms procurement and in their military-industrial co-operation. Where industrial co-operation is between countries that have similar views on export control, a mandatory general requirement for end-user certification for each transaction may be considered unnecessary, including for munitions list items.

One element of the end-user certificate is an assurance that the procured equipment will not be sold on without authorisation. Individual licensing of each transaction – including end-user certification – is time-consuming. Where the exporting government has full confidence in the export control system of the country where the end-user is located, a general agreement may specify conditions under which simplified procedures might be applied – for example, where the item transferred is for the sole use of the armed forces in one of the countries party to the agreement. Therefore, there may be reasons not to introduce a general requirement for all individual transactions to require end-user certification as a mandatory element of an international agreement.

How is end-user information collected and verified?

Exporters have responsibility for collecting the necessary information and documentation and providing it to the licensing authorities. They have a strong interest in collecting this information since the granting of an export licence depends on it. It is less clear that exporters should be required to play a primary role in ensuring that their customers comply with post-shipment end-user commitments.

Exporters appear to be involved in monitoring some post-shipment cases of end-use or end-user, notably where the end-user remains dependent on the supplier for services such as maintenance, upgrade or repair of equipment supplied. In the case of items such as SALW or their ammunition, the requirement for this type of post-shipment support may be limited. In such cases exporters would have a smaller role to play in information collection and post-shipment verification.

Post-shipment verification for SALW, therefore, would best be seen as a government responsibility that may be carried out using diplomatic channels to access the necessary information. The authorities in the state where the export originated may however seek independent verification that end-user commitments are being respected, rather than taking assurances offered by the importing government

on trust. Such monitoring is politically sensitive, as it is carried out without the knowledge and consent of the importing government. In these cases the task will be allocated to national intelligence services. These approaches may be used in combination, and in both the actions by the responsible authorities will be more effective if assisted by information provided by exporters.

What is the legal status of end-user certificates?

Where the end-user of SALW is a government authority, the recipient is likely to be one of the armed forces, paramilitary forces or police forces of the importing state. In these conditions an end-user statement will in effect take the form of a government-to-government agreement and an identified violation of the terms of an end-user statement or certificate would have to be addressed through diplomatic procedures.

The export of military items (including SALW) to non-state authorities is not necessarily prohibited. Examples of identified exports to non-state end-users include sales to private security companies, exports of machine tools, sub-systems or sub-assemblies to manufacturing companies in other countries and exports of explosives to the construction industry. The export control authorities have limited possibilities to enforce an agreement against a private actor unless legal obligations have been established in the country where it is located. The government of the importing country may be asked to agree to monitor and enforce the end-user undertaking as a condition of granting the original export licence.

An import control system requires the importer of controlled items to receive an import licence from the national authorities of the importing country. One element of this licence is a statement that the end-user may not legally divert or re-export the items concerned without the consent of the national authorities. An unauthorised re-export would then break the laws of the country where end-user is located. From the information available, end-user certificates do not usually appear to be time-limited. Presumably they are valid for as long as the items are in the service of the end-user. However, enforcing any commitments contained in an end-user document may become more difficult as time passes. The end-user may, for example, change its legal form.

Challenges to enforcement

There are two main challenges to the pre-shipment aspects of the system of end-user control. The first is that an exporter provides the export licensing authorities with falsified documents. The second challenge is that the exporter provides authentic but corrupted documents. False documents might be forgeries (either the documents themselves or the signatures on the documents may have been forged). For example, the UN investigation into arms supplies to UNITA noted above found that export control authorities in both Bulgaria and Romania had been presented with forged end-user certificates that formed part of the information on which licensing decisions were based. Authentic but corrupted documents would include those signed by officials that were participating in a criminal conspiracy to mislead the export control authorities. For example in the period 1992–94 there were several cases in which Central European export control authorities were presented with authentic documents signed by officials from Panama and Bolivia that were used as part of the documentary basis for decisions relating to exports of weapons that were actually intended for warring parties in Bosnia and Herzegovina.

In some cases procedures have been developed to reduce the risk of documents being falsified or corrupted. The export licensing authorities in some countries insist that only authenticated original end-user certificates can be accepted when an export licence application is being processed. In Sweden, the wording of the end-user certificate is formulated in each case and the certificate is then printed on banknote paper to prevent manipulation and counterfeiting. The signed certificate should be sent to the Swedish national export control authority via the Swedish Embassy in the recipient country. The Embassy checks that the signatory is authorised to sign the certificate.

Enforcing post-shipment aspects of the system requires a response to unauthorised diversion or re-export. If a private or non-governmental end-user violates an end-user commitment, any action taken in response is likely to be complicated by many factors. For example, the importer may have modified the product in ways that are argued to have transformed it into a new product. In this case it will be necessary to reach agreement on whether or not a violation has occurred.

Information sharing on end-user violations

Many exporting states lack the in-country resources to carry out extensive monitoring of end-use and end-user undertakings. Moreover, such monitoring may be regarded as politically sensitive if carried out without the knowledge and consent of the importing government. Information about exporters or end-users that seek to evade or abuse controls will be valuable to other exporters, who can take it into account in their own decision-making. A record of abuse may lead to a denial of future licences to a

particular end-user. The gradual development of procedures for circulating licence denials among export control authorities, together with an explanation of the reasons for the denial, could become an important instrument for raising the level of compliance with such commitments.

The publication of information about actual or suspected end-user violations has been discussed at different times. Information about actual violations occasionally becomes publicly available during the course of criminal prosecutions, but these are rare. There are thought to be legal and practical barriers to publishing information relating to suspected violations of end-user controls. An accused person that has not been convicted might take legal action against the national authorities to recover damages arising from disclosure. If a suspected person becomes aware that they are the subject of an investigation, they may take steps to obstruct that investigation.

Concluding remarks

Although the detailed procedures for end-user and non-re-export controls are not harmonised, these instruments have become a central element of export licensing in many countries, including for exports of SALW. The effectiveness of the procedures used is directly related to the level of co-operation between exporter and importer.

The procedures depend on a degree of trust being established between the different parties to transactions. Even where countries operate systems for import certification and delivery verification, these systems are based on exchanges of documents and not physical inspection. Physical inspections seem to occur only very occasionally. A system for regular and widespread physical inspection would require a different legal framework and a large expansion in human and material resources.

There are four bilateral relationships that are important: between the exporter and the national authorities in the country where the exporter is located, between the exporter and its customer, between the specific end-user and its national authorities, and between the national authorities in the exporting and importing countries.

The existing end-user procedures appear to focus mainly on the pre-shipment activities of exporters. The post-shipment aspects of end-user control (import certification and delivery verification) seem to be confined to a relatively small number of states.

The development of procedures for pre- and post-shipment end-user controls and controls on re-exports should continue to be a central issue in discussions at the international, regional and sub-regional levels and in bilateral discussions between states.

Customs data as an instrument of transparency for small arms transfers: Russian submissions to the UN Statistics Division on small arms exports

Maria Haug, Small Arms Survey, Switzerland

Few countries provide meaningful comprehensive data on their small arms exports, and there is little chance of an international agreement to establish such a register in the near future. However, there are advantages to transparency in the international small arms trade. Transparency in the small arms trade should be viewed as a tool to help states achieve certain goals that have been identified by the international community. While many governments recognise a need for increased transparency in the small arms trade, the majority of states currently appear unwilling to support the development of a global register similar to the UN Register of Conventional Arms. Nevertheless, there is one source of data on small arms transfers that already exists for many countries and is readily obtainable, albeit at a cost. This information is customs data. Using customs data to track small arms transfers has advantages as well as disadvantages. Among the advantages are:

- Customs classifications for small arms are already universally defined as part of the international Harmonised Tariff Code ⁷
- Customs data on small arms are already compiled by the UN Statistics Division (in the COMTRADE database system) and are publicly available
- Many countries that do not publish arms export reports provide customs data on their arms exports
- Some countries provide very detailed information in their customs data, including the importing country, quantity of weapons, value of weapons, a detailed description of weapons and importing agent
- Customs data covers imports as well as exports

At the same time, there are several drawbacks to using this data:

- Many transfers (possibly a majority) of small arms never pass through customs, especially government-to-government transfers that are transported through military or other channels
- Certain customs categories are too broad to be really helpful when tracking small arms (for example, ammunition is lumped into the same customs category as missiles, bombs, and torpedoes; and category 9301, 'military weapons', includes howitzers and mortars that are larger than the UN definition for light weapons) ⁸
- Customs data sometimes does not reflect whether arms are 'in transit' or are being imported for 'domestic use'
- Not all countries make their customs data open to the public, and not all countries submit their customs data to the UN Statistics Division. Many countries also charge high prices for customs data, making it inaccessible to many researchers ⁹
- While the UN Statistics Division reports values of exports and imports in US dollars, a more meaningful figure is quantity of weapons. Only some countries submit this figure, while most submit weight in tonnes, a fairly meaningless statistic for the arms trade researcher. Some countries only submit value of exports
- The UN Statistics Division only reports the total annual value of exports by country and the total annual value of imports by country; only certain national customs data list exports by importing country
- The UN Statistics Division only records total exports and imports for a country above \$50,000 for a five-year period
- Free trade agreements between many countries (for example, among EU members) mean that fewer and fewer small arms will pass through customs

⁷ These classifications are:

9301 - Military weapons, other than revolvers, pistols and the arms of heading 9307

9302 - Revolvers and pistols other than those of heading 9303 or 9304

9303 - Other firearms and similar devices which operate by the firing of an explosive charge (e.g. sporting shotguns and rifles, muzzle-loading firearms, etc.)

9304 - Other arms (for example, spring, air or gas guns and pistols)

9305 - Parts and accessories of articles of headings 9301 to 9304

9306 - Bombs, grenades, torpedoes, mines, missiles and similar munitions of war and parts thereof; cartridges and other ammunition and projectiles and parts thereof, including shot and cartridge wads

9307 - Swords, cutlasses, bayonets, lances and similar arms and parts thereof and scabbards and sheaths therefore.

⁸ While the 9301 category is broken down in most national customs data into individual weapons systems, such as 'military rifles', 'machine guns' and 'self propelled military weapons' (the latter not a small arm according to the UN definition), COMTRADE data does not break down this category.

⁹ Similarly, a CD ROM copy of the COMTRADE Database costs \$900.

- Despite the international Harmonised Tariff Code, countries may classify weapons differently based on the individual training and experience of the customs officials filling out the reports

One interesting aspect of the COMTRADE data is that a number of countries that could be characterized as 'ambivalent' with respect to transparency in arms exports report their data to the UN Statistics Division. For example, China reported its customs data for the first time in 1998.

In addition, customs data does not reflect perfectly the reality of the small arms trade. Apart from omitting government-to-government shipments, customs data sometimes counts weapons that are crossing borders when they are being returned temporarily to the factory for refitting or maintenance. In other cases, weapons may be in transit. This could explain why the Netherlands is listed as the largest importer and the second largest exporter of small arms according to customs data compiled by the UN for 1998, when the reality is that the Netherlands is not a country awash with small arms.

With respect to national customs data, some countries are quite transparent. Chile's, Thailand's, and the United States' customs data including exports of small arms are available on the Internet.¹⁰ Other countries such as Uruguay and Paraguay sell their customs data, while still others, most notably Australia, classify data from customs categories pertaining to weapons as secret.¹¹ In other cases, the usefulness of customs data when it comes to arms exports is clearly recognised. For example, the UK bases the small arms portion of its national arms export report on national customs data that includes the classification of weapons. Slovakia's arms export report is based entirely on customs data.

The RF is the only country of the CIS to submit its export customs data on small arms to the UN Statistics Division. However, it only submits data for two categories of small arms: hunting and sporting rifles and hunting and sporting shotguns. Russia does not make customs data on its exports of military small arms and pistols and revolvers open to the public. If Russia were to submit customs data on small arms exports for other categories, it would be a great improvement in transparency in the small arms trade. Russia is also in the unique position to encourage other countries of the CIS to submit customs data on small arms exports and imports to the UN Statistics Division.

Customs data could be an extremely useful tool in increasing transparency in the small arms trade. It would be much quicker and easier to implement a transparency instrument building on customs data than to negotiate a register analogous to the UN Register on Conventional Arms. Almost all countries already compile customs data in one form or another, so it would not be an insurmountable task for most countries to track their small arms imports and exports. Increasing the utility of customs data for tracking small arms exports and imports would require the following:

- Governments to process all small arms exports and imports through customs, including government-to-government transfers
- Governments to make customs data on small arms public and easily accessible and submit this data to the UN Statistics Division
- Governments to discriminate between 'domestic' imports and exports (that is, imports for domestic use and exports that are produced domestically) and those goods that are 'in transit' or are under a temporary import or export licence
- UN Statistics Division to request data on small arms exports and imports by quantities of weapons exported, not by dollar values
- UN or other international agency to create a central depository of national customs data reports on small arms that is accessible to the public free of charge and/or on the Internet
- Countries in free trade zones, such as the EU, to find a way to report imports and exports of small arms through customs

¹⁰ Chile's data is available at www.exportmall.cl/. US data is available at govinfo.kerr.orst.edu/impexp.html.

¹¹ Personal communication from the Australian Customs Service, 14 July 2000.

Discussion: The importance of international co-operation

The main points that emerged from the discussion following session six were as follows:

- While participants concurred with the view that international co-operation is the only conceivable way to solve many SALW problems, the OSCE was identified as the only international forum in which the RF might plausibly be expected to exchange information with much confidence. It was further noted that international co-ordination of exports, beyond the level of UN arms embargoes, is far less likely in future than continued competition between major arms exporting states
- With regard to end-use certificates, it was generally accepted that international co-operation is the only way to make these documents effective, if only because unilateral attempts to punish importers that contravene end-use requirements have little or no force
- Participants generally felt that the RF should join multilateral efforts to make end-use certificates more viable, for example by sharing information with neighbours on the reliability of potential customers

Stockpile security and reduction of surplus weapons

The issues of inventory, storage and marking of SALW

Col Mikhail Smirnov, Head of Department, Ministry of Defence of the RF

The MoD is concerned about the increasing number of cases involving illicit production, transfer, stockpiling and proliferation of small arms around the world. The RF has paid and continues to pay attention to issues such as the accounting, control and storage of SALW. Russia also adopts appropriate legal acts regulating SALW traffic while officials at all levels take corresponding measures to ensure the security of SALW and ammunition. These officials are subject to personal legal liability if the security of arms and ammunition in their units is violated. Regulations demand the fulfillment of several crucial requirements by these officials: that they be in constant possession of exact data on the availability and state of SALW and ammunition, and that they bear responsibility for the strict organisation of SALW security, accounting, storage, release and use. So as to rule out any possibility of theft or of loss, SALW storage facilities are routinely inspected.

The inspection procedures used by the Russian Armed Forces are similar to those used by other states. There are daily checks using electronic means, accounting documents, and the mechanical counting of small arms and ammunition by those charged with maintaining their security.

Existing legal documents require the unit commanders to personally check the availability of small arms and ammunition and ensure that nothing is lost or stolen. This means that everyday checks of conditions in arms stores is performed both by low-ranking officers and their commanders. The frequency of such checks is specified in instructions given by the MoD.

In order to maintain the security of arms and ammunition, special documents are in place which detail those points at which weapons and ammunition change hands. Within military units, small arms and ammunition are accounted for in a register that contains information regarding their availability and movement both in the storage facilities and within each unit. I emphasise the word 'movement' on purpose. In Russia, the procedures for documenting movements of weapons can sometimes be too bureaucratic, including as they do every stage from production to destruction, but the procedures established in the RF have been accepted and copied by many states. It helps to monitor the movement of any SALW at every stage of its service life, including production, accounting, use, repairs, re-commissioning or elimination.

When all these procedures are taken into consideration, one might conclude that the RF is too strict in accounting for these weapons, since they are also accounted for at the production facilities and by the special department of the MoD – the Main Missile and Artillery Directorate. Accounting is done at the military stations, where the serial number and the individual number of the weapon are recorded in the personal documents of the soldier who uses it. The duty officers, who work in shifts around the clock, register every SALW. Arms are registered in the books of the duty officers, and in the weapons and ammunition storage lists. At least six accounting documents exist, each filled out by hand, and mistakes are inevitably followed by punishment. In the Armed Forces, there are severe punishments for the violation of rules of storage of arms and secret documents.

When accounting for ammunition, the type and calibre of bullets, the serial number of the plant and the year of production are all noted. A special sheet is then signed to identify weapons and their owners. The sheet is sometimes updated, taking into account the movement of small arms, and is stored together with the record book in which information regarding the movement of the unit's material assets is held. One of our colleagues said yesterday that, following political directives, Russian Army units abandoned some materiel on leaving Eastern Europe. I must say, and the representative of the Office of the Chief Military Prosecutor will back me up, that any loss of a weapon is inevitably followed by a criminal investigation that only ends when the fate of the lost weapon is apparent. A case cannot be stopped at the whim of investigators, because unequivocal information about the fate of the lost weapon or ammunition is required to close a case.

With weapons that have been stolen, the Armed Forces and law enforcement agencies carry out their own special accounting procedures. Many officials have already been punished and refused promotion because of SALW losses. I would like to point out that the staff charged with accounting for, storing and issuing weapons and ammunition are specially selected. They have to pass special tests and are appointed only after the selection board approves their appointment. Physical and psychological

development, family situation, marital status, education and work experience prior to military service are all taken into account.

I would like to emphasise that the RF has participated in shaping the armed forces of many countries, and the procedures established in Russia have been copied and accepted by many states. The procedures are viable because as the saying of the Russian Armed Forces goes, "The field manuals are written with blood". In fact, any circumvention of the rules relating to weapons, security of personnel and storage of secret documents results in the strictest punishment. It is for this reason that the regulations governing weapons are the most respected provisions in the manual.

Today the RF is not at the peak of its glory. We have to turn to the international community for financial and (less often) technical assistance when storing and dismantling arms. Perhaps our methods of SALW elimination are simpler than those of the West, but we carry out the most crucial task – any weapon sent for elimination does not return to active use or reappear in trafficking.

I would like to say a few words about the marking of SALW. Let me draw your attention to the fact that the OSCE and the UN have already approved some documents on this issue. If we read them attentively, it is clear that there are no claims made against the marking system in use in the RF. Russian marking is most reliable, since it is made using a stamp that imprints the weapon to a depth of 0.2mm and cannot be erased in an unobtrusive way. The marking is done at the most functional parts of the weapon and it is impossible to get rid of the marking stamped on metal parts without damaging them completely (except the barrel and the frame). If the stamp has been removed, technology makes it easy to detect the original number. The barrel frame is the only place where you can remove the stamps without damaging the weapons, but illicit gun users do not normally attempt this.

Yesterday we discussed secret marking systems. In the West many arms are produced with the use of plastic and carbon plastic. It is easy to remove marking from such parts, and unlike metals, carbon plastic has no memory, so it is possible to remove the code with the number of the lot, year and country of origin. Moreover, weapons sold to civilians often have decorative marking only. This is why secret marking is appropriate in these countries. In the RF it is much more difficult to forge or erase markings and there is little to be gained from such methods.

Removing SALW from Russian society: lessons from weapons collection and destruction programmes from around the world

Ian Davis, British American Security Information Council, USA ¹²

My focus today will be on best practice in three key areas: weapons collection in peacetime, weapons collection in post-conflict societies, and the effective disposal of collected weapons and other surplus stocks.

Weapons collection in peacetime

Experience of removing weapons from societies in the context of crime prevention is most extensive in the Americas, but successful programmes have also been undertaken in Europe and Australia. In the US, the liberal gun control laws have largely negated any of the benefits from gun buy-backs. Indeed, there are at least 230 million firearms in the United States, amounting to approximately 84 guns for every 100 people, or almost half of all the known firearms in the world.¹³ In the case of Brazil, in an effort to address the exceptionally high rate of firearm homicide, in 1999 a community development organisation, Viva Rio, had considerable success in mobilising the local population in support of weapons collection and destruction programmes. Such weapons collection initiatives are often most effective not in terms of the physical numbers of weapons collected, but through complementary efforts to raise the profile of gun control as a political issue.

Weapons collection in post-conflict societies

These can either follow immediately after post-conflict disarmament, or be deferred for a later voluntary weapons collection. In many cases, however, the distinction between political and criminal violence is blurred, with communal violence sometimes being sustained by or supporting criminal activity (eg in Afghanistan, Albania, Angola, Columbia, Northern Ireland and Sierra Leone).

Immediate post-conflict disarmament

In most post-conflict situations it is essential to disband and disarm former combatants and re-direct them towards peaceful and constructive activities. In demobilisation centres set up for this purpose, ex-combatants surrender their weapons in exchange for some form of assistance, such as clothing, food, money, official papers, training, or a combination of these. Some of the peace processes in Africa (including those of Liberia, Mali and the Central African Republic) have involved weapons collection processes with some degree of success. Collected weapons are often destroyed publicly, sometimes immediately and on site. In those countries where destruction has not taken place, stockpiling can pose significant risks. In Sierra Leone, for example, large quantities of the 13,000 weapons and 250,000 rounds of ammunition previously collected and disabled (but not destroyed) by ECOMOG and the UN Mission in Sierra Leone in late 1999 and early 2000 were recaptured by rebels following the collapse of the peace process in May 2000.

Voluntary post-conflict weapons collection

If the collection of weapons is delayed until after the peace process has been formally wound up it is often much more difficult to recover these tools of war. Ex-combatants will be reluctant to disarm if they are disappointed with the benefits of peace or sceptical as to how long it will last. Measures to address the demand for SALW – the reasons why ex-combatants feel they need to retain their weapons – will be crucial, therefore. While the particular circumstances of each weapons collection programme will be to some extent unique, a number of principles or preconditions for a successful programme can be identified:¹⁴

- Tackling root causes: the success of all weapons collection initiatives will depend, to some extent, on the main targets of the practical disarmament efforts having faith in assurances of security that are provided by the state

¹² The following presentation is an abridged version of a more detailed paper which is available on request. Please refer to Appendix 2 for Ian Davis's contact details.

¹³ Small Arms Survey, 2001, p. 65.

¹⁴ See Elizabeth Clegg, Sami Faltas, Glenn McDonald and Camila Wasznik, *Reducing the Stock of the Illicit Trade: Promoting Best Practice in Weapons Collection Programmes*, Biting the Bullet, Briefing 12, BASIC/International Alert/Saferworld, 2001.

- Existence of a stable peace: the compliance of former combatants is essential and their willingness to disarm will be based to a large extent on their faith in the political settlement on offer
- Supporting measures: under conditions of relative peace and security, it will be important to gain the support of the wider public for measures to reduce the level of SALW in society, together with measures to control access to SALW on the part of civilians
- Sanctions versus incentives: it will be essential to strike the right balance between the levying of sanctions and provision of incentives in the construction of practical disarmament measures, drawing on such criteria as likely effectiveness in achieving disarmament objectives, the impact on political stability and public safety, and financial costs
- Finance: the financial resources may be modest in crime prevention scenarios or substantial in post-conflict environments
- The importance of destruction: while destruction may not be strictly necessary for collection programmes, it is the only method of ensuring the permanent removal of weapons from society. Surplus stocks and collected weapons should therefore be expeditiously destroyed where there are no immediate legitimate requirements for them. Several countries have committed themselves to this policy, including the 55 participating states of the OSCE, who agreed as part of their November 2000 OSCE Document on Small Arms that destruction is the preferred method for the disposal of surplus small arms and small arms taken out of illegal circulation. So far, however, there appear to be only a few examples of the partial implementation of this destruction principle and an even more limited number of states that have made a commitment to destroy all their surpluses

The effective disposal of collected weapons and other surplus stocks

International co-operative measures to collect and destroy surpluses

International co-operation to collect and destroy weapons has taken many forms, from supplying troops to collect and secure weapons to the provision of technical and financial support to ensure their destruction.

The South African Police Service and the Police of the Republic of Mozambique have been undertaking joint weapons destruction operations since 1995. Codenamed Operation Rachel, the programme was introduced in order to destroy arms caches left in Mozambique following that country's civil war. Informers, who are rewarded with cash payments or other incentives, identify the weapons caches, which are then destroyed on site. Although the Rachel programme has had to overcome a number of obstacles, it served as an important confidence-building mechanism between the two countries. Over 15,000 SALW and around 280,000 rounds of small arms ammunition were destroyed from 1995–2000.

Governments in South Eastern Europe have proposed a number of specific small arms projects and initiatives under the auspices of the Stability Pact. So far, only one small arms project has been fast-tracked for funding: a team of experts assembled by the Stability Pact's two lead countries on SALW, Norway and the United States, as Joint Working Group partners, are providing technical support on the storage and destruction of SALW in Albania. Germany has also pledged support, and is now considering providing assistance with the safe disposal of stocks of excess ammunition. The project has received euro 1.1 million in pledges, and in June 2001 Albania reported that "of the more than 165,000 SALW collected so far, 68,000 have been destroyed".¹⁵

In November 2000, the OSCE adopted the Document on SALW. The Member States agreed:

- To take effective action to reduce the global surplus of small arms, coupled with proper management and security of national stockpiles
- To introduce indicators that states can use to assess whether they have a surplus of small arms
- To improve the security and management of stockpiles
- That the preferred method for the disposal of surplus small arms is destruction
- That any exports of surplus small arms must comply with the same criteria laid down for the export of newly-manufactured small arms
- To consider helping each other to control or eliminate surplus small arms, and supporting similar efforts outside the OSCE
- To share available information on an annual basis on the category, sub-category and quantity of small arms

¹⁵ Fourth Meeting of the Working Table on Security Issues, Zagreb, 12–13 June 2001, Chairman's Conclusions – Ambassador Kim Traavik, www.stabilitypact.org.

- To exchange information of a general nature about their national stockpile management, security procedures, techniques and procedures for the destruction of small arms
- To consider inviting each other to observe the destruction of small arms on their territory

The UNDP Small Arms Reduction Programme aims to collect and destroy small arms while promoting development objectives. The UNDP has so far conducted such 'weapons for development' programmes in Europe (in Albania and Kosovo) and the Americas (in El Salvador), but mainly in Africa (in Kenya, Republic of Congo-Brazzaville, Niger, the Great Lakes Region and the Horn of Africa). Further programmes are planned in Peru, Haiti, West Africa, Democratic Republic of Congo, Central African Republic, Somalia and Armenia. While these programmes are not the entire answer to the problem, they have had a major impact on reducing tensions and promoting economic development.

The main focus of the global effort to address SALW proliferation in 2001 was the UN Conference on the Illicit Arms Trade in All its Aspects, held in New York in July. The conference did make significant progress, in principle, in many key areas, including the development of a number of mechanisms, measures and norms designed specifically to address collection and destruction of SALW.

Collection and disposal options for the RF

There are no official estimates published on the quantity of surplus SALW in the RF. Unofficial estimates put the figure at around two million surplus weapons, and this might rise to around 10–12 million in the next few years as a result of further reductions in the size of the Russian Armed Forces and following the outcome of a proposed review of Russia's mobilisation plans.¹⁶ At present, the preferred methods of disposing of such surpluses seem to be storage and export.

Russia does destroy some surpluses, however, but presumably only those weapons that are regarded as obsolete and for which a buyer is unlikely to be found. From 1998–2001, for example, the MoD is said to have destroyed 421,021 surplus army SALW. In addition, during 2000–2001, the MoI is said to have destroyed 1,142 weapons of illicit origin.¹⁷ The RF is well placed to make an important contribution to the collection and sharing of information gained from destruction initiatives. It could also support further efforts in Central Asia, the Caucasus and within the RF itself. Combating the accumulation and spread of small arms is a challenge to the international community as a whole. The RF cannot solve this problem alone. The indication, therefore, that the Russian Government is willing to work closely with partner countries, non-governmental organisations, donor countries and UN agencies towards the development of effective collection and destruction programmes is also a welcome development.

Collecting and removing surplus arms from civil society

The RF should prioritise the destruction of weapons recovered from civil society. In particular, the RF could consider:

- Implementing policies for the systematic collection and destruction of weapons which are seized from the illegal possession of civilians
- Promoting programmes to encourage citizens to surrender illegal, unsafe or unwanted firearms with a policy to destroy these collected weapons
- Accompany changes in weapons possession laws with verifiable plans to destroy all the weapons surrendered
- Establish and enhance police-community relations, particularly in some of the constituent republics, so that citizens have the confidence to work with the police to combat illicit weapons possession and trafficking and to address security concerns, including reducing fear of crime and insecurity

Destruction of surplus arms by the government

Building on the existing commitment to destroy illicit weapons collected from civilians, the RF could undertake to destroy weapons which are defined as surplus to their national security needs (as both the Netherlands and South Africa have done) rather than stockpiling or selling these weapons to other countries. Arms caches that remain after conflicts could also be destroyed.

International support for such destruction could be sought and/or offered. So far the international community, through the auspices of the OSCE, has agreed to fund the destruction of Russian weapon surpluses at foreign military bases in the Dniester Region and in Georgia.

¹⁶ See Yuri Golotyuk's presentation above.

¹⁷ Pyotr Lytavrin, 'Light Weapons – Heavy Burden of Problems', *Eksport Vooruzheniy*, No.5 2001, Centre for Analysis of Strategies and Technologies (CAST).

In response, the RF could consider:

- Undertaking the collection and verifiable destruction of surplus weapons accumulated as a result of arms control and disarmament agreements
- Conducting open destruction of weapons defined as surplus to the needs of national law enforcement and security forces by national equipment replacement programmes

Destruction of arms during demobilisation, disarmament and reintegration programmes

The UN has provided guidelines for the conduct of demobilisation, disarmament and reintegration (DDR) programmes. The Security Council has committed itself to incorporating these practical measures into peacekeeping operations, including disarmament agreements that stipulate the disposal of arms and ammunition.¹⁸

If not already the case, the RF could consider:

- Adopting and implementing the UN DDR guidelines
- Supporting the UN Security Council's recommendations and ensure their implementation within the context of UN and multinational peacekeeping operations
- Including clear terms for the collection, containment and destruction of weapons collected during peacekeeping operations

¹⁸ Statement by the President of the Security Council, UN Document S/PRST/1999/21, 8 July 1999.

Maintenance of security in SALW storage facilities

Konstantin Reitor, Office of the Chief Military Prosecutor, RF

The speaker from the MoD, Mikhail Smirnov, gave a detailed description of the existing arms storage procedures in the Russian Armed Forces. In our opinion, the storage procedures of the armed contingents over which the Office of the Chief Military Prosecutor has jurisdiction are quite effective. The existing inter-agency legal basis is also quite detailed and well developed. The MoD, MoI troops, and the Federal Border Guard service all have the same security procedures for arms storage and there are no serious problems concerning legalities. The Office of the Chief Military Prosecutor has always been concerned about the legal aspects of weapons storage. According to statistical data, 60 per cent of arms theft occurs at storage sites. Consequently, in recent years the Office of the Chief Military Prosecutor has been giving special attention to this problem. The results of our inspections are reported to the military command. The Office of the Chief Military Prosecutor always demands that legal violations cease, that criminal investigations be launched and, wherever possible, that the culprits be identified and brought to justice. The command is also serious about the issue of secure arms storage. The response to our demands and reports is normally constructive. In August 2001, the Chief Military Prosecutor reported known violations to the Minister of Defence and the reaction was prompt and constructive. In his response, Defence Minister Sergei Ivanov mentioned the measures taken by the military leadership to provide security at storage sites and to reduce the likelihood of explosions or fires. He emphasised that providing security for stored arms and ammunition was an important task for the state and that he expected the Office of the Chief Military Prosecutor and its staff to assist in implementing it.

In recent years military prosecutors have intensified their activities in this area. On 10 August 2000, the Board of the Office of the Chief Military Prosecutor met and discussed the problem of secure arms storage and the prevention of illicit trafficking in arms. The decisions that were taken at this meeting are now being implemented. For instance, military prosecutors receive quarterly reports on the security of weapons at all levels – from the level of companies to that of central arsenals. This information is analysed and appropriate measures are taken (such as additional inspections, etc.). Every six months military prosecutors of particular military districts report to the Chief Military Prosecutor on the situation in their area. Their offices and the Office of the Chief Military Prosecutor now contain *ad hoc* working groups supervising compliance with the legislation on secure storage of arms and prevention of illicit trafficking. I head such a group.

Military prosecutors are mandated to establish investigation teams immediately after receiving information on an arms theft. Such teams are comprised of the most experienced and well-trained officials. Additional officers are attached to these teams in order to investigate the reasons behind and conditions facilitating such thefts.

We pay a great deal of attention to methodological activities in this area. This year the Office of the Chief Military Prosecutor and the Institute of the Office of the Prosecutor General prepared methodological recommendations on this subject for the military prosecutors. The book is called 'Prevention of Illicit Arms Trafficking by the Military Prosecutors', of which I, along with my colleague Yevgeny Lazarev, am joint author. In addition to this, the military prosecutors conduct co-ordination conferences with the command and representatives of other law enforcement agencies concerning arms security and prevention of illicit arms trafficking. The regional and republican authorities within the RF often set up permanent groups to combat illicit arms trafficking. Moreover, we constantly inform the authorities about the situation with respect to arms storage security and the prevention of illicit trafficking. We report to Parliament, to the Government and to the President. This year, on the initiative of the Office of the Chief Military Prosecutor, the Office of the Prosecutor General sent two briefings to the President concerning the security and safety of weapons and storage facilities. Our information was promptly considered and the President gave appropriate instructions to the Government.

The relationship between domestic disclosure and international transparency: the viability of developing small arms transparency arrangements

Owen Greene, Saferworld, UK

My aim in this presentation is to examine the significance, role and challenges of information exchange and transparency in efforts to prevent and reduce illicit trafficking and proliferation of SALW. The phrase 'transparency' is really an inadequate term here. We are not talking about complete disclosure. The focus is really on ensuring that sufficient information is available to enable good governance and successful international co-operation. This includes collection and collation of information, and effective processes for information exchange amongst relevant officials within governments, between governments and between governments, their parliaments and their citizens too.

Governments have repeatedly committed themselves to co-operate to tackle illicit arms trafficking and SALW proliferation. In practice, however, experience shows that information exchange and consultation is essential to any real co-operation. Moreover, effective co-operation cannot be based on occasional and ad-hoc information exchanges, at either the national or the international level. Systematic and regular exchanges and openness are required.

There are already significant confidential information exchanges between law-enforcement agencies, intelligence services, and other government agencies, at regional and international levels. But in general they generally remain woefully inadequate. They will need to be substantially enhanced in the near future, for example to enable cooperation to prevent destabilising arms flows and the diversion of legal transfers to illicit markets.

Openness and transparency are also of critical importance. Openness in government enables effective co-operation and accountability amongst governments, parliaments and civil society, and promotes coherent and sustained policies. International transparency arrangements can help to promote mutual confidence, mobilise appropriate international assistance, ensure lessons are learnt, identify and disseminate good practices, and discourage irresponsible, inefficient or corrupt activities. Obligations to provide regular reports help to institutionalise the collection and collation of information required for effective governance.

Of course, it would not be appropriate for all information concerning SALW to be made publicly available. Some information needs to be kept from the public, for reasons of individual rights to privacy, commercial confidentiality, national security, and effectiveness of law enforcement. This is true in relation to virtually every aspect of government, including health, education, financial regulation and waste management as well as military and arms issues. In every area of public policy, an appropriate balance needs to be struck between openness and confidentiality. However, it is ridiculous to argue (as some military and security policy makers do) that more information relating to small arms manufacture, stocks, transfers, collection and destruction cannot sensibly be openly reported. One does not expect or require governments to provide detailed public information on the location and sustainability of their military materiel, but there is no good reason for example to withhold information on total stocks of weapons, or on numbers destroyed.

So far, there are few international transparency arrangements relating to conventional weapons. The only truly global transparency arrangement in this area is the UN Register of Conventional Arms, established in 1992. Unfortunately when the negotiations that established the register took place, SALW were not yet perceived as 'strategic' or potentially destabilising, so the UN Register only covers major weapons systems such as tanks, aircraft and heavy artillery. Attempts have been made to expand the scope of the UN Register on a regular basis, but certain states including China have proved hard to convince.

So far, the key obstacle to expanding the Register to cover SALW does not relate to SALW per se, but rather to the attitudes of a small number of governments that regard transparency generally as invasive, as a tool to be used against them and therefore to be resisted. Nevertheless, some specific objections have been raised. It has been argued that including SALW in the UN Register would impose undue administrative burdens on governments in compiling their reports (since so many SALW are transferred). It has also been argued that it would be useless to report legal transfers when there are so many 'grey' or 'black' market transfers that would not be reported.

These arguments have some superficial plausibility, but in fact they are weak. The 'administrative' argument is flawed because the only reason the administrative burden would be high is that most states

do not presently collect and collate information on SALW transfers systematically even for their own purposes. To the extent that this is correct, it is appalling – governments need ready access to such information in order to impose the effective and responsible controls to which they are committed. The ‘grey market’ argument is unconvincing and also somewhat circular - until accurate information is available regarding legal transfers of SALW we cannot be sure of the volumes involved, and worse, we cannot know where the legal trade ends and the black market begins. It is the lack of knowledge and control over legal transfers that permits the ‘grey’ market flows and diversion to illicit markets.

Thus, governments that are interested in effective cooperation and control should support well-designed transparency arrangements covering SALW. Realistically, we know that this will be a gradual process. At the global level, it is probably best to focus initially on including heavier categories of SALW (such as light mortars, grenade launchers, heavy machine guns and shoulder-fired missiles) in the UN Register. Lighter SALW such as pistols and semi-automatic weapons are probably best handled through specifically designed global transparency arrangements that could be linked with the UN Register.

Faster progress can probably be made within the OSCE region than in the UN because there is already the agreed OSCE Document on SALW which includes information exchange mechanisms. Unfortunately, so far these are purely confidential government to government exchanges – for no good reasons so far as I can see except for OSCE precedent and conservatism. It often seems that governments are more willing to share information with other governments including their potential adversaries than with their own parliaments and citizens, and that confidentiality is motivated more by concern to restrict domestic debate and democratic accountability than for military security. Legitimate security concerns might include the worry that terrorists would misuse the information, but mechanisms can be designed in such a way that these concerns are addressed. Thus, for example, there is no reason for OSCE states not to proceed immediately with arrangements for public information exchange on matters such as stockpile security policies, marking techniques and numbers of weapons seized and destroyed.

In practice, there are close links between improvements in domestic openness and accountability and progress in international transparency measures. In recent years there have already been considerable improvements in national accountability and transparency measures in many democratic countries, to the extent that the regular publication of detailed government audits on arms exports (for example) looks like becoming the norm in the developed world. A group of like-minded states could stimulate international transparency in this and related areas by coming together to share information. Each participating state would benefit by learning more about other countries’ practices and experiences, and by facilitating co-operation including mutual assistance programmes.

For those governments that remain unconvinced, one can offer the inducement of boosted public confidence. The general public is, as a general rule, sceptical of government claims and, lacking information to the contrary, tends to assume the worst about their governments’ involvement in the arms trade. For example, at this meeting we have heard many good things about the Russian Federation’s controls on production and exports of SALW. I am pleased to hear this, but I expect that most of the Russian public (and most of the rest of the world) remains sceptical about these controls, because there is little systematic official information and thus accountability. The same is true for most other countries including EU member states. Let me end my presentation by entreating those present to work for increased transparency, both at home and internationally – we will all benefit from these changes.

The South Ossetian/Tskhinvali weapons and ammunition collection initiative

Lt Col Jozsef Deak, OSCE Mission to Georgia

I would like to provide you with some information regarding the South Ossetian/Tskhinvali weapons and ammunition collection initiative. During the 1989–1992 war, a large number of light and medium arms were purchased by both the Georgian and Ossetian local population. After the signing of the ceasefire agreement in 1992, the population continued to carry arms or keep them at home, although these were seldom heavy weapons. SALW are the weapons of choice in internal conflicts. Although the military situation is currently calm and stable, criminality is an increasing problem in the zone of conflict and the widespread proliferation of arms in the region makes the situation no better. This development not only causes suffering for the civilian population, but is also undermining the peace settlement process in which the OSCE Mission is involved. The Memorandum on Security and Confidence-Building Measures Between Parties envisages a gradual demilitarisation of the conflict zone. There has been some improvement in security levels but it is the Mission's opinion that the ready availability of firearms is a significant obstacle to normalisation. These arms permanently serve as a spur to the renewal of armed confrontation; an impetus for criminality; an obstacle to economic rehabilitation; and an obstacle to the normalisation of contacts among the population. The Mission assumes that only a well-prepared programme aimed at securing the voluntary handover of small arms, conducted on a mass basis, would be able to significantly change the situation and to effect an improvement in the zone of conflict.

Precedents for the programme

In 1994 the Joint Control Commission agreed a resolution to collect arms from the local population. This initiative failed in the short-term. In 1995, at the Vladikavkaz meeting, steps were taken to establish a process for the voluntary handover of small arms. There was a discussion about the tasks that local authorities would undertake in order to raise awareness among the population and to establish sites for the hand-over. In 1997, in Djava, the warring factions agreed to exchange regular information about each other's forces and to establish a unified record of those weapons and ammunition handed in.

In 1999 the plan for the voluntary hand-over was signed. It was determined that the best way to raise awareness among the public about the plans was to use the mass media. At this time the Joint Peacekeeping Forces (JPKF) met with representatives from approximately 90 villages.

Arms collection programme

In January 2000 the programme finally started. The JPKF have been conducting a programme of voluntary SALW handover in the South Ossetia/Tskhinvali region. So far, without any direct compensation being paid, 1244 pieces of arms and 202 kg of explosives have been handed over. Most weapons and ammunition have been destroyed.

Assistance to the Joint Co-ordination Centre

In January 2000, a Memorandum of Understanding was signed between the OSCE Mission to Georgia, the Joint Co-ordination Centre of the Law Enforcement Agencies of the Georgian and South Ossetian sides, and the JPKF. The Memorandum concerns the delivery of office equipment, such as computers, copy machines, fax machines, telephones and other office supplies, worth \$10,000, to the Joint Co-ordination Centre.

The above equipment is provided on the basis of a Norwegian grant to support the activities of the Joint Co-ordination Centre in combating crime and to facilitate the ongoing programme for the voluntary hand over and registration of small arms.

International support

Another endorsement of this programme is the recent decision by the EU to contribute euro 110,000 to assist the Georgian-South Ossetian Joint Co-ordination Centre and local police authorities on both sides by providing additional equipment including vehicles and communication gear. This equipment will make the police authorities more effective in combating criminality in the zone of conflict. While previous responses have been aimed at the police and the military, our Mission feels a programme that provides development assistance would be of great benefit to the civilian population – the same people who have voluntarily handed over their weapons without receiving direct compensation. For this reason our

Mission is urgently seeking \$15,000 to fund a clean up of the irrigation system inside the Georgian-Ossetian conflict zone.

Continued arms destruction

Looking ahead, provided that the ongoing arms collection and destruction programme continues, the next phase could include payment of compensation to the local population. This could come in the form of much-needed rudimentary assistance to civil community structures, especially within the health care and agriculture sectors.

Conclusion

As small arms proliferation and criminality are closely linked, a successful handover of arms would contribute to security and stability in the zone of conflict, thus creating a favourable climate for the Georgian–South Ossetian peace settlement efforts as well as for the activities the OSCE Mission undertakes in connection with this process.

Discussion: stockpile security and reduction of surplus weapons

The main points that emerged from the discussion following session seven were as follows:

- Buy-back programmes: if not implemented with care, these programmes can simply end up financing rearmament. In a crime context, this is unlikely to happen, but in a conflict, programmes must be implemented with regard to the wider societal context. A good example is the UNDP's Gramsch programme, which offered development assistance rather than cash. Unless due care is exercised, the buy-back programme can lead to the emergence of a black market in arms. The trick is to balance sanctions and incentives. Croatia's programme appears to have achieved this by conducting several rounds of payment and collection and increasing the penalties for illegal possession with each round. It is also important to address the root causes of a conflict, for example by engaging seriously in political negotiations
- Unless storage facilities are secure, collection initiatives, police stations or military bases are potential sources of rearmament. In the Balkans and the Caucasus, storage has sometimes been so poor that it amounts to little more than crates being guarded in an open field. Destruction is by far the simplest and safest solution in the long-term

Appendix 1: Seminar agenda

NATIONAL AND INTERNATIONAL NORMS, PRINCIPLES AND MEASURES FOR CONTROLLING SMALL ARMS PROLIFERATION: THE VIEW FROM RUSSIA

6–7 December 2001, Moscow

An international seminar co-hosted
by the Center for Policy Studies in Russia (PIR Center), Moscow and Saferworld, London *

Supported by the UK Department for International Development

AGENDA

Welcome and introduction on behalf of the Ministry of Foreign Affairs of the RF

Yuri Fedorov, Deputy Director of the PIR Center (RF)

Paul Eavis, Director of Saferworld (UK)

Opening address

Greeting from **Georgy Mamedov**, Deputy Foreign Minister of the RF. Delivered by
Oleg Pozdnyakov, MFA (RF)

SESSION 1 – After the UN Conference on the Illicit Trade in SALW: taking stock

Chair: **Yuri Fedorov**, PIR Center (RF)

Presentations:

1. The key challenges of SALW proliferation in the post-Cold War era, **Dmitri Polikanov**, PIR Center (RF)
2. Important regional and international agreements during the year prior to December 2001, **Paul Eavis**, Saferworld (UK)
3. Efforts to curb small arms proliferation: the view from Russia, **Alexandr Orlov**, MFA (RF)

SESSION 2 – The RF and the problem of SALW

Chair: **Ian Anthony**, SIPRI (Sweden)

Presentations:

1. SALW control in the post-Soviet space: a decade of experience and prospects for the future, **Yuri Golotiuk**, Vremia Novostei Daily (RF)
2. SALW trafficking and organised crime – making the links, **Alexandr Shklyar**, Mol (RF)
3. SALW - the challenges for the RF and comparisons and lessons from other countries, **Owen Greene**, Saferworld (UK)

SESSION 3 – Small arms proliferation and security in the Caucasus

Chair: **Anna Matveeva**, Saferworld (UK)

Presentations:

1. Regional implications of small arms proliferation: challenges facing the region, **Alexandr Iskandaryan**, Centre for Caucasian Studies (RF)
2. The security situation in the neighbourhood of Chechnya and the problem of small arms proliferation, **Enver Kisriev**, Russian Academy of Sciences (RF)
3. Proliferation and illicit flows of SALW in Georgia and the Caucasus – a Western view, **Domitilla Sagramoso**, King's College, University of London (UK)
4. The problem of small arms control in the Caucasus after the demise of the Soviet Union, **Konstantin Reitor**, Office of the Chief Military Prosecutor (RF)
5. Small arms non-proliferation as a conflict resolution strategy in the South Caucasus, **Elkhan Nuriyev**, Peace and Conflict Research Institute (Germany)

Continuation of presentations:

The diffusion of SALW and its impact on regional security: view from Georgia, Azerbaijan and Armenia

* Working languages: Russian and English

6. The Georgian–Abkhaz Peace Process with Regards to the Prospects for Regional Stability, **Marian Staszewski**, UNOMIG
7. The view from Azerbaijan, **Esmira Jafarova**, Ministry of Foreign Affairs of Azerbaijan
8. The view from Armenia, **Ruben Ananyan**, Ministry of Foreign Affairs of Armenia
9. The view from Georgia, **Malkhaz Mikeladze**, Ministry of Foreign Affairs of Georgia

SESSION 4 – Export controls and small arms transfers

Chair: **Alexei Pokazeev**, Rosoboronexport (RF)

Presentations:

1. A difficult dilemma: export promotion versus export controls, **Col Sergei Chernykh**, Committee for Military Technical Co-operation (RF)
2. The relationship between legal and illicit small arms transfers: ways to enhance controls, **Maxim Pyadushkin**, Centre for Analysis of Strategies and Technologies (RF)
3. Prior and retrospective parliamentary scrutiny of strategic exports – the oversight roles provided by Duma select committees, **Maj Gen Valery Cheban**, Duma’s Defence Committee (RF)
4. Educational efforts to promote export control and disarmament values, **Anton Khlopkov**, PIR Center (RF)

SESSION 5 – The importance of international co-operation

Chair: **Vadim Kozyulin**, PIR Center (RF)

Presentations:

1. International co-ordination of exports – information exchange within the international organisations, **Yury Kryvonos**, OSCE Conflict Prevention Centre (Austria)
2. End-use controls, brokering and licensed production of SALW, **Ian Anthony**, SIPRI (Sweden)
3. Customs data as an instrument of transparency for small arms transfers: Russian submissions to the UN Statistics Division on small arms exports, **Maria Haug**, Small Arms Survey (Switzerland)
4. The regional impact of SALW proliferation: a view from Ukraine, **Vladimir Nikolaevich Chumak**, National Institute of Strategic Studies (Ukraine)

SESSION 6 – Stockpile security and reduction of surplus weapons

Chair: **Simon Van Der Burg**, Dutch Embassy, Moscow

Presentations:

1. The issues of inventory, storage and marking of SALW, **Col Mikhail Smirnov**, MoD (RF)
2. Removing SALW from Russian society: lessons from weapons collection and destruction programmes from around the world, **Ian Davis**, BASIC (USA)
3. Stockpile management and practices for destroying surplus military and police weapons – examples from the Balkans, **Wolf-Christian Paes**, Bonn International Centre for Conversion (Germany)
4. Maintenance of security in SALW storage facilities, **Konstantin Reitor**, Office of the Chief Military Prosecutor (RF)
5. The relationship between domestic disclosure and international transparency – the viability of developing small arms transparency arrangements, **Owen Greene**, Saferworld (UK)
6. The South Ossetian/Tskhinvali weapons and ammunition collection initiative, **Lt Colonel Jozsef Deak**, OSCE Mission to Georgia

SESSION 7 - Conclusions and next steps

Co-chairs: **Vadim Kozyulin**, PIR Center (RF) and **Anna Matveeva**, Saferworld (UK)

Closing Remarks: **Owen Greene**, Saferworld (UK)

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Appendix 3: Press release issued by the PIR Center

Moscow, 7 December 2001. Saferworld, a British-based NGO, and the Center for Policy Studies in Russia (PIR Center) held an international seminar today, entitled 'National and International Norms, Principles and Measures for Controlling Small Arms Proliferation: The View From Russia'.

Over 70 leading Russian and foreign experts representing governmental and non-governmental organisations from 14 countries took part in the seminar. The Russian position on the topic was outlined in presentations by the Ministries of Foreign Affairs and of Defence, the Committee for Military and Technical Co-operation (KVTS), the Chief Military Prosecutor's Office, Rosoboronexport, the State Duma of Federal Assembly of RF, and in contributions made by the representatives of defence enterprises engaged in Russia's SALW production.

Georgy Mamedov, the Deputy Foreign Minister of the RF delivered the opening address to the seminar participants, saying that; "Conducting an international seminar dedicated to the problem of control over SALW proliferation is a notable event for the RF. We view it as a tribute to the role Russia plays in development of global and regional measures to combat uncontrollable proliferation of SALW in the world, a role that derives in part from its capacity as a major producer and exporter of arms. Moreover, we also regard the undertaking of such seminar by PIR Center and the British NGO Saferworld, as an important step in progressing efforts by Russian civil society to tackle the problems of SALW".

Yuri Fedorov, Deputy Director of PIR Center, stressed in his presentation the need for a multilateral approach to tackle the problem of SALW: "...which work to escalate conflicts, increase crime and general instability in different regions of the world. The challenges of SALW proliferation on the unstable southern borders of Europe and Russia demonstrate that the co-ordination of international efforts and the development of co-operation is needed in order to establish effective controls over SALW proliferation".

In concluding the seminar, Paul Eavis, Director of Saferworld, stated that: "Russia plays a special role in international politics and is also one of the major producers and exporters of SALW in the world. Therefore it is crucial to ensure its participation in international co-operation, to establish guarantees providing for responsible export policies and to strengthen the mechanisms of export controls".

During the two-day event, participants discussed the main problems facing Russia in combating the illicit trade in SALW after the 2001 UN Conference, practical ways of applying international experience gained elsewhere (especially in Western Europe, the Balkans and CIS countries) and ways to deepen collaboration in this sphere. Special attention was paid to the relationship between SALW and regional security in the Caucasus. One of the practical outcomes of the seminar was the establishment of a partnership between the community of experts from various countries and arms producers and traders.

A representative of the Russian Union of Industrialists and Entrepreneurs Alexandr Lagutkin noted the importance of establishment of stringent national controls over production and trade in SALW. According to him, "a unique system of weapons marking already exists in Russia, which allows us to distinguish a weapon's origin in any circumstances. The RF is prepared to share these principles with other countries without insisting on the introduction of a global marking system of any kind. In our country, where all producers are state-owned, a very strict system of marking exists in every enterprise."

Yury Kryvonos, Senior FSC Support Officer of the Conflict Prevention Centre of the OSCE, stressed that "there is no further need to stress that the problem of uncontrolled proliferation and stockpiling of SALW cannot be solved solely by means of prohibitions and limitations such as those introduced in the case of landmines, conventional arms and weapons of mass destruction. The only option is to generate the political will and resolve of the international community as a whole to combat this dangerous phenomenon. Activities at a multilateral level could take such forms as exchanges of information and experience, conflict prevention and resolution measures, providing assistance in establishing and increasing the effectiveness of existing national systems of export controls, improving co-ordination between law-enforcement agencies, and an exchange of experience gained in regulating international brokerage in SALW trade."

In the words of the Deputy Head of Department of the Chief Military Prosecutor's Office, Konstantin Reitor, "An absence of a clearly defined procedure for transfers of arms from the Russian troops to the CIS member states on whose territories these troops were located created conditions in which the theft of arms by Russian servicemen working in collaboration with servicemen of the local armed forces was possible. Another problem is the fact that the Military Prosecutor's Office is not permitted to investigate a

crime on other [CIS] states' territories before the case goes to court. This problem should be resolved at intergovernmental level by means of concluding interstate agreements that make provisions for such investigations. Even when arms were transferred to the official representatives of state bodies of the South Caucasian states, this did not preclude the possibility of them entering the black market. There have been instances of arms transfers to regional authorities that are not always under the control of the central governments of South Caucasian states. A great deal of these arms end up in the hands of warring factions in areas of armed conflicts by means of various channels.”

Appendix 4: Introduction to the Committee on Military-Technical Co-operation with Foreign States of the RF

An outline of the activities and legal basis for the Committee of the RF on Military-Technical Co-operation with Foreign States (KVTS)

KVTS is the federal executive agency that implements the decisions of the President and the Government of Russia pertaining to regulation and control of activities of all Russian entities in the area of military-technical co-operation. It is also charged with ensuring the implementation of those international treaties of the RF that pertain to the area of military-technical co-operation.

Russian military-technical co-operation with foreign states is an important instrument in international relations and one that can strengthen Russia's international prestige and ensure its national security. At present, a reform of the system of military-technical co-operation is under way, aimed at tightening the state's monopoly on governing this specific area. To enhance the efficiency of Russia's military-technical co-operation with foreign states, the Russian President issued Decree No. 1953 of 1 December 2000 and established the Committee of the RF on Military-Technical Co-operation with Foreign States. Mikhail Dmitriyev, Deputy Minister of Defence of the RF chairs the Committee.

On 9 June 2001, President Putin approved the Concept of Military-Technical Co-operation of Russia with Foreign States up until 2010, and the Concept of Military-Technical Co-operation of Russia with Those States Party to the Collective Security Treaty. It was emphasised that the two Concepts are fundamental and determine the state approach to military-technical co-operation and the long-term principles on which KVTS bases its co-operation with foreign states.

KVTS enjoys broad powers in implementing coherent state policy and tightening the state monopoly on activities in the area of military-technical co-operation. It arranges the state's military-technical export and import transactions in compliance with international commitments.

The key tasks of the Committee are:

- Development (in collaboration with the federal executive agencies concerned) of a single state policy on strengthening the military-political position of the RF in various regions of the world and submission of appropriate proposals to the President and to the Government
- Implementation (in collaboration with the federal executive agencies concerned) of activities in the sphere of military-technical co-operation along the guidelines set by the President
- Implementation (in collaboration with other federal executive agencies) of principles of state policy in the area of military-technical co-operation
- State regulation (in collaboration with other federal executive agencies) in the sphere of military-technical co-operation and realisation of the state monopoly in this area
- Consideration and decision-making on official requests from foreign contractors concerning the supplies of military production, their registration and selection of contractors from among the Russian military-technical co-operation entities
- Decision-making on the export and import of military production, licensing for foreign trade activities in the area of military-technical co-operation, maintenance of the register of those Russian organisations enjoying the right to implement such activities
- Co-ordination and control of the activities of the entities of military-technical co-operation at all stages, from commencement of negotiations to registration and implementation of contracts, ie their advertising and marketing activities, balancing of terms of payment with foreign states, including payments made in the form of military products in order to pay back Russia's foreign debts, and regulation of foreign trade prices for military production

According to Mikhail Dmitriev, Chair of KVTS, under current conditions, Russia may maintain its position in the world arms market for the next 10 years. The estimated value of arms and materiel exports is about \$3.5–4 billion per annum. If certain basic problems in this area can be resolved, exports may amount to \$4–4.5 billion. The hard currency obtained from selling military production is spent on measures that support high-tech domestic manufacturers, preserving and developing the scientific,

technological and production potential of the Russian military-industrial complex. The efficiency of foreign economic activities of the state in the area of military-technical co-operation is directly connected with the Federal Special Program on Reforms and Development of the Defence Industrial Complex, to run from 2001 to 2006, approved by the Government on 27 July 2001.

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Appendix 5: Statements made to the UN Conference 2001 by the Armenian, Azerbaijani and Russian Ambassadors

**Armenia
Statement by H.E. Mr. Tatoul Markarian
Deputy Minister of Foreign Affairs of the Republic of Armenia
At the UN Conference on the Illicit Trade in Small Arms and Light Weapons in all its
Aspects
New York, July 11, 2001**

Mr. President, Excellencies, Distinguished delegates,

I would like to begin by joining the previous speakers in congratulating you, Mr. President, on your assumption of the presidency of the 2001 UN Conference on the Illicit Trade in Small Arms and Light Weapons. I would like to assure you, Mr. President, of my delegation's full support and co-operation in the conduct of your responsibilities.

From what we observed during the work of the Preparatory Committee, we concur with the Chairman's conclusion that there was sufficient political will demonstrated by the UN member states to resolve the outstanding issues and lead this Conference to its successful consummation. Adoption of a consensual programme of action to halt the illicit proliferation of small arms and light weapons, to promote transparency and confidence-building measures, and to develop regional co-operation to that effect is an outcome that my delegation would like to see at the end of this Conference.

The Armenian Government declared the combating of small arms proliferation as a priority for its national security from the very first years of its regained independence, when a large number of spontaneously formed paramilitary groups existed in the country. The effective disarmament of these groups and integration of ex-paramilitaries either in the newly formed regular army or back in the civil society attests to the Republic of Armenia's success in establishing strict state control over the small arms and light weapons on its territory.

There is general recognition that an effective national system of export control is the primary instrument for preventing uncontrolled proliferation and illicit trafficking of small arms and light weapons. Over the last years, Armenia has been intensively and fruitfully working with different international partners to adopt relevant national export control legislation and to strengthen border control.

Armenia welcomes the adoption of the OSCE Document on Small Arms and Light Weapons containing important commitments, which we undertake to implement in accordance with the existing national legislation. The norms, principles, and measures contained therein represent important steps towards reducing illicit trafficking and the excessive and destabilizing accumulation and uncontrolled spread of these weapons.

Mr. President,

The problem of small arms and light weapons has several other dimensions than being merely an arms control and disarmament issue. It is also a human rights issue and an issue of terrorism and criminal activity. We should also recognize that the small arms and light weapons problem must be dealt with from an inclusive perspective of national, regional, and international security, conflict prevention, and post-conflict peace building. Therefore, we should maintain the balanced and comprehensive nature of the draft Programme of Action.

The negative effects of the proliferation and illicit trafficking of these weapons have been far-reaching and diverse. The diffusion of small arms takes place at the interface of local and global arenas, in situations of inequality and insecurity, posing intricate challenges to national, regional, and international actors.

Mr. President,

While it is sometimes difficult to draw a clear demarcation between the licit and illicit trade in arms, it would be appropriate for this Conference to reaffirm the fundamental principles enshrined in the UN

Charter, that is the right of states to individual or collective self-defence and the right of peoples to self-determination. We believe that our common efforts to curb the illicit trafficking of small arms and light weapons must take into account these essential rights.

While small arms and light weapons play a significant role in exacerbating conflicts, the roots of such conflicts lie in political, economic, ethnic and religious differences and disparities. These are often redoubled by governance-related deficiencies, such as exclusionary and repressive policies and lack of, or weakness in, democratic institutions, observance of human rights and freedoms as well as disregard of the right of self-determination of all peoples. The complex nature of conflicts requires a comprehensive political approach rather than reducing them to the problem of small arms and light weapons.

There are four possible levels of co-operation - bilateral, sub-regional, regional and global. One of the elements of co-operation could be the establishment of registers of small arms and light weapons as well as other co-operation mechanisms such as specific sub-regional transparency and confidence-building measures with a view to combating illicit trade. Harmonization of national export control laws and regulations as well as exchange of national lists of registered brokers can be carried out within the sub regional or regional frameworks. Such initiatives for troubled regions such as the Caucasus may go in parallel to the conflict resolution efforts preventing further arms race in the region and serving as an important confidence-building measure.

Mr. President,

We understand that this Conference will not solve all problems related to small arms and light weapons. Nevertheless, we hope that this Conference will be a crucial landmark in the task of preventing the illicit proliferation and trade of small arms and light weapons.

Thank you, Mr. President.

Azerbaijan
Statement by Mr. Yashar Aliyev
Head of the Delegation of the Republic of Azerbaijan
At the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All its
Aspects
New York, 13 July 2001

Mr. President,

At the outset, allow me to extend my sincere congratulations to Ambassador Camilo Reyes Rodriguez of Colombia on his assumption of the Presidency of the Conference. I would like also to pay tribute and express our appreciation to Ambassador Carlos dos Santos of Mozambique for his able leadership of the preparatory process.

Mr. President,

Illicit trade in SALW is one of the most acute and difficult-to-solve problems of the present, exerting its negative effect over the whole security spectrum at the international, regional and national level. No single country can be safe from the threats caused by spread, illicit trade and circulation of SALW. The illegal trafficking, free and uncontrolled access to SALW creates an extremely serious threat to security and political stability at the regional level and serves as one of the major factors for the emergence and exacerbation of armed conflicts. Regional conflicts, in their turn, contribute to further expansion of the illicit trade, trafficking and excessive accumulation of small arms and light weapons.

An armed conflict undermines the state integrity and the control by the government of a part of country's territory where aggressive separatist, terrorist and criminal groups are actively involved in illegal transfers, accumulation and stockpiling of the SALW on the ground.

Mr. President,

Regrettably, the problem of SALW is more than relevant to the region of South Caucasus. Flows of SALW to this region hamper international efforts to achieve a peaceful settlement of the conflicts and contribute to the increased mistrust and tension between neighbouring states. Azerbaijan has repeatedly drawn attention of the international community, particularly in its letters addressed to the Secretary-General and the Security Council (documents S/1997/147; S/1997/186; S/1997/219; S/1997/229; S/1997/270; S/1997/323), to the large-scale illegal arms transfers to Armenia that perpetrated armed aggression against my country. Situation in the occupied territories of Azerbaijan is being complicated by the fact that occupying Armenian forces are controlling 130 kilometers of country's southern borders.

Moreover, the occupied territories, including the Nagorny Karabakh region of Azerbaijan, are used for illegal trade and transfers of arms and weapons, in parallel to terrorist and smuggling activities. Azerbaijan believes that an efficient regime for prevention of the SALW proliferation in the South Caucasus is possible only when all countries of the region will demonstrate a responsible approach in respect of international obligations, renouncing the territorial claims towards their neighbours and ceasing its support of separatists.

Mr. President,

My country firmly stands for international co-operation to prevent, combat and eradicate the illicit trade in Small Arms and Light Weapons in all its aspects. Azerbaijan is constantly working on developing its legislative basis and strengthening the state control in the sphere of production and sale of the SALW, making its contribution to the international efforts on prevention of illegal trafficking, proliferation and accumulation of the SALW. Since the very outset, the country has been actively engaged in addressing the SALW proliferation problem in international organisations and fora. It is worth noting that on March 17, 2000 the Republic of Azerbaijan joined the European Convention of 1978 "On the control over purchase and keeping of small arms of civil persons".

Azerbaijan actively participated in the adoption of the OSCE Document on small arms and light weapons at the OSCE Ministerial meeting in Vienna last year. We consider it as an important regional politically binding instrument for confronting illegal circulation of SALW and increasing transparency in its sales. Three weeks ago, on 21-22 June 2001, Azerbaijan hosted a workshop on "Small Arms and Light Weapons: Practical Challenges for the Implementation of Current Undertakings in the Organisation for Security and Co-operation in Europe and the Euro-Atlantic Partnership Council", jointly organised by the Governments of Azerbaijan and Switzerland. The workshop contributed significantly to addressing the issue of the implementation of the new commitments contained in the OSCE Document and emphasised their importance for the security in the region of the South Caucasus. As a joint OSCE/EAPC event this workshop further enhanced synergies between the two bodies, particularly in the area of regular exchange of relevant information.

A number of presentations by the participants of the workshop reflected also national practices covering marking, record-keeping and tracing, as well as export policy, procedures and documentation.

Mr. President,

Azerbaijan attaches great importance to the UN Conference on the illicit trade of SALW in all its aspects. Our delegation is ready for constructive cooperation with you, Mr. President and all delegations to contribute to the success of this important forum. We are certain that it is appropriate for this Conference to reaffirm the fundamental principles enshrined in the UN Charter: respect for sovereignty and territorial integrity of all states as well as the right of states to self-defence. It is our firm belief that these fundamental principles should be put in the basis of our joint efforts to cope with this scourge. In our view, a Programme of Action, to be adopted by the Conference, should be balanced, realistic and implementable. It should practically ensure that arms transfers would be authorized exclusively among states in order to prevent them from being acquired by illegal entities, separatist and terrorist groups.

Extensive information exchange regime on SALW transfers coupled with appropriate verification techniques such as, for example, marking and traceability, will enhance the effectiveness of measures to combat illegal transfers of weapons. In conclusion, I would like to express our strong believe that the Conference will adopt a meaningful programme of action to raise awareness, to mobilise political will and resources, and to draw a road map for concrete action at various levels.

Thank you, Mr. President.

**Russian Federation
Statement by S.A.Ordzhonikidze
the Head of the Delegation of the RF
At the UN Conference on Illicit Trade in Small Arms and Light Weapons in All Its
Aspects
New York, 9-20 July 2001**

Mr. President, Ladies and gentleman,

First of all let me thank Ambassador Carlos dos Santos for his productive work as the Chairman of the Preparatory Committee, and to congratulate Ambassador Camilo Reyes on occasion of his appointment to the office of the Conference President. I am confident that under your guidance the Conference will achieve significant practical results. The Russian delegation is ready for close and constructive co-

operation with you Mr. President, and all other delegations in order to contribute to the success of this forum.

Mr. President,

The RF believes, that in order to ensure peace, security and sustainable development, co-ordinated efforts of the world community on various aspects of disarmament and arms control, including, naturally, such an important issue as illicit trade in small arms and light weapons are essential. In our view, the UN should play a leading role in co-ordinating the initiatives undertaken by States in the area of preventing uncontrolled proliferation of this type of weapons, and become a framework for developing a concerted approach to this global problem of modern times, which will simultaneously take into account the concerns of different countries.

The Conference gives us a unique chance to achieve this goal, and not just to attract the attention of the entire world community to the existing problem, which has been done to a great extent, but to contribute in every possible way to promotion of international co-operation in combating illegal proliferation of small arms and light weapons.

We have no illusions: it will be hard to solve this task because of the differences of opinion concerning the problem under consideration. Given the situation I would like to emphasise that the promotion by a number of delegations of exceedingly ambitious proposals seems to be counter-productive, because this can undermine the fragile balance of interests. Only the observance of this balance opens a way to the success of our Conference. Consequently, we believe that the program of action under development should be phased out and based on the principal of gradual enhancement of sophistication. Only then will the current Conference fulfil its objective and become a major step towards preventing and eradicating illicit trade in small arms and light weapons.

Mr. President,

Russia, being one of the major producers and exporters of small arms and light weapons, pursues a responsible policy in the sphere of shipments to the world market, takes measures to impose a stricter control on production, trade and transfer of these weapons, and destroys its surplus on a planned and regular basis.

I would like to avail myself of this opportunity to inform you that the total number of small arms and means of close combat disposed of from 1998 to 2001 at the arsenals and bases of the MoD of the RF amounted to 421,021 units, including 44,000 units from 2000 to 2001. Moreover, from 2000 to 2001 the Ministry of the Interior of the RF withdrew 2,482 units of small arms and light weapons from illegal trade; out of this number 1,142 units have been destroyed and the rest is awaiting disposal upon termination of relevant criminal proceedings. We are confident that the Conference should once again call upon all Governments to focus on the situation in the field of national control over small arms and light weapons, and to take specific steps to strengthen and improve relevant domestic laws and regulations. Apparently, international co-operation would not be fully effective unless the States themselves implement adequate measures to suppress illicit trade in small arms and light weapons. Such efforts should be encouraged and supported at both regional and global levels.

I would like to emphasise the significance of concerted efforts in addressing the illicit trade in small arms and light weapons at the regional level. Painstaking daily work is needed to relieve the areas of crisis and the world on the whole from illegal flows of small arms and light weapons. It is important to take co-ordinated steps to demobilise and reintegrate former combatants during post-conflict settlement, to collect their arms and ensure their safe storage or elimination. Russia, as a participating State of the OSCE, took a direct part in drafting its Document on Small Arms and Light Weapons which will, undoubtedly, make an important contribution to joint efforts aimed at combating illegal proliferation of these weapons. We appreciate efforts by the UN and regional organisations to combat illegal trafficking in small arms and light weapons, however, they are far from sufficient. Examples: illegal proliferation of such weapons in Kosovo, Macedonia, and other Balkan regions.

Russia is also facing this sensitive problem in the Northern Caucasus. We are seriously concerned about uncontrolled proliferation of small arms and light weapons both in and from the territory of Afghanistan. In this context, I would like to emphasise once again that it will be unrealistic today to focus on radical ideas of establishing some kind of monitoring in respect of legal transfers of small arms and light weapons, or disposal of surplus weapons at production lines and storage facilities. It is not the purpose of our meeting. We have an explicit mandate of the UN General Assembly to follow. We would not dispute the fact that small arms and light weapons, although transferred on lawful grounds, subsequently may find their way into illegal trade, and that such cases should be prevented. At the same time, we believe that this set of issues should not carry us away from finding effective methods to combat illegal proliferation of such weapons. We are also confident that in considering these problems we should proceed from legitimate needs of arms-receiving countries in their self-defence and national security, which is fully consistent with Article 51 of the UN Charter.

Mr. President,

I would like to stress that the Draft Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects which was submitted for the consideration by the Conference contains important provisions, and, good faith implementation of proposed recommendations, given political will on the part of all governments, will considerably contribute to the solution of the problem at hand.

Finally, I would like to emphasise that it is of basic importance for Russia that the Conference proposes specific measures to limit and eradicate illegal supplies of small arms and light weapons for further elaboration. We intend to pursue constructive policy at this important international forum, and we are ready to co-operate with all delegations. We are sure that the Conference will be a success.

Thank you, Mr. President.

Appendix 6: Conclusions to the Tbilisi roundtable

(The following are the conclusions from the roundtable entitled, 'Curbing arms transfers as a conflict prevention strategy in the South Caucasus', a joint Saferworld and EastWest Institute roundtable held on April 15 & 16, 2000 in Tbilisi, Georgia.)

In attempting to identify the nature and extent of the problem of small arms proliferation in the South Caucasus and the effectiveness of existing responses, there was general recognition by the participants at the roundtable that:

- The uncontrolled proliferation and illicit trafficking of small arms is fuelling crime, exacerbating conflict and undermining development in the South Caucasus
- Addressing the problems associated with small arms proliferation is more difficult in those states where the government does not have full control over its own territory
- Resolution of outstanding conflicts is crucial, but not a mandatory prerequisite for small arms initiatives in the region (and such initiatives should be pursued in tandem with conflict resolution and conflict prevention measures)
- Questions of state legitimacy underpin many of the demand-side problems in the region;
- Regional powers (Russia, Iran and Turkey) also need to be engaged in the search for solutions, together with the US and relevant Intergovernmental Organisations (OSCE, NATO EAPC and EU);
- Close co-operation with civil society and NGOs is also needed
- Ownership and the drive for solutions should originate from actors in the region, although outside actors (both governmental and non-governmental) have an important role to play in facilitating and supporting local initiatives; and
- More transparency is needed in the legal trade and production of small arms in the region

Many proposals and ideas for addressing the problem of small arms proliferation in the region were discussed during the roundtable. Three particular processes or frameworks through which these proposals could be implemented were also discussed. In summary, it was considered that there was scope for developing these ideas:

- As part of the security dimension of the proposed Stability Pact for the Caucasus
- Within an integrated Regional Action Program, expanded to include the North Caucasus, regional powers (such as Russia, Iran and Turkey), the US and regional intergovernmental organisations (such as NATO, OSCE, UNDP and the EU); and/or
- As specific follow-up activities which individual or groups of like-minded countries may wish to take forward (i.e. Armenia, Azerbaijan and Georgia working as a Triad within the NATO EAPC process to develop a number of sub-regional measures).

The latter two propositions were deemed especially appropriate and this report has outlined some of the possible elements to be addressed, either within the context of a Regional Action Program or as individual initiatives. These elements were explored in Section 4 of this report, under the following seven headings:

- Strengthening capacity and operational co-operation to prevent and combat arms trafficking
- Strengthening controls on transshipments of arms through the Caucasus
- Improving systems to trace illicit arms flows
- Strengthening controls on legal possession and transfers in arms
- Improving weapons stockpile management and security and promoting destruction of surplus and confiscated weapons
- Enhancing transparency, information exchange, consultation and democratic accountability on arms flows in the Caucasus; and
- Security sector reform

The above elements also draw on lessons learned from progress in other regions (such as Southern Africa and Central and Eastern Europe), and will need to be carefully studied and discussed by local, national and regional stakeholders, both governmental and within civil society. In particular, Russia has a central role in any effort to stabilise the situation in the region, promote co-operation and create a

common security system. Thus, motivating Russia to constructively engage in this process will be a key objective in the future.

The EastWest Institute and Saferworld are committed to facilitating future discussions on small arms control in the Caucasus and will explore the possibility of holding at least one follow-on seminar to discuss the proposed measures in more detail with all interested parties.

This report was compiled by Simon Rynn (Saferworld) and Vadim Kozyulin and Dmitry Polikanov (PIR Center). It was edited by Anna Matveeva (Saferworld). The seminar was held as part of the Saferworld project on 'Strengthening arms export controls across the wider European region'.

Saferworld is an independent foreign affairs think tank (based in London) which is working to identify, develop and publicise more effective approaches to tackling and preventing armed conflicts.

The PIR Center is a non-profit, independent, Moscow based research organisation which carries out research, publishing, information and consulting services, and educational activities. The centre focuses on international security, arms control and non-proliferation issues that are directly relevant to the Russian Federation.

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