Republic of Moldova



1 SALW problem

Moldova's small arms problems are to a large degree associated with the 'frozen' conflict that has left the separatist region in Transdniestria, the Dniestrian Moldovan Republic (DMR), outside the administrative control of the internationally recognised Moldovan Government in Chişinău. A recent National SALW Survey of Moldova found that the inability of the Moldovan Government and the DMR to resolve the conflict has meant that Moldova continues to be highly militarised, with a range of military units armed with SALW operating on both sides of the River Dniestr. In total it was found that there are more than 289,000 weapons, including at least 53,000 unregistered firearms, in a country with a population of less than five million.¹

Apart from contributing to the large numbers of weapons in society, the unresolved nature of the conflict has also created problems for SALW control initiatives. While the Moldovan Government in Chişinău has legal responsibility for SALW control across the entire internationally recognised territory of Moldova, there are in effect two parallel administrations in Chişinău and Tiraspol co-ordinating SALW policy on the territories under their control. Co-ordination on SALW issues between these administrations and other international actors operating in Moldova (Russian Forces, OSCE) is currently low. Continued tensions and low levels of human security in the jointly administered Security Zone, which separates the conflicting parties, provide the most significant manifestation of the low levels of co-operation between the DMR and the Moldovan Government. In addition, concerns have also been raised that weapons are produced in, and trafficked from, the Transdniestrian region, which controls a 435 km stretch of the Ukraine-Moldova border. While the 2006 SALW Survey has diminished these concerns, anxieties remain over border controls and the remaining weapons and ammunition stockpiled in the region.²

Thirdly, and perhaps most importantly, the ongoing political standoff between the DMR and the Moldovan Government has meant that SALW control remains a heavily politicised issue. Military structures on both sides of the River Dniestr are reticent regarding their military SALW holdings, in identifying and destroying surplus SALW and in providing information on past SALW transfers. The sensitivity of SALW issues has also hampered the

Saferworld-SEESAC, National SALW Survey of Moldova, 2006, (hereafter SALW Survey of Moldova).

² According to the SALW Survey of Moldova, SALW production in Transdniestria is likely to have occurred prior to 2001, but there is no reliable evidence to show that it still takes place. The same is thought to hold true for trafficking of SALW from the region.

withdrawal of the remaining Russian ammunition stocks in Transdniestria.³ Engagement on SALW and wider security issues by civil society is also consequently low, especially in the Transdniestrian region. Low transparency on SALW issues has in turn ensured that an unnecessary amount of old and ageing weapons and ammunition remain in Moldova and that there is no information on those SALW surpluses held by each side that are in need of destruction.

Apart from problems related to the internal conflict, the current Moldovan legislative and regulatory framework for the control of domestic possession and international arms transfers is also problematic, falling far short of EU norms in many areas. The domestic control system is weak or too liberal in a number of areas; there is a lack of clarity regarding the types of firearms that citizens may possess and the situations in which they can be used; at present there is no waiting time to purchase a weapon; there is no need for applicants to present proof that they are under threat in order to justify the ownership of a self-defence firearm; there is no mandatory training in firearm use; sanctions for weapon offences are weak, and it is difficult for the Ministry of Internal Affairs (MIA) to withdraw weapons, and revoke ownership and carrying permits. 4 In addition, legislation passed in 2003 to control the work of private security companies does not regulate the operations of 'internal security divisions' (armed units within other businesses). This presents a problem for domestic SALW control, as the vast majority of weapons registered to legal entities are in the hands of internal security divisions. It should also be noted that until the adoption of a new general amnesty, there is no legal basis for the present practice of not prosecuting those who surrender weapons voluntarily.

Key weaknesses in the arms transfer control system include inadequate provisions covering transhipment, licensed production and all forms of brokering. As no public information is available on the criteria by which Moldovan state agencies assess arms transfer applications, it is also difficult to judge to what degree these decisions correspond with international best practice, such as the EU Code of Conduct on Arms Exports. Further, since the arms transfer control system has no mechanism to provide Parliament and the general public with meaningful opportunities to independently scrutinise government policy and practice in this area, such as the publication of an annual arms export report, independent oversight of licensing decisions is extremely low.

Poor control and oversight of international transfers may have enabled Moldova to transfer SALW to a number of sensitive destinations in the past. Indeed, a Moldovan parliamentary report has admitted that, 'since Moldova became independent in August 1991, it has sold significant amounts of Kalashnikov rifles and ammunition. Legislation has been violated in all these deals'. Moldova's previously poor reputation with respect to international arms transfer control was further damaged in early 2006 by the involvement of Jet Line International, an air-shipping firm previously registered in Moldova as Aerocom (until it had its air operating certificate withdrawn on 08 August 2004), in controversial transfers of more than 200,000 weapons (including Kalashnikov assault rifles) and 64 million rounds of

³ The DMR views the presence of Russian stocks as a security guarantee against Moldovan aggression; the Russian Federation has made their withdrawal dependent on resolution of the conflict.

National SALW Survey of Moldova.

⁵ Small Arms Survey, Small Arms Survey 2003, (Oxford University Press, 2003), p. 109.

ammunition from Bosnia to Iraq and Afghanistan. This particular movement contravened all international aviation legislative instruments as Aerocom were permitted to operate in contravention of their air operating certificate by NATO military forces in Bosnia. In addition, during consultations for the 2006 SALW Survey of Moldova officials admitted that significant data on officially sanctioned transfers of SALW from Moldovan territory in 2004 and 2005 had been withheld by the Moldovan Government and not reported internationally on grounds of state secrecy. Further, information on companies licensed to transfer arms, dual-use goods and technologies and components is not publicly available. A lack of overall transparency on the part of the Government of Moldova with respect to arms transfers, coupled with valid concerns about past practice, has left international observers uncertain as to whether Moldova is able to implement and enforce its rhetorical commitments to SALW transfer control.

A key final concern is the apparent lack of direction displayed at the highest political levels in Moldova with respect to SALW control. Co-ordination between the various government ministries and agencies that should collectively work to solve the above problems has been consistently poor. At the present time, no strategy or structure (e.g. a national commission) exists to facilitate co-operation between government agencies in addressing Moldova's remaining SALW control problems. Unfortunately, weak engagement by civil society on this issue means that there is no significant driver for this type of initiative from within Moldova itself. It is, however, hoped that the recent 2006 SALW Survey of Moldova will provide the basis for developing such an initiative.

2 SALW policy and practice

The Moldovan Government is committed to a number of regional and international arms control regimes related to SALW such as the Stability Pact Regional Implementation Plan, the UN Programme of Action (PoA), the UN Firearms Protocol, and the OSCE Documents on SALW and on Stockpiles of Conventional Ammunition. The Government has also publicly supported the EU Council's position on a potential Arms Trade Treaty (ATT).⁸ However, while Moldova has stated a willingness to align practices with the EU Code of Conduct on Arms Exports, and hence the EU Common Position on Brokering and the EU Joint Action on SALW, no firm commitment to this effect has yet been made. For their part, although the DMR authorities in Transdniestria maintain a functioning government, their unrecognised status precludes them from entering into international agreements of this type.

⁶ Traynor, I., 'US in secret gun deal: Small arms shipped from Bosnia to Iraq 'go missing' as Pentagon uses dealers', *The Guardian*, 12 May 2006.

⁷ It was stated that these transfers did not pass through Transdniestrian controlled territory and cannot, consequently be attributed to poor control of the section of the Ukraine-Moldova border controlled by the Transdniestrian authorities.

⁸ Declaration at Workshop on *Global Principles for International Arms Transfers: Developing the UN Programme of Action and an Arms Trade Treaty*, Helsinki, 10 - 11 November 2005.

ARMS OR SALW CONTROL AGREEMENTS	MOLDOVA'S COMMITMENTS
Stability Pact Regional Implementation Plan	November 2001
UN Programme of Action	July 2001
UN Firearms Protocol	October 2005
OSCE Document on Small Arms	November 2000
OSCE Document on Stockpiles of Conventional Ammunition	December 2003
EU Code of Conduct	No
EU Joint Action on SALW	No
Wassenaar Arrangement	No

Table 1: Moldova's commitments to arms or SALW control agreements

3 SALW progress 2005 – 2006

3.1 Legislative and Regulatory Issues

Transfer controls

No amendments to the Moldovan regulatory framework for transfer controls are known to have occurred in this reporting period. However, during consultations for the 2006 SALW Survey, the Moldovan Government recognised that a number of weaknesses exist in national control legislation. As a result, the Government has committed itself to harmonising legislation on brokering with EU standards and the EU Code of Conduct during 2006. While a positive development, the introduction of more comprehensive legislation will present new challenges with respect to implementation and enforcement given the limited physical and financial resources available for transfer controls at present.

While the DMR has limited provisions regarding international arms transfers, these have not been considered in the present report, as under international law the Moldovan Government is responsible for all transfers into and from its internationally recognised territory.

Domestic possession and use

No amendments to the Moldovan regulatory framework for the domestic use, production or possession of SALW are known to have occurred in this reporting period. However, in response to weaknesses highlighted by the 2006 SALW Survey of Moldova, the Moldovan Government has committed itself to improving domestic SALW control by introducing a new draft of the *Law on Individual Arms*, a new Government Decision on a six-month voluntary surrender campaign and a new Government Decision to withdraw worn out, deteriorated or illegally modified weapons. ¹⁰ The MIA has also committed itself to modifying and upgrading the present law on private security companies to include provisions covering internal

⁹ SALW Survey of Moldova, p. 95.

¹⁰ Ibid., p. 81.

security divisions. While such commitments are positive, previous commitments during the last reporting period to improve existing legislation have not yet been fulfilled.¹¹

The DMR have also developed legislation to regulate domestic SALW possession, use and production. No amendments to the Transdniestrian regulatory framework are known to have occurred during this reporting period.

FEATURES OF LEGISLATIVE & REGULATORY FRAMEWORK	MOLDOVA		
NATIONAL			
National Co-ordinating Agency	Yes (certain transfers only)		
National Point of Contact	Yes		
LAWS & PROCEDURES ON PRODUCTION, EXPORT, IMPORT AND TRANSIT			
Legislation	Yes		
Production	Yes (does not cover licensed production) ¹²		
Export	Yes		
Import	Yes		
Transit	Yes (no specific provisions covering transhipment) ¹³		
NATIONAL SYSTEM OF EXPORT AND IMPORT LICENSING OR AUTHORISATION			
Diversion risk	Yes		
End User Certificate	Yes (on demand only)		
Re-transfers	No		
Verification (pre/post)	No (on demand only)		
Brokering Controls	Yes ¹⁴		
DOMESTIC POSSESSION STOCKPILING & TRADE			
Manufacture	Yes		
Marking and Tracing	No		
Possession	Yes		
Stockpiling	Yes		
Trade	Yes		

Table 2: Features of Moldova's legislative and regulatory framework

¹¹ SEESAC, South Eastern Europe SALW Monitor 2005, (Belgrade, 2005), (hereafter 2005 Monitor) p. 110.

¹² SALW Survey of Moldova, p. 6.

¹³ Ibid.

¹⁴ The Export Control Law is applicable to persons conducting exports of strategic goods through operations that do not entail physical contact with the territory of Moldova. There are however no specifics in the legislation covering questions such as extra-territorial control of brokers or third country actors: SEESAC Export Control Analysis – Moldova, 26 November 2002.

3.2 SALW Collection programmes and capacities

According to research conducted for the 2006 SALW Survey of Moldova, during 2005 the Moldovan Government seized 3,627 weapons for exceeding the registration period, 1,633 weapons for violating legislation on holding, purchasing and transportation, and 56 weapons for breaking trade regulations. Since 2002 and the last official amnesty period, police have accepted voluntarily surrendered weapons without prosecuting their owners, despite the absence of an official amnesty. As a result, 382 firearms have been voluntarily surrendered since 2002, though it is not clear what proportion of these weapons were surrendered during the reporting period. The Moldovan MIA has drafted a Government Decision for an additional official six-month amnesty period.

Amnesties have also previously taken place in the Gagauz Yeri autonomous territory following the conclusion of an agreement on autonomy in 1994 (this included a buyback scheme), and in the Security Zone since following the 1992 ceasefire agreement. No detailed information on the types and numbers of weapons collected during these campaigns is publicly available.

According to research conducted for the recent SALW Survey of Moldova, 18 rifled and 49 smooth bore weapons were seized by the DMR on the territory under their control in 2005. Although voluntarily surrendered weapons are also accepted in Transdniestria without prosecution, no proactive collection initiatives have been held in Transdniestria since the buy-back scheme that ran between 1994 and 1998.

ADMINISTRATION	NUMBER OF WEAPONS
Moldovan Government	5,316
Transdniestrian authorities	67
TOTAL	5,383

Table 3: Summary of weapons seized in Moldova during 2005

3.3 SALW Destruction programmes and capacities

Military reform currently being undertaken by the Moldovan Government should result in a number of surplus military weapons and ammunition that could be destroyed. Reference to present destruction needs have been made in the Moldovan submission to the UN PoA 2005 Biennial Meeting of States. This submission declares that the Moldovan Government is facing difficulties destroying SALW surpluses due to the lack of expertise and financial resources. However, without greater transparency on this issue, it is unclear what level of international assistance is required to dispose of Moldova's surplus SALW stocks. Nevertheless, during the past five years international assistance has been received for SALW Destruction programmes in Moldova from donors such as NATO (NAMSA), the Swiss

¹⁵ SALW Survey of Moldova, p. 102.

¹⁶ Ibid., p. 131.

Federal Department of Foreign Affairs and Defence, SEESAC and the UK Government. ¹⁷ The only known destruction of weapons in 2005 was conducted by UNDP/SEESAC in conjunction with the Swiss Government and resulted in the destruction of 1,687 weapons and 1,810 weapon components that had been seized by the MIA from the general population. ¹⁸ There was no known destruction of military weapons or ammunition during the reporting period.

Within Transdniestria, the Operational Group of Russian Forces (OGRF) reports that, to date, it has destroyed several thousand of the estimated 42,000 tonnes of ammunition stockpiled there, including 70 MANPADS.¹⁹ However, as independent observers have not witnessed destructions of OGRF stocks, it is impossible to verify that they took place. Although according to the Transdniestrian authorities, a further 1,089 units of SALW and 54,076 cartridges have been destroyed by them up until 2004,²⁰ no information is available on any SALW Destruction during this reporting period. However, Ukraine is apparently planning to hold talks with the European Union and the US on the provision of ammunition destruction equipment to the Transdniestrian authorities.²¹

EXECUTING AGENCY	WEAPON	WEAPON COMPONENTS	REMARKS
UNDP	1,687	1,810	Swiss Government funded destruction of seized weapons
TOTAL	1,687	1,810	

Table 4: Summary of SALW Destruction in Moldova during 2005

3.4 SALW Stockpile Management programmes and capacities

Information on security at Moldovan Government, DMR and OGRF controlled stockpiles is not publicly available. Neither is any detailed information available on the number and types of stored SALW or their condition. In response to a prominent theft in 2004, the Moldovan Ministry of Defence (MoD) claims to have conducted a full inventory of all Moldovan SALW stocks. According to the Moldovan military prosecutor, in November and December 2005 additional inspections indicated that almost all problems regarding storage standards have been resolved. However, due to commonly cited budgetary constraints, technical security upgrades such as video cameras have not yet been introduced at National Army stockpiles and storage facilities, which therefore bring these statements regarding storage standards into question. However, which therefore bring these statements regarding storage standards into question.

¹⁷ NAMSA signed a Memorandum of Understanding for the destruction of liquid propellant oxidizer, anti-personnel land mines and surplus munitions in July 2001. NATO Update, 'Week of 25 June – 01 July 2001. Available at: http://www.nato.int/docu/update/2001/0625/e0628a.htm, accessed 08 November 2005.

¹⁸ SALW Survey of Moldova, p. 117.

¹⁹ Ibid., p. 156.

²⁰ Ibid., p. 159.

²¹ 'Ukraine to help Moldova's rebel region get rid of old munitions', *Interfax*, 19 July 2005.

²² An investigation was launched by the Office of the Military Prosecutor, following the theft from a brigade store in 2004 of 200 grenades, 31 grenade-launchers and more than 90,000 rounds of ammunition. Both the thieves and the personnel responsible have been convicted. SALW Survey of Moldova, p. 110.

²³ Ibid., p. 109.

Within Transdniestria, separate stores are held by the OGRF in Colbasna (ammunition) and at Tiraspol airport (weapons), and by the Transdniestrian authorities in Colbasna. The OGRF military command in Tiraspol maintains that information on Russian SALW stocks and their condition is shared with relevant states and international organisations through the Department of International Military Co-operation in Moscow.

3.5 SALW Awareness activities

Although awareness-raising campaigns, supported by the Hunting and Fishing Association, have previously been conducted to support Moldovan Government amnesties in 2000 and 2002, no such action has been carried out in this reporting period. Similarly, there are no reports of this type of activity from the DMR authorities.

3.6 SALW Survey activities

A SEESAC funded National SALW Survey of Moldova, including the separatist region of Transdniestria, was conducted between September 2005 and January 2006. The report was researched by the London-based NGO Saferworld and the Chişinău-based Institute of Public Policy in accordance with the SALW Survey Protocols. The SALW Survey provides the first comprehensive study of the SALW situation in Moldova and, having been written in close consultation with government officials, provides a good basis on which to base future SALW interventions. The SALW Survey will be launched in July 2006²⁴ and it is hoped that the SALW Survey will lead to the formal development of a National SALW Commission and the development and implementation of a National SALW Strategy, backed up by an effective SALW Action Plan.

3.7 Civil society involvement in SALW interventions

The level of NGO, media and academic engagement in SALW and wider security sector issues in Moldova is particularly low. While this is partly due to a lack of funding and a perception that SALW issues do not represent a priority for the country, it is also due to the continued sensitivity of SALW and security issues. ²⁵ This is especially true in Transdniestria, where close monitoring and in some cases, harassment of NGOs, acts as a strong deterrent for civil society groups interested in the issue. An exception to this general pattern however is the continuous research on SALW-related issues that has been conducted by the Chişinăubased Institute for Public Policy (IPP). In 2005 as in previous years, IPP has contributed to periodic studies by the Biting the Bullet Coalition on implementation of the UN PoA, the SEE SALW Monitor and, during 2005/2006, to the National SALW Survey of Moldova. ²⁶ No Moldovan NGOs are presently members of the regional NGO network on SALW, the South East European Network on Control of Arms (SEENCA). Further, there are no other known cases of civil society involvement in SALW interventions during the reporting period.

²⁴ July 2006 has been selected purely because of issues regarding translation, time for government comments and the concurrent UN PoA Review Conference.

²⁵ Interviews, SEESAC-Saferworld event, 'SALW Control in South Eastern Europe', 17 May 2004; see also SALW Survey of Moldova.

²⁶ The resolution was implemented on 03 March 2006.

3.8 Cross-border SALW control initiatives

While reform of Moldova's border services has been underway since independence, the Moldovan Government has found it difficult to establish an effective border management system in the post-Soviet period. This is mostly due to the fact that the DMR controls a 435 km stretch of the Ukraine-Moldova border. Cross-border SALW control has, however, been enhanced dramatically during the reporting period by several events. Firstly, cooperation between the Moldovan and Ukrainian border services has improved. Joint Ukrainian-Moldovan border controls were re-established at five border crossings in July - August 2005.²⁷ Further, on 30 December 2005, Ukraine and Moldova signed a customs agreement, which resulted in a Ukrainian resolution banning Transdniestrian imports that had not received Moldovan customs documents.²⁸ Secondly, a 'National Coordination Committee', comprised of the US, EU, Ministry of Foreign Affairs (MFA), Border Guard Service and Customs Service, has been established to manage financial aid and assistance to the Moldovan Border Services. Thirdly, the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) began its operations on 01 December 2005. The Mission is mandated to assist in the prevention of cross-border crime through monitoring and capacity building of the Moldovan and Ukrainian Border and Customs Services.²⁹ During its operational period. EUBAM has been able to provide impartial information on the real level of cross-border smuggling. For example, according to the Deputy Head of EUBAM, no significant contraband involving weapons or ammunition had been recovered or seized by the Ukrainian and Moldova border forces during EUBAM's operations.³⁰

In addition Moldova has fully engaged in a number of cross-border control forums. These include the South Eastern Europe Co-operative Initiative (SECI) Regional Centre for Combating Trans-border Crime, the Stability Pact for South Eastern Europe (SCSP), the Black Sea Economic Co-operation Organisation (BSEC) and the Central European Initiative (CEI). The government in Chişinău has also been an active participant in the SECI Centre's Operation 'Ploughshares' (2003) and Operation 'Safe Place' (2005).

3.9 SALW Management Information and exchange systems and protocols

According to information received from a number of sources, including the Moldovan SALW NFP, Moldova has provided information since 1994 on SALW transfers to the UN Register of Conventional Arms, and has reported information to UN DDA on the implementation of the PoA in 2003 and 2005. Moldova has also provided information to the OSCE on SALW

²⁷ The Institute for Public Policy has also conducted independent research on security sector reform and border management, including a detailed assessment of border management along the Ukraine-Moldova border in 2005. Institute for Public Policy, Establishing Joint Border Checkpoints on the Transdniestrian Sector of the Moldova-Ukraine Border, 2005.

These border points are: Criva - Mamaliga; Britcheny - Rossoshany; Larga - Kelimentsy; Medveja - Zelionaya (all of which are in the Northern Section); and Giurgiuleshty - Reny in the Southern Section. More joint border controls will follow at different crossings. Dmitro Tkach, Special Representative to the Moldova-DMR conflict, Ministry of Foreign Affairs of Ukraine.

²⁹ See EUBAM website: http://www.eubam.org/index.php?action=welcome&sid=dfq2kitcyvhzwwr7ko7q6tpx2z06 on6s, accessed 23 May 2006.

³⁰ Lobjakas, A., 'Transdniester: EU Monitors Detect Only 'Minor' Smuggling', Radio Free Europe, 08 April 2006, http://www.rferl.org/featuresarticle/2006/4/3C0FE58F-5CA6-4E0C-9D28-50BCD3E1A03A.html, accessed 23 May 2006.

transfers within the OSCE region. The Moldovan Government co-operates with INTERPOL, although the information exchange is not fully developed.³¹ Co-operation with SEESAC, together with regular reports to BSEC, CEI and the SECI Regional Centre for Combating Trans-border Crime is also maintained.

Laws, regulations and procedures related to the production and trade in SALW are published in the 'Official Monitor' of the Republic of Moldova.³² However, information on state SALW holdings, SALW Collection, destruction and illegal transfers together with the possession and manufacturing of firearms is not publicly available.

In Transdniestria, detailed information on SALW issues is generally not available to the public, although good co-operation during research for the 2006 SALW Survey of Moldova indicates that transparency may possibly be improving.

INFORMATION EXCHANGE AND PROTOCOLS	MOLDOVA			
INTERNATIONAL				
Reporting to the UN DDA on the Programme of Action (PoA)	2005			
Reporting to the UN Register of Conventional Arms	2004 (submitted in 2005)			
Reporting to the Wassenaar Arrangement	NA			
INTERPOL/EUROPOL	Yes (though not fully utilised)/NA			
REGIONAL				
Information exchange with OSCE	Yes			
Information exchange with EU	-			
SECI Regional Centre intelligence exchange	Yes			
NATIONAL				
Transparency on SALW imports, exports and decision-making	No			
Publication of national reports on arms / SALW transfers	No			
Publication of SALW National Strategy	No			

Table 5: Information exchange and protocols

3.10 Additional SALW related activities

As has been previously considered, a key weakness in Moldova's SALW control policy and practice is the absence of a strategy or institutional structure to develop and coordinate operational activities. This is especially acute in terms of co-operation between the Moldovan Government and the DMR. However, a package of 'Confidence and Security Building Measures' (CSBM), re-submitted by OSCE Moldova in 2005, provides a vehicle through which joint policy could be developed. The CSBM includes three protocols that are directly relevant to SALW control: 'SALW', 'Ammunition destruction and ammunition

³¹ SALW Survey of Moldova, p. 5.

^{32 &#}x27;Monitorul Oficial al Republicii Moldova'.

stockpile management' and 'weapons manufacturing facilities'. The protocols were designed on the basis of the OSCE Document on SALW, the OSCE SALW Best Practice Guide and the SEE RMDS/G. They suggest a range of measures to co-ordinate SALW policy between Moldova and Transdniestria on combating illicit trafficking, licensing and regulating arms producers and brokers, SALW storage and security standards, information exchange and controls over the manufacture of SALW. The protocols also include measures to combat the proliferation of SALW in society through weapons collection and joint civilian and military destruction. However, the Moldovan Government and Transdniestrian authorities have not as yet adopted this particular CSBM.