

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 Czech Republic in the year 2001

1. INTRODUCTION

On the basis of the Report on the Issue of Small Arms and Light Weapons, the National Security Council adopted Resolution No. 138 (20 November 2000) instructing 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 annual reports on the exports and imports of small arms and light weapons and the volume of their manufacture and holdings in the Czech Republic. Following consideration of the 2000 Report, the National Security Council instructed the Ministry of Industry and Trade to provide additional information on the licensing of small arms exports and imports (Resolution No. 189/2001).

This Report does not include data on small arms and light weapons in service with the Czech Army and other armed corps. These data are classified under Act No. 148/1998 to regulate classified information and to amend certain other laws and regulations and Government Directive No. 246/1998.

2. INTERNATIONAL NEGOTIATIONS AND COOPERATION

2.1. Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies

The Wassenaar Arrangement (WA) is an informal grouping of 33 countries intended to promote general exchange of information on threats to regional and global peace and security related to the trade in conventional arms and dual-use items and technologies, information on licensed transfers and licence denials.

In order to enhance transparency, the WA Plenary in December 2001 agreed to amend the control lists of military equipment in Appendix 3 to the Initial Elements by adding two sub-categories: in Category 2 (Armoured Combat Vehicles), subcategory 2.3. (armoured bridge-launching vehicles) and in Category 3 (Large Calibre Artillery Systems), sub-category 3.4. (gun-carriers specifically designed for towing artillery). This decision was a result of the compromise reached at the session. The original (British) proposal covered a broader range of military equipment, including special heavy trucks and artillery systems of calibres less than 100 mm, anti-aircraft guided missiles and rockets and proposed to create a new separate Category 8 for small arms and light weapons. The debate on small arms and light weapons will continue throughout 2002. The Czech Republic supports the intention to put small arms and light weapons on the WA agenda, including the addition of a new category of controlled military material.

2.2. United Nations (UN)

2.1. UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

The UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (Conference), attended by representatives of UN Member States and observers, UN agencies (DDA, UNDP, UNHCR), World Health Organization, European Commission, International Committee of the Red Cross and non-governmental organizations, was held at UN Headquarters in New York on 9-20 July 2001.

Regarding the Conference and its conclusions it was noted that it fell short of the expectations as concerns practical measures but laid a good groundwork for continuation of the process. Its main

contribution is the Programme of Action outlining the international community's objectives in the follow-up process at the national, regional and global levels. A meeting of States will be convened on a biennial basis to consider the situation in the field of small arms and light weapons; a conference will be convened no later than 2006 to review the development and effectiveness of measures based on the Programme of Action.

The Programme of Action is divided into four chapters:

I. Preamble

A political declaration specifying the starting points for review of the situation and outlining the approaches to crucial problems. One shortcoming is that it does not contain a definition of small arms and light weapons.

II. Preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects

This operative chapter defines the measures to be taken at the national, regional and global levels. The measures include namely adoption and implementation of the necessary legislation to control the manufacture, exports and imports with a view to preventing such illegal activities, including penal sanctions. Marking of weapons at the time of manufacture and export, keeping of records to ensure traceability. Regular reviews of national defence requirements, identification of surplus stocks and their disposal, preferably through destruction. The greatest stumbling block in this chapter was the proposal that small arms and light weapons should be supplied only to governments or authorized non-governmental bodies

At the regional level the Programme calls for adoption of measures concerning various regional mechanisms, including measures to enhance transparency (for the time being on a voluntary basis). Regional measures in the worst affected regions should include moratoria on the manufacture, exports and imports of small arms and light weapons.

At the global level the participants agreed to facilitate the harmonization of the relevant mechanisms and forms of cooperation in the fight against illicit trade, conflict prevention and settlement of disputes, especially in the context of demobilization, demilitarization, disarmament and reintegration projects for ex-combatants. Great attention is paid to the destruction of small arms and light weapons in post-conflict situations and the relevant specific provisions in peace agreements, namely in the case of internal conflicts. The Programme of Action defines the role of the UN Secretariat and other relevant UN agencies in addressing the problems associated with illicit trade in small arms and light weapons.

To support the follow-up to the Conference, the 56th UN General Assembly adopted resolution 56/24 V calling on the Member States to take an active part in the debate, especially regarding the methods of illicit trade and transfers of small arms and light weapons.

2.2.2. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials

Within the UN system the debate on small arms and light weapons is closely associated with the debate on the fight against organized crime. The Convention against Transnational Organized Crime was signed in December 2000. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials supplementary to the Convention

is intended to facilitate effective cooperation between the States Parties in the fight against illicit manufacturing of and trafficking in firearms, including traceability of firearms, their marking, brokering and record-keeping. It has been noted that, as regards the definition of terms and specification of measures, the Protocol to a certain extent overlaps with the UN Programme of Action. A positive feature is that the Protocol has the nature of a binding international legal instrument. In the Czech Republic, discussions are under way concerning the appointment of a national coordinator responsible for the preparations for ratification of and/or accession to the Protocol. Since cooperation on issues related to illicit weapons flows is an important aspect of the fight against terrorism, it has been included in the National Plan of Action against Terrorism.

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

The OSCE considers and adopts regional measures related to small arms and light weapons. The Czech Republic implements the measures set out in the OSCE Document on Small Arms and Light Weapons, adopted at the OSCE Ministerial Council meeting in November 2000. In 2001 the Czech Republic provided all required data on the relevant national legislation, export controls, marking of small arms and light weapons and destruction technologies, especially as regards surplus stocks. In 2001 the Czech Republic will provide additional information on small arms exports and imports within the OSCE region. The required documentation is compiled by the Ministry of Industry and Trade and the Ministry of Foreign Affairs. The OSCE Document states, *inter alia*, that the participating States agree to ensure that all small arms manufactured in their territory are marked in a way facilitating their traceability. The marks should be permanent and contain information enabling the identification of the country of manufacture and the serial number. Similar commitments apply to unmarked imported small arms and light weapons. The Czech Republic has not yet fully solved this problem as regards the marking of newly manufactured military (prohibited) small arms which are not intended for the use of the Czech Army.

2.4. European Union (EU)

The EU continues to focus on the transparency of exports and imports of military equipment and the application of the European Union Code of Conduct on Arms Exports (Code of Conduct) and the Joint Action against the destabilizing accumulation and spread of small arms and light weapons. In this field the EU has been particularly active during the preparations for the UN Conference and within the OSCE system.

The issue of small arms exports is mostly discussed in Troika format at the meetings of the COARM (Working Group on Conventional Arms Exports) with candidate countries. The Czech Republic regularly participates in these debates, including the informal meetings on conventional arms exports. These meetings, formal and informal, are focused on transparency and information exchange, especially as regards exports of military equipment, including small arms and light weapons, uniform end user certificates (EUC) and arms brokering. On the EU's part, there are outstanding problems concerning the incorporation of conventional arms in the system of denial notifications and in the exchange of information on exports of conventional arms and dual use items and technologies. Not later than upon entry in the EU, the Czech Republic will be bound by the operative provision of the Code of Conduct which requires that "each Member State will circulate to other Member States in confidence an annual report on its defence exports and on its implementation

of the Code of Conduct. The meeting will also review the operation of the Code of Conduct...”. As noted in the last year’s Report, the Czech Republic should systematically prepare the relevant national authorities for this task.

3. NATIONAL CONTROL SYSTEM IN THE FIELDS OF EXPORTS AND IMPORTS OF SMALL ARMS AND LIGHT WEAPONS AND POSSESSION OF SMALL ARMS

3.1. Imports and exports of small arms and light weapons

The Czech Republic’s national control system for the exports and imports of conventional arms and military equipment is regulated by Act No. 38/1994 concerning foreign trade in military equipment (Foreign Trade in Military Equipment Act) and Implementing Regulation No. 89/1994. This legislation sets the rules for foreign trade in military small arms and light weapons. Information on licences is presented in a separate report drafted by the Ministry of Industry and Trade and submitted at the May session of the National Security Council.

An outstanding problem in the field of the national control of small arms exports and imports is the lack of understanding on the categorization of certain pistols and repeaters, alternatively classified as military or non-military weapons. The new competences of the Czech Arms and Ammunition Proofing Authority in terms of Firearms and Ammunition Act No. 119/2002 should help clarify the issue to some extent. Apparently, to make the categories quite clear it will be necessary to amend Act No. 156/2000 to regulate the proofs of firearms, ammunition and pyrotechnical devices with a view to redefining the Authority’s competences in terms of the Act. In the debate on national anti-terrorist measures, as regards the control of exports of military equipment, including small arms and light weapons, it was noted that thorougher examining of credibility of statutory and other authorities would be necessary to make Act No. 38/1994 more effective. Some steps in this respect are included in the National Plan of Action against Terrorism, approved by Czech Government Resolution No. 385 of 10 April 2002.

Table 1 – Military small arms and light weapons exported from the Czech Republic between 1 January and 31 December 2001.

A. Exports

Category number	Category	Total
	Small arms	
1	Machine guns	
	- 7,62 mm light type 52, 59	22
	- 7,62 mm multipurpose type 59	
	- 7,62 mm UK-68 A machine gun	
	- 7,62 mm PKT tank machine gun	15
	- 12,7 mm DŠK machine gun type 38/46	14

2	Submachine guns and automatic pistols	
	- 9 mm Luger CZ 75 Auto	405
	- 9 mm Luger TMP	30
	- 7,65 mm Škorpion type 61	493
	- 9 mm Browning Short Škorpion type 83	
	- 9 mm Para Škorpion type 68	
3	Automatic rifles	
	- 7,62 mm Samopal type 58	4457
4		

Table 2 End-use countries of small arms and light weapons exported between 1 January and 31 December 2001

Category number	Category and subcategory	Recipient country
Small arms		
1	Machine guns	Sri Lanka, USA, Switzerland
2	Submachine guns and automatic pistols	The Philippines, UK, Mexico, Indonesia

3	Automatic rifles	Dominican Republic, Guatemala
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Table 3 - Military small arms and light weapons imported in the Czech Republic between 1 January and 31 December 2001

Category number	Category	Total
Small arms		
1	Machine guns	
	- 7,62 mm PKT	15
2	Submachine guns and automatic pistols	
	- 5,45 mm Tantal	13
	- 9 mm RAK PM-63	5
	- 9 mm Heckler&Koch MP	263
3	Automatic rifles	
	- 5,56 mm M 16A2	2
4	Self-loading rifles	
	- 7, 62 mm SVD Dragunov	5
	- 7,62 mm SKS Simonov	20
	- .30-06 Spr. Garand M1	20
5	Accessories	
	Sound moderator	10

3.2. Legislation governing the possession of small arms and light weapons in the Czech Republic

The primary legislation governing the possession of small arms and light weapons and ammunition in the Czech Republic is Act No. 288/1995 to regulate firearms and ammunition as amended; the new Act No. 119/2002 (Firearms Act) will take effect on 1 January 2003. The Firearms Act was introduced in order to align Czech legislation with the EU *acquis* concerning the acquisition and possession of arms and ammunition.

The Firearms Act is based on the previous legislation, takes over the basic legal institutes incorporated in Act No. 288/1995, such as the arms permit, criteria for the issuance of arms permits, weapons registration, weapon waybill, etc. The new Firearms Act will be fully compatible with the EU *acquis*. The authors took into account the principal EC regulations concerning arms and ammunition, including Council Directive 91/477/EEC on the control of the acquisition and possession of weapons, Council Directive 93/15/EEC on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses, Commission Recommendation 93/216/EEC on the European Firearms Pass as amended by

Recommendation 96/126/EEC and the European Convention on the Control of the Acquisition and Possession of Firearms by Individuals.

The Firearms Act newly divides weapons into four categories according to lethality and liability to misuse. Category A covers prohibited weapons, including military weapons and military small arms and light weapons. Category B covers weapon subject to registration, Category C covers weapons the possession of which must be reported and Category D includes all other weapons. The transfers and storage of arms and ammunition designed for non-military use are supervised by the Ministry of the Interior and Czech Republic Police. The Firearms Act redefines the competences of the Czech Arms and Ammunition Proofing Authority in respect of problems related to the categorization of weapons. It also introduces ten groups of arms licences. An arms licence is a public document authorizing a natural or legal person engaged in business or similar activities to acquire and possess arms and ammunition within the scope of the authorization defined for a particular arms licence group. The Firearms Act also regulates the information systems on arms, ammunition and firing ranges, including the release of such information.

Table 4 – Arms permit holders and registered weapons in their possession (1 January –30 December 2001)

	Police department	Arms permit holders	Registered weapons in the possession of arms permit holders					
			Total	Ball-cartridge short	Ball-cartridge (comb.) Long	Shotguns	Other	Prohibited
1	Prague	44 514	71 022	48 959	11007	9 760	1 276	85
2	Central Bohemia	42778	80 725	30292	20316	25280	4 837	29
3	South Bohemia	28 439	54 195	13 074	16 874	20 435	3 812	22
4	West Bohemia	34 937	61 536	21 350	18 284	18 588	3 314	62
5	North Bohemia	34 111	54 528	24 783	13 685	13 380	2 680	37
6	East Bohemia	30 773	62 395	18 222	17 054	22 473	4 646	25
7	South Moravia	64 637	109 980	35 512	28 650	38 117	7 701	28
8	North Moravia	40 992	67 912	23 134	19 293	20 662	4 823	67

9	Czech Republic Police - Administrative Functions Directorate	34	47	32	10	5	0	0
TOTAL								
10	2001	321 215	562 320	215 358	145 173	168 700	33 089	355
11	2000	303 904	534 144	199 934	139 108	164 358	30 744	308
12	Year-on-year difference	+ 17 311	+ 28 176	+ 15 424	+ 6 065	+4 342	+2 345	47

Tab č. 5 – Arms licence holders and registered weapons in their possession (1 January – 30 December 2001)

	Police department	Arms licence holders	Registered weapons in the possession of arms licence holders					
			Total	Ball-cartridge short	Ball-cartridge (comb.) long	Shotguns	Other	Prohibited
1	Prague	178	6 449	4 873	1 236	238	102	472
2	Central Bohemia.	190	2 757	1 353	964	223	217	175
3	South Bohemia.	181	1 819	788	860	120	51	0
4	West Bohemia.	163	2 957	1 741	1 010	147	59	55
5	North Bohemia.	226	3456	2 334	1 028	63	31	20
6	East Bohemia	217	2503	1 445	921	85	52	5
7	South Moravia	429	5 344	3 244	1 599	363	138	57

8	North Moravia	39	4 269	2 887	1 240	71	71	17
9	Czech Republic Police – Administrative Functions Directorate	1	14	14	0	0	0	0
TOTAL								
10	2001	1 894	29 568	18 679	8 858	1 310	721	801
11	2000	1 889	29 676	18 569	9 227	1294	586	726
12	Year-on-year difference	5	-108	110	369	-16	135	75

In 2001 the Czech Customs Authority registered 35 cases of illicit trade in arms, explosives, military equipment, and dual-use items. The seized weapons included 1,330 pistols, 2 gas pistols, 22 rifles, 20 submachine guns, 2 machine guns and 1,528 pcs of ammunition.

The majority of these cases came under investigation because the shipper failed to produce complete documentation required for customs clearance. Typically, the export or import licence is missing or expired or the goods are wrongly declared to avoid the licensing procedure.

4. CONCLUSION

The above statistics on the exports and imports of small arms and light weapons show a decline in small arms exports in comparison with 2000. The new Firearms Act will also change the regulations on the control of manufacture, acquisition and possession of small arms and light weapons. The above data show that the number of arms permit holders and the number of weapons in their possession increased, whereas the number of arms licence holders did not change significantly.

In the debate on small arms and light weapons within the relevant international organizations and arrangements the Czech Republic has actively contributed to the identification and formulation of the necessary measures, namely in the field of illicit trade in small arms and light weapons, including measures to increase the transparency of exports and the efficiency of export controls. The Czech Republic honours its commitments related to the implementation of the adopted measures. An outstanding question is the commencement of the ratification process of the Convention against Transnational Organized Crime and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials. It will be necessary to develop new legislation on the marking of military weapons, in order to meet one of the commitments arising from the OSCE Document and to facilitate compliance with the technical requirements of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials. A feasible solution would be to instruct the Interministerial Working Group on Small Arms and Light Weapons to incorporate these

regulations in the amendment to Act No. 156/2000 which is currently under preparation.