



24 October 2005

A MORATORIUM ON THE EXPORT OF SURPLUS SALW FROM SEE DISCUSSION PAPER

Introduction

At the meeting of the Regional Steering Group on 20 October 2005 the moratorium on sale of surplus weapons and ammunition from the stocks in Bosnia and Herzegovina (BiH) was discussed. SEESAC has produced this paper at the request of the Stability Pact in order to provide the background information necessary for possible deeper Stability Pact engagement in identifying support for a moratorium on the sale of surplus SALW in the South Eastern Europe (SEE) Region.

A regional agreement for a moratorium on the export of surplus SALW from South Eastern Europe has the following advantages:

- ❑ It demonstrates the political will of the region to seriously address the SALW issue.
- ❑ This demonstration of political will would significantly assist the mobilization of donor resources necessary for the destruction of surplus SALW.
- ❑ The risks of proliferation and leakage on to the 'grey' and 'black' markets would be reduced.
- ❑ 'Market saturation' of SALW means that any sales are likely to take some time anyway, by which time the costs of security and storage are likely to have been greater than any finance received from the sale of surplus SALW.
- ❑ The opportunity for sales of newly manufactured weapons would be enhanced, thereby improving the economic viability of the existing arms manufacturers within the region.
- ❑ The Lessons Learned from the implementation of the moratorium could be used to design other regional moratoriums.
- ❑ It will provide transparency and serve as a confidence building measure within the region.
- ❑ It will improve regional co-operation on such a sensitive issue as SALW.

Background

Definition of a Moratorium

Generally, a moratorium could be defined as '**any suspension of an activity by authorities indefinitely or over a period of time**'. (The suspension is usually a result of a legal authorization. Authorities could be local or national governments, regional or global organisations).

Form of a moratorium

The result of a moratorium is the suspension of an activity or activities. This involves the restriction from particular actions of members of the society, legal entities or even sovereign countries. Therefore, it is necessary for a successful moratorium to have the form of a legally binding instrument. The types of legal instruments vary and depend on many factors. The legal instrument could be a legal act adopted by a local, regional, or a national legislature. A moratorium could be also imposed by an international instrument agreed upon by several sovereign nations or by international governmental organisations. A moratorium could also take the form of a legally non-binding instrument, for example a declaration.

Types of Moratorium

From the limited existing examples on moratoriums that have been, or still are, in effect around the world the following main classifications could be derived.

Geographical Coverage

The suspension of particular activities usually takes place within the territory of one country, a region or has a globally. Examples for national moratoriums within South Eastern Europe include; 1) the moratorium on sale of surplus weapons and ammunition declared by Bosnia and Herzegovina (BiH);¹ 2) the moratorium on the export of anti-personnel landmines declared by Bulgaria as part of their accession process to the Mine Ban Treaty.²

An example of a regional moratorium is the initiative of ECOWAS³ to impose a moratorium on the importation, exportation and manufacture of light weapons in West Africa. Currently there are calls for different moratoriums to be implemented at global level. For example the International Atomic Energy Agency proposed a five-year moratorium on the construction of new nuclear facilities.⁴

Policy Considerations

This covers those moratoriums that a nation voluntarily imposes on itself. This type of moratorium can also be referred to as a 'self-imposed' moratorium. Political considerations play the decisive role for imposing such a moratorium.

For example, North Korea adopted a self-imposed moratorium on testing long-range missiles during the 1990s in order to facilitate negotiation processes with its neighbours. India has adopted a self-imposed moratorium on nuclear testing in order to try to defuse the stand off with Pakistan. This category also includes moratoriums imposed by one country on one or more other countries. For example, the USA has imposed a 20-year moratorium on the sales of advanced military equipment to Latin America. This moratorium is considered successful from a political perspective in the prevention of a high-technology arms race in the Latin America region.⁵

Criteria for a Successful Moratorium⁶

Goals

A moratorium must have an achievable goal. The goal of the ECOWAS moratorium is to '*create a framework within which a secure environment for socio-economic development can be obtained*'. It is not necessary that all states agreeing to implement the moratorium have identical goals, but as a minimum these goals must be seen as complementary.

Level of Integration among Moratorium States

The success of the moratorium is also dependent on how well integrated the states are across several dimensions. The following questions have to be considered:

- ❑ Are the states contiguous?

¹ See Annex B for the full text of the Moratorium.

² Landmine Monitor Report 1999, <http://www.icbl.org/lm/1999/bulgaria.html>.

³ Economic Community of West African States. ECOWAS is a regional organisation of 15 West African nations formed in 1975. Among the objectives of ECOWAS is to achieve economic integration, shared development, and support socio-political interactions.

⁴ See at http://www.iaea.org/NewsCenter/News/2005/npt_2005.html

⁵ Thomas Cardamone, Arms Sales to Latin America, in *Council for a Liveable World, Volume 2, Number 53*, December 1997, Editors: Tom Barry (IRC) and Martha Honey (IPS) http://www.fpif.org/briefs/vol2/v2n53arm_body.html

⁶ Material for this section have been used from *Moratoriums on SALW: Conceptualization and Application to Central America*. Edward J Laurance, Monterey IISS, USA.



- ❑ Are there distinct boundaries between the 'region' of the moratorium and neighbouring 'regions'? (This will be important in implementing the mechanics of any moratorium).
- ❑ How similar are their governments, political and economic systems, and socio-economic situation?
- ❑ Are they of similar size or does one large country dominate the region?
- ❑ Do the states share a common history that would promote cooperation in general?
- ❑ Does cooperative behaviour exist in non-security sectors?

SALW Export Capabilities

A moratorium will be more successful the more that the states share a common set of SALW export similarities. For example, it would be difficult for State A to sign on to a moratorium if it was the only one with a high level of SALW exports. The capability of each state to execute successful exports should be also considered.

Quantity and Quality of SALW

The levels of available surplus of SALW stockpiles in the different countries have to be also similar. A country with negligible surplus of SALW would hardly be willing to sign to a moratorium. The presence of similar quality of the SALW surplus among the countries will be also an important argument when deciding to impose a moratorium.

Capacity to Implement the Moratorium

The success of a moratorium will mainly depend on a set of factors related to the states' capacity to implement the moratorium. The presence of effective arms export control mechanisms among the moratorium states will significantly enhance the likelihood of success. Enhanced transparency will also be a pre-requisite for success. Some form of monitoring and verification mechanism will need development.

Timeframe

A successful moratorium will need considerable time to allow for setting up the implementing structures, for industry outreach, and last but not least, for finalising and executing the pending exports. Currently, the period of one-year will be needed in order to prepare and implement a successful moratorium in the SEE region.

Clear Definition of SALW

All states have to agree on a definition for types of SALW to be included in the moratorium. The list of types of SALW will be included in an annex to the moratorium.

SEE SURPLUS SALW EXPORT MORATORIUM

Any Moratorium on the Export and Sale of Surplus SALW from SEE should consider the following factors:

- ❑ The moratorium should be limited to the export and sale of surplus weapons only. States should declare surplus weapons annually to OSCE (as part of their annual SALW Report) and the UN (as part of their UN SALW Programme of Action report).
- ❑ The moratorium should be supported by a binding commitment from the international community to support the destruction of surplus SALW at economically reasonable prices.
- ❑ The moratorium should support the Stability Pact Regional Implementation Plan and compliment the EU Code of Conduct on Arms Transfers.
- ❑ A monitoring and verification mechanism should be put in place. This could include the publication of transparent annual reports on all arms exports by the States in the region.

Annex A - ECOWAS Moratorium

ECOWAS Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa

General

After a series of consultations and negotiations, the 21st Ordinary Session of the Authority of Heads of State and Government of all fifteen ECOWAS member states, held in Abuja, Nigeria from 30 - 31 October 1998, declared a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa. The Moratorium was declared for a renewable period of three years.

As part of the regional strategy to deal with illicit weapons, the ECOWAS member states 'recommended that an operational framework be put in place within the context of the Programme for Coordination and Assistance for Security and Development in Africa (PCASED), to facilitate implementation of measures associated with the moratorium'.⁷ To assist PCASED a summit meeting of ECOWAS Heads of State and Government adopted a 'Code of Conduct for the Implementation of the Moratorium on the Importation, Exportation and Manufacture of Light Weapons' on 10 December 1999. The Code of Conduct outlines the institutional arrangements for the implementation of the Moratorium and contains an Annex that specifies for which types of weapons the Moratorium applies.⁸

Goal of the Moratorium

The goal of the Moratorium was derived from the ECOWAS Treaty - to create an environment conducive to socio-economic development in the sub-region.

Issues Covered

The parties to the Moratorium agree to suspend the import, export and manufacture of light weapons. More specifically, the Moratorium applies to the import, export and manufacture of pistols, shotguns, rifles, submachine guns, machine guns, anti-tank mortars and howitzers, landmines and components and ammunition for the above.

Strengths and Significance

The Moratorium was based upon a 'security first' approach, in which integrated measures to control small arms were seen as a vital pre-requisite for long-term sustainable and peaceful development.⁹ It has received significant international approval from EU member states and others who have stated that they will respect the provisions of the Moratorium within their national export control regimes.¹⁰

Weaknesses and Limitations

Initially the Moratorium's effectiveness was impaired by its voluntary nature and the lack of enforceable sanctions for those who violated it. It also failed to address the role of non-state actors and their effect on West African security. From a legal viewpoint, the Moratorium is drafted in the weakest possible language. It merely 'declares' a moratorium, without focusing on any specific measures of implementation; more than half of the one page text consisted of the preamble. It therefore merely amounts to a voluntary political decision by Heads of State. No provision is made for movement towards implementation of the Moratorium in national legislation or for an institution that could monitor and effect implementation.

⁷ PCASED was a regional project of the United Nations Development Programme (UNDP) that is executed by the United Nations Office for Project Services (UNOPS).

⁸ The source for the text of the Code of Conduct's Annex I is from <http://www.dti.gov.uk/export.control/policy/ecowas.htm>.

⁹ Peter Cross, Catherine Flew and Andrew McLean, Evidence and Analysis: Tackling the Availability and Misuse of Small Arms in Africa. Paper prepared for the Commission for Africa, http://213.225.140.43/english/report/background/cross_et_al_background.pdf.

¹⁰ See UK Department for Trade and Industry Notice to the Exporters at <http://www.dti.gov.uk/export.control/policy/ecowas.htm>.



The first attempt to plug these gaps was made with the plan of action of the Programme of Coordination and Assistance for Security and Development (PCASED), which referred in non-peremptory and non-specific language to the peremptory review of legislation of the respective states regarding the importation, exportation and manufacture of light weapons.

The next significant measure to backstop the implementation of the Moratorium was the adoption of a Code of Conduct. The Code set out a stringent waiver procedure for any ECOWAS Member State wishing to import, export or manufacture light weapons during the duration of the Moratorium. Its provisions obliged ECOWAS Members to seek prior authorization before importing light weapons for peacekeeping operations or for hunting, training or sporting into the geographic zone covered by the Moratorium. The procedure requires that all such weapons be registered on arrival in the ECOWAS zone to ensure their effective control and eventual removal from the zone once peacekeeping missions or hunting expeditions are concluded. The Code sets up the institutional arrangements for the implementation of the Moratorium.

The review of the implementation of the Moratorium at the ECOWAS Summit in 2003 pointed out the following weaknesses.¹¹

- ❑ The Plan of Action was a 'sleeping beauty', which had remained largely unimplemented.
- ❑ Both the Plan of Action and the Code of Conduct for the Moratorium are ambitious.
- ❑ The ECOWAS Secretariat lacks the capacity to implement the Moratorium.
- ❑ Even though the office of a Deputy Executive Secretary (Political, Defence and Security Affairs) has been established within ECOWAS, its staffing remains grossly inadequate.
- ❑ There is no effective monitoring of the Moratorium.

There was a mistaken general impression that PCASED was an implementing agency. However, PCASED was created to lend support to implementation. The primary responsibility for implementation of the Moratorium rests with the National Commissions, of which many exist in name only.

The Moratorium remains largely unknown, and has not been popularized in ECOWAS member states.

¹¹ A summary of the findings of the Report of the Moratorium Evaluation are available at http://www.iansa.org/regions/wafrica/ecowas_dakar.htm.

Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa

Economic Community of West African States
Twenty-first ordinary session of the Authority of Heads of State and Government
Abuja, 30 - 31 October 1998

We, The Heads of State and Government of the Economic Community of West African States (ECOWAS);

Considering the principles and objectives embodied in the revised ECOWAS Treaty, the Charter of the Organisation of African Unity, and the United Nations Charter;

Considering the fact that the proliferation of light weapons constitutes a destabilising factor for ECOWAS Member States and a threat to the peace and security of our people;

Considering the resolutions of the United Nations Conference on conflict prevention, disarmament and development held in Bamako in November 1996;

Considering the directives of the fourth extraordinary session of the ECOWAS Authority of Heads of State and Government which took place in Lomé, on 17 December, 1997, relating to the establishment of a sub-regional mechanism for conflict prevention, management, resolution, peacekeeping and security;

Considering the recommendations of the meeting of ECOWAS Ministers of Foreign Affairs, Defence, Internal Affairs and Security held in Yamassoukro on 11 and 12 March 1998;

Considering the reaffirmation of the commitment made by the ECOWAS Member States at the Oslo Conference held on 1 and 2 April 1998, and the declared support of the international community for the proposal to place a moratorium on light weapons in West Africa;

Considering the repeated encouragement of the United Nations for disarmament in West Africa as stipulated in the relevant resolutions of the 50th, 51st and 52nd Sessions of the General Assembly;

Considering the outcomes of the meetings of Ministers of Defence, Internal Affairs and Security and of Ministers of Foreign Affairs held in Banjul on 23 and 24 July 1998, and in Abuja on 26 to 29 October 1998 respectively, endorsed by us in Abuja on 31 October 1998;

Considering the unqualified approval demonstrated by Member States of the Wassenaar Arrangement and other arms manufacturers for a Moratorium on Light Weapons in West Africa;

Hereby solemnly declare a moratorium on the importation, exportation and manufacture of light weapons in ECOWAS Member States which shall take effect from the first day of November, 1998 for a renewable period of three (3) years.

Direct the ECOWAS Executive Secretary, in collaboration with the United Nations system to convene a meeting of Ministers of Foreign Affairs and of experts to launch the operational framework for the associated measures of the moratorium under the Programme for Coordination and Assistance for Security and Development (PCASED).

Seeking to ensure the success of the Moratorium;

Hereby Solicit the assistance of the Organisation of African Unity, the United Nations and the international community in implementing the Programme for Coordination and Assistance for Security and Development (PCASED).

Direct the Executive Secretary, in collaboration with PCASED, to convene a meeting of Ministers of Foreign Affairs to access and evaluate the moratorium at the end of the initial three-year period.

In faith whereof, we the heads of State and Government of the Economic Community of West African States have signed this declaration.

Done at Abuja, this 31st day of October 1998 in single original in the English and French languages both texts being equally authentic.

ECOWAS MORATORIUM CODE OF CONDUCT

We, the Heads of State and Government of the Economic Community of West African States (ECOWAS);

REAFFIRMING our Declaration of 31 October 1998 of a Moratorium on the importation, exportation and manufacture of light weapons for a period of three years renewable, effective from 1 November 1998;

RECALLING AHG/DEC.137 (XXXV) on the proliferation, illegal circulation and traffic of light weapons adopted by the 35th Ordinary Session of the OAU Conference of Heads of State and Government held in Algiers, Algeria in July 1999.

AWARE of the compelling need to encourage and promote actions to support the effective application of the Moratorium;

CONVINCED that observance of the Moratorium can best be achieved through transparency and concerted effort, and that the establishment of a Code of Conduct is required for this purpose;

Have hereby agreed as follows:

Article 1 Binding nature of the Code of Conduct

The ECOWAS Member States shall abide by this Code of Conduct so as to implement the Moratorium signed in Abuja, Nigeria on 31 October 1998.

Article 2 Scope of Moratorium

The Moratorium shall apply to the import, export and manufacture of light weapons as defined in the Annex I to this Code of Conduct.

Article 3 Ammunition and components

Import, export and manufacture of components and ammunition for the light weapons defined in Annex I shall also be subject to strict control in accordance with the spirit of the Moratorium. References to weapons or arms in this Code of Conduct shall be deemed to include ammunition and components.

INSTITUTIONAL ARRANGEMENTS

Article 4 Member States

In order to promote and ensure co-ordination of concrete measures for effective implementation of the Moratorium at national level, Member States shall establish National Commissions, made up of representatives of the relevant authorities and civil society. The ECOWAS Executive Secretariat, in collaboration with the Programme for Co-ordination and assistance (PCASED), shall prepare guidelines to assist Member States in the establishment of their National Commissions.

Article 5 ECOWAS Executive Secretary

1. Structures, staff, and procedures shall be established within ECOWAS Secretariat, in order to:

- a) Assist Member States' implementation of the Moratorium.
- b) Monitor compliance.
- c) Report progress to the Authority of ECOWAS Heads of State and Government at regular intervals.

2. Such structures and procedures may include:

- (i) The initial establishment of four Zonal Observation Bureaux.
- (ii) Missions to Member States to ascertain that existing national arms production is brought to a halt, in conformity with the spirit of the Moratorium.
- (iii) Obtaining external funding and technical assistance to support Moratorium-related activities.

ADMINISTRATIVE MECHANISMS

Article 6 Information exchange

In order to increase transparency, Member States shall provide the ECOWAS Executive Secretariat an annual report on the ordering or procurement of weapons, components and ammunition covered by the Moratorium, both from national and international sources. The ECOWAS Secretariat with the assistance of PCASED shall develop an arms register as a confidence building measure, with intention of developing an electronic database of all legitimate stocks of weapons, ammunition and components covered by the Moratorium. Member States shall provide all necessary information to the arms register and database. The Executive Secretary shall include all this information in his annual report to the Heads of State and Government.

Article 7 Harmonisation of legislation and administrative measures

Member States shall harmonise and adopt the regulatory and administrative measures necessary for exercising control of cross-border transactions with regard to light weapons, components and ammunition relating to them. They shall train the law and order, immigration, licensing, customs, water resources and forestry officials required to put such regulatory and administrative measures into effect. The ECOWAS Secretariat will provide the necessary assistance that Member States may require for this purpose. The ECOWAS Secretariat shall in this regard, request appropriate assistance of PCASED.

Article 8 Peace operations weapons register

At the beginning of international peace operations within and without the ECOWAS zone, all dedicated light weapons and ammunition shall be declared to the ECOWAS Secretariat so as to enable their effective control as well as removal upon completion of the operation.

Article 9 Exemptions

1. Member States may seek an exemption from the Moratorium in order to meet legitimate national security needs or international peace operations requirements. Such requests for exemptions shall be forwarded to the Executive Secretariat which shall assess them against criteria developed with the technical assistance of PCASED.
2. The Executive Secretariat shall circulate the request to Member States. Provided there are no objections, the Executive Secretariat shall issue a certificate confirming Member States' assent. The document shall accompany the export licence application, together with other documentation on end-use as required by arms-exporting states. Should a Member State object the request for exemption shall be referred to the ECOWAS Mediation and Security Council.
3. Exemptions may be granted to permit individual ownership of a single weapon in categories 1,2, and 3A of Annex 1 for hunting or sporting purposes. Applications for such exemptions shall be processed by National Commissions and *recommended* to the ECOWAS Executive Secretariat for approval. The Executive Secretariat, with the technical support of PCASED shall develop and issue guidelines to National Commissions on the exemptions procedure.

Article 10 Visitor Certificates

Member States shall introduce arrangements requiring visitors to apply in advance if they wish to bring arms covered by the Moratorium into any ECOWAS territory, and to declare such arms on entry. If entry is approved, the competent authorities shall issue visitors with an entry certificate on arrival, and an exit certificate on departure. A register shall be kept of all such certificates.

OPERATIONAL ASPECTS

Article 11 Intra-and inter-state Co-operation

The ECOWAS Executive Secretariat and PCASED and in partnership with National Commissions, shall develop procedures for inter-state co-operation between customs, law and order, and all other relevant officials involved in monitoring and implementing the Moratorium; and shall submit them for approval by Member States. The Executive Secretariat shall also with the assistance of PCASED and in collaboration with Member States, develop guidelines for intra-state co-operation between these officials. The Executive Secretariat shall facilitate and obtain assistance for the training of officials in intra- and inter-state co-operation.

Article 12 Enhancing border controls

The Executive Secretariat, in conjunction with Member States and with the assistance of PCASED, will develop more effective border control mechanisms, including improved equipment, and training and co-operation of customs and other border officials.

Article 13 Collection and Destruction of Surplus Weapons

Member States shall in collaboration with the Executive Secretariat, PCASED and other relevant international organisations, carry out a systematic collection, registration and destruction of all weapons, ammunition and components covered by the Moratorium that are surplus to national security requirements, were under illegal possession or collection in the context of peace accords or upon completion of international peace operations.



PROMOTION AND EXPANSION

Article 14 Public relations and outreach

The Executive Secretariat shall, in collaboration with Member States, and PCASED develop and implement an Information Strategy in support of the Moratorium, incorporating and building on the activities already underway. The strategy will enhance understanding of and support for the Moratorium within the ECOWAS region, throughout Africa, and among international organisations and potential external funding partners.

Article 15 Resource mobilisation

The Executive Secretariat, in partnership with PCASED, shall develop and implement a Resource Mobilisation Strategy, in order to secure long term financial support for the Moratorium, and to enhance transparency and good financial management of resources.

Article 16 Dialogue with suppliers and producers

The Executive Secretariat and individual Member States shall engage in dialogue with national and international arms producers and suppliers as well as relevant international organisations, in order to secure their support for and adherence to the spirit and the letter of the Moratorium. PCASED shall assist in this effort.

Article 17 Expansion of Moratorium

Participation in the Moratorium regime may be extended to other interested African States. The ECOWAS Executive Secretariat shall take all necessary measures to encourage other OAU Member States to adopt the Moratorium and shall work with the United Nations Regional Centre for Peace and Disarmament in Africa to facilitate this.

IN FAITH WHEREOF WE THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THIS CODE OF CONDUCT IN TWO ORIGINALS IN ENGLISH AND FRENCH BOTH TEXTS BEING EQUALLY AUTHENTIC.

Done at Lome, this 10th day of December, 1999

Annex B - Surplus SALW Export Moratorium of BiH

Declaration of a Moratorium on the Export of Surplus SALW in Bosnia and Herzegovina

Pursuant to Article 99, Paragraph 3 of the Law on Administration ("BiH Official Gazette" No. 32/02) and Articles 14 f), 16 a), 40 c) and g) and 80, of the Law on Defence of Bosnia and Herzegovina ("BiH Official Gazette" No. 43/03), hereby the BiH Minister of Defence issues, on 22 July 2004, the following

INSTRUCTION

on definition and obligation to comply with deadlines on the prohibition of trade of small arms and light weapons of Armed Forces of Bosnia and Herzegovina

I

This Instruction shall define deadlines and obligations to comply with the deadlines on prohibition of trade of small arms and light weapons of the Armed Forces of Bosnia and Herzegovina.

For the purpose of this Instruction, import and internal purchase of small arms and light weapons for the needs of the Armed Forces of Bosnia and Herzegovina shall not be considered as trade.

II

The term "Small Arms" shall be understood to mean the following:

- Revolvers, pistols and self-loading pistols
- Rifles and carbines
- Sub-machine guns
- Assault rifles,
- Light machine guns, and
- Ammunition for the aforementioned

The term "Light Weapons" shall be understood to mean the following:

- Heavy machine guns
- Hand-held under barrel and mounted grenade launchers
- Portable anti-aircraft guns
- Portable anti-tank guns
- Recoilless guns
- Mortars under 81 mm calibre
- Portable anti-tank missile and rocket systems
- Portable anti-aircraft missile and rocket systems
- Ammunition for the aforementioned

III

The final deadline for concluding contracts on trade in small arms and light weapons of the Armed Forces of Bosnia and Herzegovina is July 31, 2004.

An export licence must be obtained from the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina by September 15, 2004, for all contracts related to trade of small arms and light weapons of the Armed Forces of Bosnia and Herzegovina concluded before July 31, 2004.

Contracts on the trade of small arms and light weapons of the Armed Forces of Bosnia and Herzegovina cannot be concluded as of August 1, 2004.

IV

The final deadline for the execution of contracts on trade of small arms and light weapons of the Armed Forces of Bosnia and Herzegovina concluded before 31 July 2004 shall be December 31, 2004.



V

Small arms and light weapons of the Armed Forces of Bosnia and Herzegovina, subject to contracts referred to in Article II of this Instruction, shall be collected by September 30, 2004 at maximum four locations (out of which two will be located in the Federation of Bosnia and Herzegovina and two in the Republika Srpska), and stored until the delivery stipulated by the relevant contract.

All identified small arms and light weapons of the Armed Forces of Bosnia and Herzegovina that have not been delivered and represent a surplus according to the material formation, should be declared, on January 1, 2005, as a quantity for destruction.

VI

Ministry of Defence of the Federation of Bosnia and Herzegovina and the Ministry of Defence of the Republika Srpska shall submit all relevant information required by the Ministry of Defence of Bosnia and Herzegovina in order to conduct oversight over the implementation of contracts on trade of small arms and light weapons of the Armed Forces of Bosnia and Herzegovina concluded before 31 July 2004, as follows:

By August 6, 2004 – all export contracts concluded before 31 July 2004,

By September 22, 2004 – a report on acquired export licences,

Within seven days after implementation of each individual export – a report on the implementation of export,

By January 17, 2005 – a summary report on the implementation of the export of small arms and light weapons that is subject to this Instruction.

VII

The Minister of Defence of Bosnia and Herzegovina by special by-law may approve an exemption from the regime defined by this Instruction.

VIII

This Instruction shall enter into force on the day of adoption, and shall immediately be published in the "Bosnia and Herzegovina Official Gazette", "Republika Srpska Official Gazette" and "Federation of Bosnia and Herzegovina Official Gazette".

Number: 01-03-1544-2/04

Sarajevo: 22 July 2004

MINISTER
Nikola Radovanović



In accordance with Article 99, Paragraph 3 of the Law on Administration («Official Gazette of Bosnia and Herzegovina», No: 32/02) and Articles 14.f), 16.a), 40.c) and g) and Article 80 of the Law on Defence of Bosnia and Herzegovina («Official Gazette of Bosnia and Herzegovina», No: 43/03, the Minister of Defence of Bosnia and Herzegovina, on 23 September 2004, issues

AMENDMENTS to INSTRUCTION

on Determining Deadlines and Obligation to Comply Therewith for Prohibition of Sale of Small and Light Weapons of the Armed Forces of Bosnia and Herzegovina

I

In Point III, Paragraph 2 of the Instruction, the date: '15 September 2004' shall be replaced with the date: '20 October 2004'.

II

In Point V of the Instruction, Paragraph 1 shall be amended as follows:

'Not later than 20 October 2004, the entity Ministries of Defence shall submit the list of the locations with quantities of small and light weapons of the Armed Forces of Bosnia and Herzegovina, which are subject to the agreements referred to in Point II of this Instruction, provided that the number of locations should be as small as possible'.

III

In Point VI, line 2 of the Instruction, the date: '22 September 2004' shall be replaced with the date: '27 October 2004'.

IV

The remaining provisions of the Instruction shall remain unchanged.

Number: 01-031544-13/04
Sarajevo: 23 September 2004

MINISTER
Nikola Radovanovic