

# **Report**

## **on the Czech Republic's approach to international negotiations concerning small arms and light weapons, exports and imports of small arms and light weapons and the numbers of small arms and light weapons in the possession of arms permit and arms licence holders in the territory of the Czech Republic in the year 2000**

### **1. Introduction**

With regard to the current international campaign against the misuse of small arms and light weapons and to some aspects of the problem discussed on various international fora, the Ministry of Foreign Affairs placed the issue on the agenda of the National Security Council in autumn 2000. On the basis of the presented "Information about the Problem of Small Arms and Light Weapons", National Security Council Resolution No. 138 (20 November 2000) instructed the Deputy Prime Minister and Minister of Foreign Affairs, in consultation with the Minister of Industry and Trade, Minister of Defence, Minister of the Interior and the Deputy Prime Minister and Minister of Finance to present, before 30 June 2001, the "Annual Report on the Exports and Imports of Small Arms and Light Weapons and the Volume of their Manufacture and Holdings in the Territory of the Czech Republic in the Year 2000".

The Report was prepared by the Interministerial Working Group on Small Arms and Light Weapons using documentation obtained from the United Kingdom, Norway, Sweden, Germany and the Netherlands. The Report respects the applicable national legislation regulating access to data on transfers of military equipment. With regard to the Classified Information Act (Act No. 148/1998) and Government Directive No. 246/1998 establishing classified information lists, the Report does not contain data on the numbers of small arms and light weapons in service with the Army and other armed corps. Similar restrictions apply to data on manufacture, licensed exports and licence denials.

### **2. International cooperation**

#### **(a) Wassenaar Arrangement on Export Control for Conventional Arms and Dual-Use Goods and Technologies**

The Wassenaar Arrangement is an informal grouping of 33 countries. Its aim is to exchange general information on the development of the global and regional security situation and trends affecting the trade in conventional arms and dual-use items, including licensed and denied

transfers of controlled items.

On the basis of a decision adopted by the Plenary Meeting in 1999, the General Working Group is currently considering the Arrangement's contributions to international action on small arms and light weapons, including practical measures to support the decisions of other organizations. The Plenary examined several alternatives, including the addition of small arms and light weapons to the UN Register of Conventional Arms, the establishment of a separate register of small arms and light weapons or the US proposal concerning stricter control of one category of light arms - Man Portable Air Defence Systems (MANPADS). The Wassenaar Arrangement has not yet reached a consensus on any of these measures (objections: duplication of other organizations, preference for the existing range of controls). The Plenary Meeting in autumn 2000 did not adopt a political decision on the issue. The general debate on possible measures relating to small arms and light weapons, will thus continue. At the spring General Working Group session held on 21-23 May 2001 in Vienna several countries (Sweden, Denmark, Norway) stated their readiness to voluntarily provide information on national exports of small arms and light weapons in excess of the Arrangement's reporting requirements.

**(b) International organizations and the fight against illicit trafficking in small arms and light weapons and their uncontrolled accumulation and proliferation**

United Nations (UN)

Small arms and light weapons have featured on the UN agenda for several years. The first General Assembly resolution on this issue was adopted in 1995 (50/70B). The UN Panel of Governmental Experts on Small Arms created several years ago analyzed the issue and, in reports presented in 1997 and 1999, proposed measures to curb excessive and destabilizing accumulations and illicit transfers of small arms and light weapons. The 53rd General Assembly session in 1998 decided to convene an international conference on illicit arms trade in all its aspects no later than 2001. The 54th General Assembly session adopted resolutions 54/54J (assistance to States for curbing the illicit traffic in small arms and collecting them), 54/54R (illicit traffic in small arms) and 54/54V (small arms) determining that the conference be held in 2001. At the 55<sup>th</sup> General Assembly session, the First Committee decided to hold the conference on 9 - 20 July 2001. The principal aim of the UN Conference is to adopt a politically binding Programme of Action

establishing a political framework for the implementation of future measures. The extensive agenda includes transparency, information exchange to prevent uncontrolled accumulation and proliferation of small arms and light weapons, criteria for the exports of small arms and light weapons, and the traceability of exported small arms and light weapons. The measures adopted at the UN Conference are unlikely to have a marked impact on the Czech Republic. The preparatory process included several meetings between the EU Troika and associated countries to clarify the Union's objectives and positions. On these occasions, the Czech Republic expressed general support for the EU Common Positions and sought to participate in the drafting of the Programme of Action, or at least in consultations concerning some changes to the text. In the context of preparations for the UN Conference, the publication "The Czech Republic and Small Arms and Light Weapons" produced by Ministry of Foreign Affairs in consultation with the Ministry of Industry and Trade, Ministry of the Interior, Ministry of Finance, Defence Industry Association and the Association of Weapons and Ammunition Producing and Marketing Companies, includes information on national legislation regulating the acquisition and possession of small arms, the marking of small arms and stockpile security standards of the Army and other armed corps.

The Ad Hoc Committee on the Elaboration of the Convention against Transnational Organized Crime and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials has been working in Vienna under the UN auspices since 1998. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials supplementary to this Convention should facilitate effective cooperation between the States Parties in the fight against illicit manufacturing of and trafficking in firearms, including traceability, marking, brokering and record-keeping. This legally binding instrument should strengthen, inter alia, police cooperation and introduce minimum standards for the marking of firearms.

#### European Union (EU)

Small arms and light weapons have featured high on the EU agenda since the adoption of the EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms in 1997. The objective is to strengthen national controls in EU countries, improve cooperation between them and provide assistance to interested third countries.

Another step was the adoption of the EU Code of Conduct on Arms Exports in June 1998

and the Joint Action against the destabilizing accumulation and spread of small arms and light weapons (Joint Action on Small Arms) in December 1998. The EU is at present active within the OSCE and UN systems.

The Action Plan on Small Arms and Light Weapons adopted at the EU-US summit in Washington in December 1999 includes meetings of expert working groups to analyze the results of the adopted measures, cooperation in drafting the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials in 2000, support for the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Light Weapons, incorporation of effective measures for collection and destruction of small arms and light weapons into the mandates of UN peacekeeping operations and OSCE missions, support for the activities of regional fora (OSCE, NATO/EAPC, Stability Pact for South-Eastern Europe) and coordinated preparation for the 2001 UN conference. As regards the Czech Republic, the EU is likely to press for improvement in the area of transparency and information exchange on exports of military equipment. The Czech Republic has repeatedly stated its readiness to discuss the issue. However, it maintains that the information exchange should be a two-way process already in the pre-accession stage.

The EU information exchange on arms transfers was established by Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons and Council Directive 93/15/EEC of 5 April 1993 on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses. Each Member State is required to notify data on arms and ammunition transfers to the Member State of destination or transit. These data must be provided prior to the transfer, in any case not later than during the transfer. This reporting is obligatory for all types of arms and ammunition, whether held privately or for commercial purposes. Council Directive 97/477/EEC is incorporated in the Firearms and Ammunition Bill approved by the Czech Government on 13 June 2001. This legislation was originally to take effect on 1 January 2002. However, the bill was defeated in the Chamber of Deputies of the Czech Parliament on 27 June 2001 and is not likely to become law within the original time-frame.

#### North Atlantic Treaty Organization (NATO)

Small arms and light weapons were placed on the agenda of the Euro-Atlantic Partnership Council (EAPC) in May 1999. The objective is to contribute to the debate from the military perspective and to encourage the cooperation of PfP countries.

The focus will probably be on stockpile security, destruction of surplus stocks, reinforced

mandates for peace operations and transparency. The EAPC intends to organize workshops and training courses and develop common standards and manuals, namely for stockpile management and destruction. The Czech Republic is ready to share its experience as regards marking, centralized record-keeping, stockpile security and destruction of surplus stocks.

### Organization for Security and Co-operation in Europe (OSCE)

The OSCE has considerable experience in the fields of arms control, disarmament (Conventional Armed Forces in Europe Treaty - CFE, Dayton Accords) and confidence and security-building measures (CSBMs - Vienna Document 1994). At the Istanbul Summit in November 1999 the OSCE Forum for Security Co-operation (FSC) decided to initiate a wide-ranging discussion on all aspects of small arms and light weapons and to examine specific measures against their uncontrolled proliferation, measures relating to small arms and light weapons in the context of conflict prevention and post-war renewal, including measures to reduce all categories of armaments and equipment.

As a result of these efforts, the OSCE Ministerial Council meeting in November 2000 adopted the OSCE Document on Small Arms and Light Weapons. The OSCE Secretariat (Conflict Prevention Centre) prepared a proposal for implementation of the OSCE Document. In the context of the OSCE Document, the Czech Republic pledged to submit, by 30 June 2001, information about its national legislation, export control procedures, national marking system, destruction technologies and small arms exports to, or imports from other OSCE countries. Updated information will be submitted when necessary.

## **3. National Control System**

### **(a) Imports and exports of small arms and light weapons**

In respect of conventional armaments and equipment, the Czech Republic's national control system is governed by Act No. 38/1994 to regulate foreign trade in military equipment (Foreign Trade in Military Equipment Act) effective since 1 April 1994, and Implementing Regulation No. 89/1994. This legislation covers, inter alia, foreign trade in military small arms and light weapons. The rules for trade in non-military weapons, ammunition and explosives (personal weapons, sporting/hunting weapons, their ammunition and industrial explosives), previously governed by Regulation No. 560/1990, were amended by Act No. 62/2000 to regulate certain measures relating to exports and imports of products and the licensing procedure, effective since 1

July 2000. End-use countries of small arms and light weapons exported between 1 January and 31 December 2000 are listed in Table 1 below (data provided by the Licensing Authority, Ministry of Industry and Trade). With regard to the lack of internationally agreed definitions of small arms and light weapons, Table 1 covers only small arms and light weapons specially designed for military use which fall within the categories provided in the Annex to the EU Joint Action.

**Table 1a - Military small arms and light weapons exported from/imported to the Czech Republic between 1 January and 31 December 2000**

**A. Exports**

	<b>Category</b>	<b>Total</b>
	<b>Small arms</b>	
1	machine guns	
	- 12.7 mm NSV heavy machine gun	20
	- 7.62 mm light machine gun model 52	3
	- 7.62 mm multipurpose machine gun model 59	1,724
	- 14.7 mm double-barrelled machine gun	16
2	Submachine guns, including automatic pistols	
	- 7.65 SKORPION submachine gun model 61	25
	- submachine guns model 24 and model 26	50
	- 9 mm pistol CZ 75 AUTO	2
3	Fully automatic rifles	
	- 7.62 mm submachine gun model 58	5,600
	- 5.56 mm CZ 2000 LADA	5
4	Semi-automatic rifles, if developed and/or produced as a	0

	model for an armed force	
5	Special accessories	0
	<b>Man or crew-portable light weapons</b>	
1	Cannon (including automatic cannon), howitzers and mortars of less than 100 mm calibre	0
2	Grenade launchers	0
3	Anti-tank weapons, recoilless guns	
	- 40 mm RPG 7	1,000
4	Anti-tank systems	0
5	Anti-aircraft systems	0

**B. Imports**

	<b>Category</b>	<b>Total</b>
	<b>Small arms</b>	
1	Machine guns	
	- 14.5 mm double-barrelled machine gun	20
	- 7.62 mm machine gun	35
2	Submachine guns, including automatic pistols	

	- Berretta 1938 submachine gun	9
	- 7.65 mm Sa model 61	500
3	Fully automatic rifles	0
4	Semi-automatic rifles, if developed and/or introduces as a model for an armed force	
	- 7.62 mm SVD DRAGUNOV	10
	- GARAND 1936 (M1)	8
	<b>Man or crew-portable light weapons</b>	0

**Table 1b – Destination countries of small arms and light weapons exported between 1 January and 31 December 2000**

	<b>Category</b>	<b>Country</b>
	<b>A. Small arms</b>	
1	Machine guns	Slovakia, Switzerland, Zimbabwe
2	Submachine guns, including automatic pistols	USA, Finland, Kuwait
3	Fully automatic rifles	Zimbabwe, USA, Slovakia, Dominican Republic, Jordan
4		
	<b>B. Light weapons</b>	
1	Anti-tank weapons	Zimbabwe

**(b) Possession of weapons by holders of arms permits and arms licences**

The possession of arms and ammunition in the Czech Republic is governed by Act No. 288/1995 to regulate firearms and ammunition as amended (Firearms Act). The Act covers the

acquisition, registration, possession, carrying and use of firearms and ammunition. It also regulates licensed trades relating to arms and ammunition and the powers of the administrative authorities in this area. The Act does not apply to arms and ammunition in service with the Army and other armed corps. The data on numbers of small arms in the possession of holders of arms permits and arms licences are provided in Tables 2 and 3 below.

The Firearms Act requires the Ministry of the Interior and the Czech Republic Police to control the transfers and storage of non-military arms and ammunition in the Czech Republic. This function is subject to rules provided in the State Audit Act (Act No. 552/1991 as amended).

Since 1 July 2001 the control function includes also international information exchange on transfers of arms and ammunition under the European Convention on the Control of Acquisition and Possession of Firearms by Individuals. For this purpose, Government Resolution No. 98 of 1 February 1999 created a special unit at the Czech Republic Police Headquarters. After the Czech Republic's entry in the EU, the unit will also receive and distribute information under Council Directive 91/477/EEC.

**Table 2 - Arms permit holders and registered arms in their possession (1 January - 30 December 2000)**

No.	Issuing police authority	Arms permit holders	Registered weapons					
			Total	Short ball-cartridge arms	Long (comb.) ball-cartridge arms	Shot-cartridge arms	Other	Prohibited arms
1	Prague HQ	41 255	65 484	45 547	10 315	9 295	327	83
2	Central Bohemia HQ	41 435	78 096	28 751	19 554	25 102	4 689	26
3	South Bohemia HQ	27 190	50 566	12 216	15 514	19 231	3 605	11
4	West Bohemia HQ	31 965	57 115	18 988	17 465	18 272	2 390	54
5	North Bohemia HQ	31 716	53 355	23 676	13 402	13 509	2 768	37
6	East Bohemia HQ	31 233	61 114	17 289	16 871	21 698	5 265	23
7	South Moravia HQ	60 426	103 745	32 366	27 154	36 834	7 391	24
8	North Moravia HQ	38 648	64 639	21 084	18 827	20 410	4 318	50
9	Administrative Service - Police HQ	36	30	17	6	7	0	0
	TOTAL	303 904	534 144	199 934	139 108	164 358	30 744	308

**Table 3 - Arms licence holders and registered arms in their possession  
(1 January - 30 December 2000)**

No.	Issuing police authority	Arms licence holders	Registered weapons					
			Total	Short ball-cartridge arms	Long (comb.) ball-cartridge arms	Shot-cartridge arms	Other	Prohibited arms
1	Prague HQ	183	6 751	4 706	1 500	407	138	522
2	Central Bohemia HQ	188	2 392	1 282	921	128	61	85
3	South Bohemia HQ	178	2 085	933	1 030	69	53	4
4	West Bohemia HQ	159	2 912	1 688	1 040	154	30	44
5	North Bohemia HQ	232	3 291	2 260	941	60	30	19
6	East Bohemia HQ	213	2 630	1 600	876	92	62	5
7	South Moravia HQ	432	5 250	3 152	1 650	323	125	31
8	North Moravia HQ	312	4 351	2 934	1 269	61	87	16
9	Administrative Service - Police HQ	1	14	14	0	0	0	0
	TOTAL	1 889	29 676	18 569	9 227	1 294	586	726

In **1998** the Czech Customs registered 32 cases of illicit trade in arms, explosives and military equipment, seized 19 pistols, 1 gas pistol, 10 rifles (hunting/sporting), 1 submachine gun and 1,890 pcs of small-calibre ammunition.

In **1999** there were 40 cases, with arms seizures including 221 pistols, 41 gas pistols, 371 rifles, 12 submachine guns and 1,825 pcs of small-calibre ammunition.

In **2000** the number rose to 46 cases and seizures included 36 pistols, 1 gas pistol, 7 rifles, 2 submachine guns, 1 light machine gun and 5,372 pcs of small-calibre ammunition.

*The seizures mostly related to the illicit drug trade.*

#### **4. Conclusion**

With regard to the transparency-related efforts of the international community, especially

EU countries, the Czech Republic will in the near future enhance the internal and external transparency elements of its national control system. This move will require clear legislation and executive decisions to specify the scope of information exchange and confidential data protection. The new system should ensure a flexible response to internationally agreed measures and compliance with EU requirements concerning transparency of arms exports and imports.

**Arms embargoes imposed by the UN Security Council, European Union or the OSCE and other export restrictions relevant to small arms and light weapons (as of 5 June 2001)**

State	UN SC resolution EU Common Position OSCE Decision	Embargo/banned goods/activity	Czech regulation
all states		APMs	- Act No. 305/1999 (effective from 1 April 2000)
all states		blinding laser weapons	- Act No. 21/1999
Afghanistan NON MANDATORY	1076 (22 Oct.1996) 1214 (8 Dec.1998)	arms embargo	
Afghanistan	1096 (22 Oct.1996) 1214 (8 Dec. 1998) 1267 (15 Oct. 1999)  96/746/CFSP (17 Dec.1996) 2000/55/CFSP (24 Jan. 2000)	ban on flights, financial sanctions (effective since 14 November 1999)  EU arms embargo	- Act No. 48/2000 to regulate measures in respect of the Afghan Taliban movement (effective since 14 March 2000)  - <b>Government Directive No. 164/2000 concerning measures in respect of the Afghan Taliban movement</b>
Angola (UNITA)	696 (1991) 834 (1 June 1993) 864 (15 Sept. 1993) 945, 952 (1994) 1127 (28 Aug. 1997) 1135 (29 Oct. 1997) 1173 (12 June 1998) 1176 (24 June 1998) 1229 (26 Feb. 1999)	UN arms embargo, UN petroleum embargo, UN visa restrictions, financial restrictions, travel restrictions for senior UNITA officials and adult immediate family members, ban on	- Government Resolution No. 488 of 8 July 1998 (based on S/RES 1127 and 1135)

	1237 (7 May 1999)	flights by or for UNITA (except for cases of medical emergency or the flights of aircraft carrying food and medicines, or supplies for essential humanitarian needs)	
Armenia NON MANDATORY	853 (29 July 1993)	UN arms embargo	
Azerbaijan NON MANDATORY	853 (29 July 1993)	UN arms embargo	
Ethiopia and Eritrea	2001/215/CFSP (19 March 2001)	EU arms embargo extended till 31 May 2001	<i>On 23 March 1999 the Czech Republic and other candidate countries associated themselves with EU Common Position 1999/206/CFSP (15 March 1999) imposing an arms embargo on Ethiopia and Eritrea effective till 30 September 1999; this Common Position was extended on 1 October 1999 by additional six months. The EU reaffirmed its policy towards Ethiopia and Eritrea by Common Position 2000/230/CFSP (20 March 2000) effective till 30 September 2000.</i>
			<i>The Czech Republic</i>

			<p><i>and other candidate countries associated themselves with this Common Position on 14 April 2000. This EU arms embargo did not apply to contracts concluded before the date on which the Czech Republic associated itself with the Common Position; these contracts were suspended under UN Security Council resolution 1298</i></p>
<p>Federal Republic of Yugoslavia</p>	<p>1160 (31 March 1998)</p>	<p>UN arms embargo visa restrictions financial sanctions</p>	<p>- Government Resolution No. 58 (17 January 2000) approves “<i>a bill to repeal Act No. 304/1999 concerning measures in respect of the Federal Republic of Yugoslavia</i>”.</p> <p>- Draft Government Directive concerning measures in respect of certain citizens of the Federal Republic of Yugoslavia covers financial sanctions</p> <p>- Government Resolution No. 235 (14 March 2001)</p> <p>- Resolution of the Committee on Foreign Affairs of the Chamber of Deputies of the Czech Parliament</p>
			<p>Committee of the Chamber of Deputies</p>

	96/184/CFSP (26 Feb. 1996) 98/240/CFSP (19 March 1998)	EU arms embargo, except for mine clearance equipment	of the Czech Parliament No. 280 (3 April 2001)
ECOWAS: (Benin, Burkina Faso, Cape Verde, Ivory Coast, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Togo)	Moratorium on the importation, exportation and manufacture of light weapons, except for weapons imported for legitimate national defence and security purposes (1 November 1998) effective till 1 November 2001	ECOWAS moratorium covers pistols, submachine guns, rifles, automatic rifles, machine guns, anti-tank missiles, mortars and howitzers of less than 85 mm calibre, ammunition and spare parts	- licensing procedures (Act No. 38/1994 concerning foreign trade in military equipment, Regulation No. 560/1991 concerning conditions for the licensing of exports and imports of goods and services as amended
Democratic Republic of Congo (former Zaire)	Declaration 33/93 (7 April 1993)	EU embargo on arms sales	
Liberia	788 (19 November 1992) 985 (1995) 1001, 1004, 1020 (1995)	UN arms embargo	
Nagorno Karabakh	OSCE CSO Decision (13 March 1992)	OSCE arms embargo	
Rwanda	918 (17 May 1994) 997 (1995) 1011 (16 Aug. 1995)	UN arms embargo; S/RES/1011 effective from 1 September 1996 lifts the restrictions in respect of the Rwandan Government and reaffirms the arms	

		embargo on non-governmental forces	
Sierra Leone	1132 (8 Oct. 1997) 1171 (5 June 1998)  1306 (5 July 2000)  98/409/CFSP (29 June 1998)	UN arms embargo (to a large extent terminated by resolution 1171), travel restrictions 18-month UN embargo on imports of diamonds from Sierra Leone, not controlled by the Government of Sierra Leone EU arms embargo, except for supplies to the government, ECOMOG or UN peacekeeping forces	Government Resolution No. 172 (11 March 1998) based on S/RES/1132
Somalia	733 (23 Jan. 1992) 751 (1992) 954 (1994)	UN arms embargo	
Sudan	1054 (1996)  94/165/CFSP (15 March 1994)	Restrictions in respect of Sudan's diplomatic missions; visa restrictions EU arms embargo	Government Resolution No. 313 (30 May 1996)
Yemen NON MANDATORY	924 (1 June 1994)	UN arms embargo	
Iraq	661 (6 Aug. 1990) 687 (3 April 1991) 692 (1991) 712 (19 Sept.1991) 986 (14 April 1995) 1051 (27 March 1996) 1111 (4 June 1997) 1115 (21 June 1997) 1129 (12 Sept.1997) 1134 (23 Oct. 1997)	UN arms embargo, UN ban on flights, UN financial sanctions, trade embargo  - Iraqi oil trade	- Act No. 21/1997, - Government Resolutions No. 63 (8 Aug. 1990), No. 60 (24 Jan. 1991), No. 371 (4 July 1994), No. 784 (10 Dec. 1997)  Federal Ministry of Foreign Trade

	1137 (12 Nov. 1997) 1143 (4 Dec. 1997) 1153 (20 Feb. 1998) 1158 (25 March 1998) 1194 (9 Sept. 1998) 1284 (17 Dec. 1999)		Regulation of 18 Sept. 1990
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Note:

1. Updated on 30 April 2001 - new Czech regulations are printed in bold.
2. Act No. 98/2000 to regulate the implementation of international sanctions aimed at maintaining international peace and security (General Sanctions Act)

**Act No. 98/2000 concerning the implementation of international sanctions aimed at maintaining international peace and security (General Sanctions Act)** took effect on 25 April 2000. The Act substantially changes the domestic procedures relating to international sanctions. It abolishes the previous cumbersome practice, which required that each implementing government directive should be preceded by parliamentary approval of an ad hoc law. The Act enables a prompt response to any future sanctions imposed by the United Nations Security Council of the Council of the European Union based on Government directives without prior parliamentary approval.