



4 Small Arms Capacity Survey (SACS)

4.1 Legislative and regulatory framework

Bulgaria currently has two main laws that control SALW. The 1995 *Law on Control of Foreign Trade Activity in Arms and Dual-Use Goods and Technologies* (LCFTADGT, last amended in July 2002) provides the legal foundation of Bulgaria's arms transfer control system. A second law, the 1999 *Law on the Control of Explosive Substances, Firearms and Ammunition* (LCESFA), last amended in September 2003, covers weapons production, acquisition, possession, use and the domestic trade in weapons. Both laws have an accompanying regulation governing their implementation. Other relevant laws include the Penal Code and government decrees cited elsewhere in this report. In addition, each government agency that is involved in SALW control has its own internal regulations and standards. In addition, Bulgaria is party to a number of international arms control instruments that cover SALW (see Section 4.1.2 below).

4.1.1 Internal SALW controls

The LCESFA controls all activities by individuals or legal entities other than the MoI or MoD which have their own internal regulations. The first part of the LCESFA lays down the rules for **production, internal trade and transport** of all firearms, explosives, and ammunition. It stipulates that all three activities may only be conducted by legal business entities and that those engaged in the production, trading, rental or remodelling of firearms must keep a detailed register of the products and clients concerned. Transportation of firearms, explosives or ammunition may only be undertaken once a permit has been obtained from the MoI. According to the LCESFA, all SALW produced in Bulgaria must be marked at the point of manufacture with a unique, user-friendly, alphanumeric identifier which allows the manufacturer and year of manufacture to be identified. The law also requires that the technical production manuals for different types of SALW detail the font and location of the markings required on particular weapons. Those engaged in producing, trading, exchanging, renting, or repairing explosives, firearms or munitions are required under Article 3 to register the type, mark, model, calibre and serial number of weapons, as well as the name and address of the supplier and recipient. The LCESFA makes no special provision for cases of licensed production overseas (the process whereby a company in one country allows a second company in another country to manufacture its products under licence).

The second part of the LCESFA deals with the **acquisition, storage, carriage, and use** of firearms. It states that permits for the production, trade and transportation of explosives, firearms and munitions may not be issued to persons who have criminal records, are mentally ill, or are under treatment for addiction to alcohol or drugs (Article 12). Separate permits are required for the possession and carriage of weapons. This section of the law also stipulates which types of weapons are legally permissible, and for which purposes. Hand guns are the only types of firearms that civilians may use for self-defence, while rifles (described as 'smooth-barrel and grooved guns'), are permitted for hunting. Hand guns and hunting-rifles are permitted for sports purposes, while the weapons permitted for a fourth category of 'cultural use' (eg film production), includes all kinds of hand guns, hunting rifles as well as automatic weapons. Where the need has been demonstrated, citizens are allowed to own up to two hand guns for self-defence, provided the barrel does not exceed 300mm in length. Automatic weapons may be used for the protection of high-risk sites, but only with MoI approval.

The above weapons may be carried in public places for the purposes for which they were issued. Those possessing weapons for self-defence may only carry one weapon. Hunting weapons must be carried to designated hunting areas disassembled, and ammunition carried separately. Weapons may not be carried under the following circumstances: at political, trade union and cultural events; at sports events (unless necessary for the event itself); in entertainment establishments between 10 pm and 6 am; during and after using alcohol or narcotic substances. The concealment of weapons is prohibited at all times, except during the provision of professional security and protection services. At no time must weapons issued for guarding, self-defence, sporting or cultural purposes be carried or stored with a bullet in the barrel (Articles 15a and b).

The regulation on the law's implementation sets out the process for awarding permits for the possession and carriage of weapons by civilians. It details how permits may be obtained, what documents are required, how weapons must be stored, as well the grounds on which permits may be denied. Permits are typically issued



for three years (for production, trade, storing, carrying, using or repairing weapons), or for three months (for transportation, sale, import, export and transit) (Article 5).

Individuals wishing to acquire weapons for self-defence must submit a range of information and documentation (Article 41). This includes: the type and number of weapons and munitions required; proof of need; details of the intended means of storage and acquisition; a medical certificate from the National Investigation Office certifying that they are not subject to any criminal proceedings; a certificate issued by a medical establishment declaring that they are not suffering from a mental illness;²⁰⁸ and a certificate to prove they have successfully passed the officially recognised weapons handling examination. Those applying for a hunting or sports permit are subject to lesser requirements but must submit proof of their membership of a club. Businesses, including sole traders, need to present fewer documents (Article 40). The requirements that employees of the Mol and MoD must meet are the most relaxed of all. They mainly have to show proof of their tax status, place of employment, and an acceptable means to store weapons.

The LCESFA, and the regulation on its implementation, also define the storage procedures that must be followed, stating that, "...persons who have acquired firearms shall be obliged to protect them against theft, losing and access of other persons and in handling it to take precautions for non-admittance of accidents or injuries." (Article 48.1). Mol personnel are permitted under the law to make on-site inspections of weapon owners' storage practices, though these seldom occur.

The LCESFA also provides for the creation and maintenance of a Central Registry of Firearms by the Mol, which must legally contain: data on issued and refused permits, including the identity of the individuals and organisations concerned; descriptions of the weapons, explosives and munitions which they are permitted; and records of any offences by these entities, or punishments imposed. The Registry is currently a computerised system, which allows rapid access to data. Some SALW control agencies though, such as the NSCOC, are not connected to it and must make time-consuming written requests for information contained in it.²⁰⁹

Subsequent sections of the LCESFA also cover the **destruction of firearms, explosives, and ammunition** and the **trade** in second-hand parts of non-repairable firearms. The regulation on the law's implementation (Article 81) specifies which destruction methods are permissible. Explosives and ammunition may only be destroyed using detonation or burning, or chemical treatment in exceptional cases. The institution or company carrying out the destruction must also meet the requirements of the *Regulation on Labour Safety During Destruction Processes*.

Articles 24 to 31 specify the penalties for those violating the law. Finally, sections of the LCESFA also outline the basic principles on imports, exports and the transit of arms, ammunition, and explosives. The text generally refers to the LCFTADGT but does specify the activities to be carried out by the NPS in regard to the issuing of export licences (see below).

4.1.1.1 Regulation of Private Security Companies

In February 2004 the Parliament adopted a comprehensive *Law on Private Security Business*. This law included provisions for the creation of a 'Single Automated Central Register' for all licences and registrations issued to PSCs under the law (Article 42). It is also intended that the register contains records of the number of weapons in use by PSCs. In addition, in August 2004, the Mol and the police released instructions for the six-day mandatory training course that each security guard needs to undergo before starting work. Part of this training course (called the *Minimum* programme), includes a module on the rights and duties of private security guards, including the legal ramifications of using firearms as well as tactical training. In addition, just like every other gun owner, private security guards have to undergo a three-day training course on safe handling of firearms.

²⁰⁸ The medical conditions were relaxed in July 2003. Those applying for a weapons permit are no longer required to pass mental health tests at a specialist Mol facility, but may receive testing at regular clinics. Further, permits can no longer be denied because of 'misuse of drugs and alcohol', 'systematically disturbing the peace' or 'putting national security in danger'. *Novinite*, 16 July 2003.

²⁰⁹ Interview, Gaidarski, 01 December 2004.



4.1.1.2 Responsible institutions

Domestic SALW control is primarily the responsibility of Mol institutions, the NPS and NSCOC. The NSCOC also works in collaboration with others to combat illegal arms trafficking, including the NBPS and NSS within the Mol and the Customs Agency within the Ministry of Finance (MoF). Several of these agencies also have a role to play in enforcing arms transfer controls whether in scrutinising licence applications, monitoring transactions, or providing follow-up control, as described in the next section.

4.1.2 Transfer controls

In July 2002 the National Assembly passed major amendments to the LCFTADGT. A new regulation on the implementation of the law was also adopted. The amended version of the 1995 LCFTADGT and the regulation on its implementation became effective in the second half of December 2002.²¹⁰ The law provides for a two-tier control system whereby companies wishing to trade in ADGT must first obtain a licence to do so, before applying for specific permits for particular transfers. Companies importing dual-use goods and technologies (but not arms) are exempt from licensing for economic reasons. They do, however, require permits for individual transactions. Trading licences are issued by a body known as the Interministerial Council on the Issues of Military Industrial Complex and Mobilisation Preparedness of the Country (Interministerial Council), whose structure is described further below. Crucially, in addition to would-be exporters/importers of ADGT, companies acting as intermediaries (brokers, transporters, financiers and other consultants) must also be licensed by the Interministerial Council. Licences are initially issued for one year but may be extended for an additional three years.

The export control system applies to all types of ADGT as specified in the List of ADGT.²¹¹ Bulgaria has amended its List of ADGT in line with the Common Military List of the EU.²¹² A catch-all clause is also applied providing for the control of non-listed dual-use goods and technologies, in compliance with the policy of EU member states.²¹³ By law the List must be regularly updated to reflect decisions by the United Nations Security Council (UNSC), EU and OSCE, or every six months.²¹⁴ Companies may be issued with either a full or a limited licence, which permits them to trade in a range of goods laid down in the List of ADGT.

The amended LCFTADGT and the regulation on its implementation introduced comprehensive provisions to control the activities of brokers for the first time in Bulgaria's history. Any brokering activities that take place on the territory of Bulgaria (the legislation does not have extra-territorial scope), are now subject to the same regulations as direct exports. Bulgarian officials view the introduction of stronger brokering controls as a major step forward,²¹⁵ which together with the introduction of harsher penalties for those violating the arms trading laws (see below), prove that Bulgaria is, "...strongly committed to a consistent and responsible policy of export controls."²¹⁶ A list of all companies licensed to broker ADGT in foreign markets can be obtained from the Interministerial Council (the most recent list is included at Annex D, as is a list of licensed shipping companies).

Those companies that successfully acquire a licence to trade in arms must then seek and obtain a permit for each individual transfer of ADGT, regardless of whether the transaction is an export, import, transit, or re-export of goods. Once awarded, transaction permits are valid for six months but may be renewed for an additional six months.²¹⁷ Permit applications are considered on a case-by-case basis by the Interdepartmental Commission on Export Control and Non-Proliferation of Weapons of Mass Destruction (Interdepartmental Commission), whose role is considered in more detail below. Although, as in other parliamentary democracies, government ministers are to be held accountable to parliament, there is no established parliamentary mechanism for pre- or post-scrutiny of ADGT licensing decisions.

²¹⁰ Like the LCESFA, the scope of the LCFTADGT does not extend to control of weapons or ammunition belonging to the Bulgarian Armed Forces, nor to foreign army and police contingents transiting the country. LCFTADGT, SG No. 75/2002, Article 1.

²¹¹ Last updated on 31 March 2004 and published in *State Gazette*, No.35 from 28 April 2004.

²¹² 'Council Regulation (EC) No 149/2003 of 27 January 2003', *EU Official Journal*, L30/1 (05 February 2003).

²¹³ LCFTADGT, Article 13.

²¹⁴ Article 2, para 4. See also 'Report by the Bulgarian MFA to COARM, 19 March 2003, DS 8/2003'.

²¹⁵ Interview, Stoeva, 23 September 2004.

²¹⁶ Passy, 11-12 November 2002.

²¹⁷ LCFTADGT, Article 4, § 4.



The Interdepartmental Commission judges applications against a range of criteria, including: the validity of presented documents, the type of goods, the broker, the shipper, the end-user, political considerations, the impact on regional peace and security at the point of destination, notified denials from members of the EU or the Wassenaar Arrangement as well as the country's national interest and international obligations (see Table 30).²¹⁸ The decision-making process within the Interdepartmental Commission is consensus-based, which allows each participating agency to bring its views to bear (see below). The procedure by which each Ministry considers particular permit applications is well established – each Ministry has a dedicated department that analyses the documents supplied in a particular case and then advises the Minister as to what the Ministry's position should be. At present though there are no detailed guidelines on how to interpret and apply export criteria such as those contained in the EU Code of Conduct.²¹⁹

| COMMITMENT | RATIFICATION / ALIGNMENT / ACCESSION DATES |
|--|--|
| Wassenaar Arrangement | July 1996 ²²⁰ |
| EU Code of Conduct on Arms Exports | August 1998 |
| EU Joint Action on Small Arms and Light Weapons | December 1998 ²²¹ |
| OSCE Document on Small Arms and Light Weapons | November 2000 ²²² |
| UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects | July 2001 ²²³ |
| Regional Implementation Plan on Combating the Proliferations of Small Arms and Light Weapons (SALW) | November 2001 ²²⁴ |
| Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime | February 2002 ²²⁵ |

Table 30: Arms transfer control instruments pertaining to SALW to which Bulgaria is a party.

In April 2001, a Decree issued by the Council of Ministers established a 'consolidated list of countries and organisations' to which prohibitions or restrictions to the transfer of weapons and related equipment applies. The Decree provides for the list to be amended in accordance with resolutions and decisions adopted by the UNSC, EU and OSCE.²²⁶

In addition to introducing controls over arms brokering, the 2002 amendments to the LCFTADGT also included new provisions to improve identification of end-users. Every ADGT transaction requires end-use(r) certificates

²¹⁸ Zakov et al, p 8.

²¹⁹ Interview, Atanasov, 24 September 2004; and remarks by Vladimir Vladimirov, Head of Arms Trade Control Department, Ministry of Economy, at Bulgarian Red Cross Seminar on Non-Proliferation of SALW, Sofia, 03 - 04 November 2004. Sofia, 04 November 2004.

²²⁰ Bulgaria was an early member of the Wassenaar Arrangement, joining in July 1996. See <<http://www.wassenaar.org/docs/History.html>>

²²¹ EU Joint Action of 17 December 1998 on the EU's contribution to combating the destabilising accumulation and spread of small arms and light weapons (1999/34/CFSP).

²²² FSC.DOC/1/00, 24 November 2000. The Council of Ministers approved the OSCE Document on 01 February 2001. See BICC/BASIC/Saferworld/SAS, p 106.

²²³ On 07 March 2002, the Council of Ministers adopted a Decision for the approval of the United Nations Programme of Action on SALW, which tasks different government institutions with the implementation of the principles, norms and requirements contained in the PoA. 'All involved institutions have designated an authorised point of contact, thus creating an effective mechanism for its implementation'. Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', p 2.

²²⁴ 'Regional Statement of Support For the Stability Pact Regional Implementation Plan', Budapest, 27 November 2001, <<http://www.stabilitypact.org/salw/reg-statement-support.doc>>

²²⁵ The Protocol was ratified by the National Assembly on 19 June 2002 and the instrument of ratification was deposited on 6 August 2002. Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', p 2.

²²⁶ List of countries and organisations towards which the Republic of Bulgaria applies prohibitions or restrictions on the sale and supply of arms and related equipment in accordance with UNSC resolutions and decisions of the EU and the OSCE, SG 34/2001.



Box 12: The EU Code of Conduct

The EU Code of Conduct on Arms Exports is the most restrictive international arms transfer control agreement in existence. By aligning itself to the EU Code in August 1998, Bulgaria made an undertaking to assess all future export licence applications for military equipment and dual-use goods on a case-by-case basis against the provisions of the Code. These provisions include the use of eight criteria to be taken into account when considering licence applications. Licences are to be denied in cases such as those where there is a risk of diversion, or of the goods being used to facilitate human rights abuses, or where the arms transfer may aggravate an armed conflict. Bulgaria is also required to make use of a common list of military equipment covered by the Code, and to circulate to other EU member states a confidential report on its defence exports and the implementation of the Code annually. The 1998 alignment to the EU Code also bound Bulgaria to abide by all guidelines, decisions and positions related to arms transfers adopted by the EU. These include the EU Joint Action on SALW and the EU Common Position on Brokering.

The EU Code of Conduct can be viewed at:

http://europa.eu.int/comm/external_relations/cfsp/sanctions/codeofconduct.pdf

(EUCs) and the exporting company or broker must submit an EUC provided by the end-user's national authorities during the permit application process. This certificate is verified by agencies working within the Commission: the MoE (in consultation with the recipient country's import control authorities), the MFA, through diplomatic means and the MoI and the MoD. Exporting companies are now required to include a re-transfer clause in all contracts for ADGT export, to the effect that the end-use(r) may only be changed with the agreement of the Interdepartmental Commission.²²⁷ The same conditions apply if the end-user changes its broker.

A post-shipment verification element is also included in the current system – the LCFTADGT requires the exporting firm to submit a Delivery Verification Certificate, confirming end-use(r), issued to the Interdepartmental Commission by the authorised bodies at the point of destination within three months of a licensed transfer occurring. The Interdepartmental Commission and Interministerial Council are both entitled to require an exporting firm to include a provision in its contract for the physical inspection of the delivery by Bulgarian authorities after shipment. Such checks are, however, rare, given the expense involved.²²⁸

Transiting arms shipments are also subject to regulation under the current system. In order to pass through Bulgarian territory each individual shipment of ADGT requires an authorisation, from the Interdepartmental Commission. In order to obtain an authorisation, the company organising the shipment must present permits for the export and further passage of the goods, as supplied by the exporting country. By law the Commission has ten days to check the documentation and provide an answer to the applicant company.²²⁹ Companies applying to import or re-export goods into Bulgaria, or to transit goods through the country must submit evidence of the goods' origin to the Interdepartmental Commission. The LCFTADGT makes no special provisions for the transshipment of ADGT.

Amendments to the LCFTADGT also increased the penalties in cases of violation of the law. Previously, the fines amounted to between 25 and 250 Bulgarian Leva (EU 12 – 125). The new texts lay down fines ranging from 5,000 to 50,000 Leva (EU 2,500 – 25,000) for private individuals. For companies the fines are even higher, amounting to double the value of the transaction (Article 19.). Article 233 penalises the illegal trade in dual-use goods and technologies with up to eight years imprisonment or a one million Leva (EU 500,000) fine. Article 337 penalises illegal trade, production and transfer of explosives, arms, and ammunition with up to six years imprisonment (two to eight years for civil servants). Article 339 penalises the illegal acquisition and ownership of explosives, arms and ammunition. The crucial matter of law's enforcement is dealt with in Sections 4.2.1, 4.2.4 and 4.2.9.2).

Apart from the controls detailed above, each company trading in ADGT is subject to a number of additional controls that include:

- Inspection and monitoring by the Customs Agency and NBPS at specific border crossings.
- Monitoring by the intelligence agencies within the MoI and the MoD, such as the NSS.

²²⁷ LCFTADGT, Article 15.

²²⁸ Interview, Genov, November 2003. See also interview with Dimiter Zhalev, MFA, cited in HRW, April 1999.

²²⁹ Regulation on implementation of LCFTADGT (SG 102/95), Article 30b.



- The cargo shipping company also needs to be licensed by the Interministerial Council.
- Defence and arms trade companies under the MoD are obliged to obtain personal approval for all transactions from the Minister of Defence.
- Licensed companies must designate a senior employee (management level or above) to take responsibility for each transaction's compliance with the law.
- Licensed companies must keep a register of their transactions.
- The requirement to obtain a permit from the CHDO.²³⁰

4.1.2.1 Responsible institutions

According to the LCFTADGT, the Interministerial Council, Interdepartmental Commission, MoE, Mol and Customs Agency are together responsible for the law's implementation. Each of these institutions has the legal right to request information from companies that could help with the control of exports. They are authorised to perform on-site inspections at customs points or to make enquiries with other state bodies or foreign governments where necessary. The Interdepartmental Commission is also permitted to perform on-the-spot delivery verifications in recipient countries, though in practice as noted above, these are rare.²³¹

Interministerial Council

Established in 1993, the Interministerial Council designs and implements the state's policy on manufacturing and trading in ADGT. The Interministerial Council is chaired by the Deputy Prime Minister and Minister of Economy. Its members are the Deputy Ministers of Economy, Foreign Affairs, Defense, Finance, Interior, Transport and Telecommunications, Regional Development and Public Works and Energy, as well as the Director of the National Intelligence Service and the Deputy of the General Staff of the Bulgarian Armed Forces. The Secretary of the Council is appointed by the Prime Minister and is responsible for supervising the implementation of its decisions. Although the Council once employed a staff of around 20 people, nowadays it employs only three civil administrators.²³² It carries out the following specific activities in controlling trade in ADGT:

- Issuing licences for manufacture and export of ADGT.
- Maintaining a register of persons licensed to conduct foreign trade and transport arms.
- Acting as arbiter in those circumstances where consensus on an export permit application cannot be reached within the Interdepartmental Commission and the case is referred to the Interministerial Council.
- Co-ordinating nominations of members to the management and control authorities in the state-owned arms manufacturing and trading companies and submitting to the Council of Ministers recommendations for the restructuring of such companies.
- Advising on the inclusion of new products in the List of ADGT.
- Advising on issues related to Bulgaria's membership of the Wassenaar Arrangement, the OSCE, the Nuclear Suppliers Group, as well as to its commitments within the Australian Group and, among other control regimes, the Missile Technologies Control Regime.

The Interministerial Council must consider a company's reliability before granting a licence, taking into consideration the following:

²³⁰ Regulation on implementation of the LCESFA (SG 1/2002) Article 61, § 1. To receive the CHDO permit the companies wishing to transfer ADGT need to submit documents specifying the type and quantity of ADGT to be transferred, the country of origin/destination, the border post where the export or import will take place, the identification numbers of the individuals carrying out the transaction and the details of the security arrangements for the transportation of the materiel. At the border, the documents are also inspected by the NBPS.

²³¹ LCFTADGT, Article, 17.7. In such a case the responsibility for carrying out inspections is allocated to specific ministries as required, Gounev et al, p 37.

²³² Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', p 4.

- The reliability of storage facilities for ADGT.
- The adequacy of organisational mechanisms for protecting classified information.
- Compliance of foreign companies with the laws of the country of their registration.²³³

Interdepartmental Commission

The Commission, which meets about twice a month, is the key body in arms transfer control system and is tasked with overseeing the implementation of the LCFTADGT.²³⁴ It is based within the MoE and chaired by the Minister of Economy. Like the Interministerial Commission its primary members are at the Deputy Ministerial level. It includes two representatives from the MoE, two representatives from the MoD and one representative each from the Mol and the MFA. The Commission's main responsibility is to issue permits for:

- Exports and imports of arms.
- Exports of dual-use goods.
- Transiting shipments of arms.
- Transit of radioactive, explosive, flammable, oxidizing, corrosive, bacteriological (biological), toxic and pathogenic goods.

If required, the Commission may solicit the opinion of specialists from other institutions when assessing permit applications. It also has a legal right to delay a decision where further information is deemed necessary, or to verify EUCs of concern.²³⁵

Box 13: Export and import permits denied by the Interdepartmental Commission²³⁶

The table below shows the number of export and import permits supplied by the Interdepartmental Commission from 2001–2003. Although the number of denials was provided, the MoE were not able to provide detailed explanations of the reasons.

| PERMIT TYPE | YEAR | | |
|----------------|------|------|------|
| | 2001 | 2002 | 2003 |
| Export permits | 178 | 285 | 248 |
| Import permits | 296 | 135 | 169 |
| Denied permits | 6 | 7 | N/A |

Table 31: Permits issued or denied by the commission

Four Mol agencies are involved in enforcing arms transfer controls: the NPS, NSS, NSCOC and the NBPS. Their duties vary somewhat, but they are expected to work co-operatively with respect to the licensing of traders, pre-transaction investigation and in monitoring transfers and performing any follow-up checks.

4.1.2.2 Proposed amendments to the current system

The existing system for arms transfer control has improved incrementally since 1995 and further changes are to be expected in the future as the situation changes. Recent proposals for reform have come from two directions. On 18 October 2004 two MPs introduced draft amendments to the LCFTADGT to parliament. The proposed amendments concern the registration regime for brokers. The first amendment allows brokers that are registered "...according to the laws of the countries members to the EU, NATO, as well as other member countries in the export-control regimes to which Bulgaria is a party" (sic) to trade in arms or dual-use goods and technologies without a trading licence issued by the Interministerial Council.²³⁷ The second proposed amendment would require all brokers to be legally registered as commercial entities in Bulgaria (currently, off-shore or foreign brokers simply have to register with the Interministerial Council). While the second amendment would serve to tighten the

²³³ Zakov et al, 2003, p 7.

²³⁴ Article 66, § 2 of the regulation on implementation of the LCFTADGT (SG 102/95).

²³⁵ Ibid.

²³⁶ Source: Interdepartmental Commission.

²³⁷ Law for the amendment of the LCFTADGT, Parliament online draft-law database <<http://www.parliament.bg/?page=app&lng=bg>>, p1.

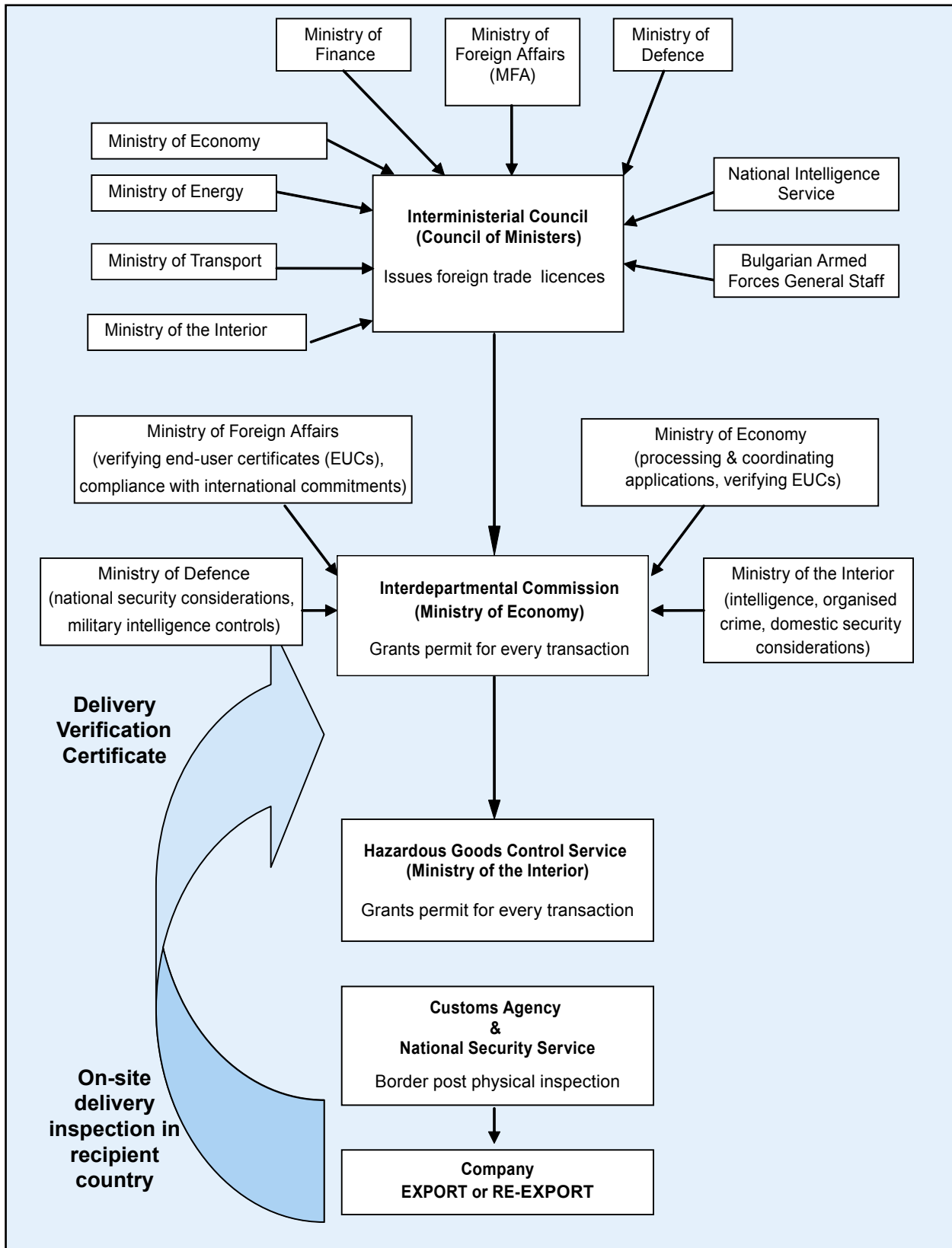


Figure 35: Institutional system for arms transfer control.

Source: This chart is based on a chart in Ministry of Foreign Affairs and NATO Information Centre, *Strengthening of the Arms Export Control System in the Context of Bulgaria’s Membership in NATO*. Sofia: 2003. p11.



existing controls on brokers even further, the first amendment could weaken Bulgaria's controls on brokers in cases where they are registered in countries with laxer brokering regulations.

Proposals have also originated from a second source. In late 2002, the Bulgarian think tank CSD formed a working group of experts from the MoD, MFA, Mol, MoE and the University of National and World Economy to examine the new arms transfer control system and recommend changes as necessary. The group's conclusions were introduced in a report entitled 'Weapons Under Scrutiny', launched in April 2004. The report concluded that the amended arms transfer control system is substantially improved both in its scope and application; however, it also made a number of recommendations for its further improvement. In particular, the report called for changes to the structure and workings of the Interdepartmental Commission that would help resolve conflicts of interest, diminish the concentration of discretionary powers held by single individuals (especially the Secretary), counteract the risk of corruption and devote more attention to the impact of arms transfers on conflict, instability, human rights and development goals.²³⁸

4.2 Organisational capacities

4.2.1 National Police Service

The NPS is an important agency in relation to SALW control in Bulgaria in several respects. Firstly, the CHDO within the NPS has a key role to play in issuing permits, both for the international transfer of SALW and for the internal possession, use and trade in SALW by companies and individuals. Secondly, as the country's main law enforcement agency its officers are responsible for apprehending those who contravene the laws regarding the possession and use of SALW. Thirdly, NPS officers are armed with hand-guns and assault rifles. The control, or lack of it, exercised in the course of their duties is also an important matter.

Despite having such a key role in the control of SALW, the NPS has been criticised throughout the post-Communist era for human rights abuses, a poor track record in dealing with rising crime and endemic corruption.²³⁹ The organisation also suffers from understaffing, inadequate resources and a shortage of technical expertise.

The Bulgarian public is generally thought to have little faith in the police's ability to combat crime. Many FGD respondents interviewed during this survey did indeed display weariness and despondency when discussing police capacities, especially in relation to dealing with organised criminal networks and protecting citizens' property. Nevertheless, HHS results show that most respondents do not express dissatisfaction, with only 15.5 percent stating that the police are 'not efficient'.

One possible explanation is that while there is indeed frustration at crime levels and police efficiency, the high visibility of the police service made it an obvious target for declaratory statements during the in-depth discussions of the security situation and overall state capacities that took place in FGDs.

Corruption perception surveys reveal that the general public perceive the police to be heavily corrupt, second only to customs officials and magistrates among public officials. However, a survey undertaken in October 2003 reported a decrease in perceived corruption among police officers but an increase in perceived corruption among tax officials.²⁴⁰ There are also signs that public perceptions of the police are improving. According to ongoing research, in 2004, 62 percent of the population had a positive perception of the police, compared to 32 percent with negative perceptions. This represents a substantial increase since 2001 when only 40 percent held positive views against 50 percent negative.²⁴¹

²³⁹ Gounev et al, Executive Summary.

²³⁹ Bulgarian Helsinki Committee, <<http://www.bghelsinki.org/special/en/police.html>>.

²⁴⁰ US Department of State, <<http://www.state.gov/g/drl/rls/hrrpt/2003/27830.htm>>.

²⁴¹ Alpha Research, September 2004, <<http://www.aresearch.org/doc.php?en=1&id=49>>.

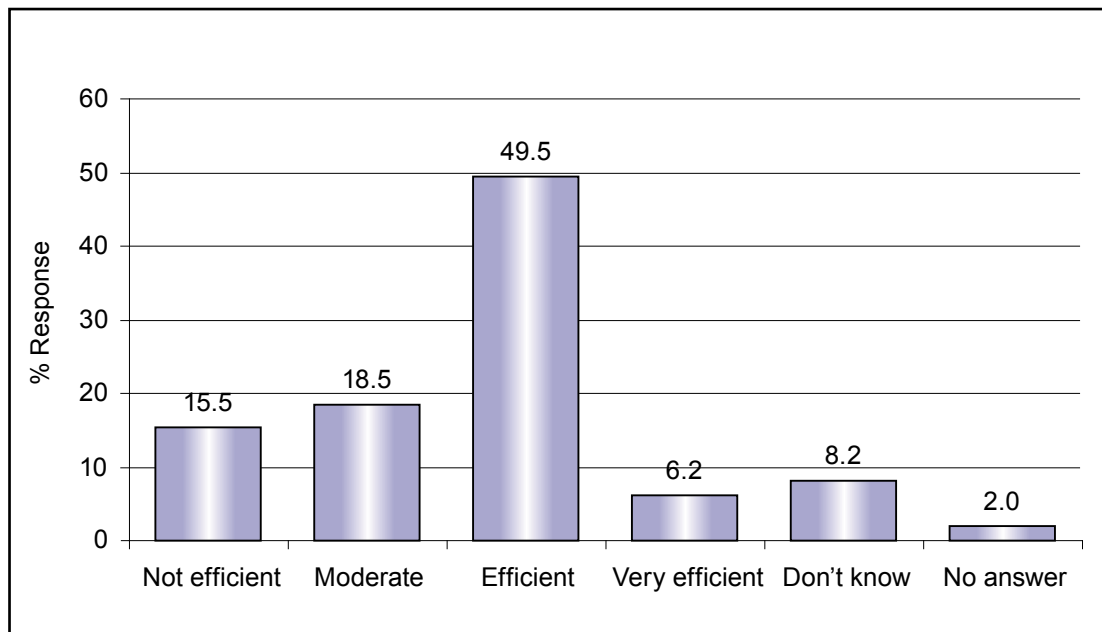


Figure 36: How efficient do you judge the police to be in solving crime and protecting people? (Base N = 1,250).

4.2.1.1 Administration of permits

With respect to the control of arms transfers, the NPS is one of four Mol agencies (along with the NSS, NSCOC and NBPS), which is allocated a role in arms transfer control by the LCESFA.²⁴² Once the Interdepartmental Commission has approved an export permit, companies must obtain additional permits from the CHDO.²⁴³ To receive the CHDO permit the companies wishing to transfer ADGT need to submit documents specifying the type and quantity of ADGT to be transferred, the country of origin/destination, the border post where the export or import will take place, the identification numbers of the individuals carrying out the transaction and the details of the security arrangements for the transportation of the materiel. No specific concerns were communicated to the research team in regard to this aspect of the NPS's SALW control activities.

The CHDO's responsibilities in regard to civilian firearm matters include:

- Maintaining the Central Firearms Register of all legally-held civilian weapons.
- Inspecting SALW producing factories and guns shops.
- Issuing end-user certificates for weapons purchased by the Mol or to dealers importing firearms and ammunition for civilian purposes.
- Issuing permits for all imports, domestic production, transit, usage and possession, testing and storage of SALW.
- Overseeing the storage and destruction of illegal SALW that have been confiscated by police.

Of all the above duties, the research team chose to examine the NPS's role in administering the civilian weapon permit system in the most detail, since appropriate controls in this area are of vital importance in combating the internal proliferation of SALW. As explained in Section 4.1.1, the requirements when applying for a weapon permit include, among other things, payment of a fee, and for those who seek a weapon for 'self-defence', the requirement to supply 'proof of need'.

Many of those applying for a permit typically submit a letter explaining that the crime level in their neighbourhood is unduly high as proof of their need. This is often deemed sufficient proof of need, but since no clear guidelines

²⁴² Regulation on implementation of the LCESFA (SG 1/2002) Article 61, § 1.

²⁴³ Ibid.



exist as to what constitutes a genuine need for a firearm, many applicants are also declined a permit. In addition it takes several weeks, numerous documents and between EU 100 and 200 to complete the permit process (the average monthly salary in Bulgaria is around EU 150). Weapon owners interviewed during the research frequently expressed their dissatisfaction with the bureaucratic application process.²⁴⁴ FGD participants often made the allegation that a bureaucratic application system in which the applicant's need for a weapon is judged by vague criteria results in widespread corruption, while NPS officers are usually not keen to approve permit applications because they fear the proliferation of even registered weapons in the country. FGD participants were of the view that a bribe always wins the day (See section 3.2). In January 2005 the head of the NPS publicly criticised five district police chiefs for allowing known criminals to acquire a legal firearm (see Section 2.2 above).

4.2.1.2 Use of armed force

As a body coming under the authority of the Mol, the role of Bulgaria's police is set out in the Law on the Mol (Article 80), as well as a number of other laws, secondary legislation and internal instructions. Under Article 80, police use of weapons, including firearms, is permitted solely and as an extreme measure, in the following cases:

- During armed attacks or threats with firearms.
- To free hostages or kidnap victims.
- For indispensable defence.
- After a warning, against a person committing or having committed a general crime, if this person offers resistance or tries to escape.
- After a warning to prevent escape of a person detained by the regular procedure for committing a crime.

This law obliges the police, if a weapon is to be used, '...to possibly secure the life of the person against whom it is aimed and not to imperil the life and health of other persons' (Article 80, Paragraph 2). The Bulgarian Helsinki Committee (BHC), a leading human rights organisation, holds that Article 80 of the Law on the Mol undermines international standards of firearms use, since it permits the use of lethal weapons in cases of suspicion that a petty crime has been committed and to prevent the escape of a detained petty criminal. International standards on this matter are set out in Principle 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which states that, 'Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.'

The BHC has monitored the use of force by Bulgaria's security services since 1994 and while making it clear that poor judgement or incompetence rather than official policy is to blame, has criticised the use of armed force by NPS officers on more than one occasion.²⁴⁵ Following widespread criticism, the NPS has shown increasing willingness to co-operate with international organisations and NGOs to implement reform. The BHC and the Council of Europe organised two training seminars for police officers in 2000 on Human Rights, and curricula at the Police Academy and the Officers' Schools have been expanded to include Human Rights-related training in the compulsory courses.²⁴⁶ Experts from EU police forces have also been seconded to work with the NPS. In the field of Human Rights, the EU praised the NPS's efforts in setting up a Community Policing Strategy, and the subsequent training of police officers (while still emphasising the need to address corruption, especially within the traffic and border police).²⁴⁷ Nevertheless, monitoring teams still claim that progress at senior levels

²⁴⁴ Interviews with weapon owners during October 2004.

²⁴⁵ Bulgarian Helsinki Committee, March 2002.

²⁴⁶ US Department of State, <<http://www.state.gov/g/drl/rls/hrrpt/2003/27830.htm>>.

²⁴⁷ 'Justice and home affairs in the EU enlargement process – Bulgaria', <http://europa.eu.int/comm/justice_home/fsj/enlargement/bulgaria/wai/fsj_enlarge_bulgaria_en.htm>



is not matched lower down, and that there have been negligible efforts in police practice at the working level.²⁴⁸ There are still recurrent cases of police brutality and during 2003 there were nearly 400 investigations into crimes reportedly committed by the police.²⁴⁹ In June 2003, *Instruction I-167* was published, which introduced measures aimed at preventing unlawful detentions and the misuse of physical force and firearms during arrest and detention. According to the BHC, these and other measures that aimed to increase protection of human rights by police also appear to have had positive effects.²⁵⁰

4.2.1.3 Combating SALW crime

Information supplied by the NPS shows reasonably high clear-up rates for most recorded firearm crimes, with the partial exception of those crimes that are also property-related. While for non-firearm related crimes, the clear-up rates are well under 50 percent, the rates shown in Table 32 below are generally much higher for firearm-related crimes. There are two reasons to be cautious about what on the surface appears to be evidence of efficient action against SALW crime by the NPS. Firstly, as noted in Section 4.2.9.1, the police are apt to charge suspects under Articles 337 and 339 of the Penal Code when sufficient evidence cannot be obtained for other crimes. While this does not change the fact that those so charged will have committed the crime in question, it does skew the statistics in this direction. Secondly, the data includes cases in which the police merely identified rather than arrested a suspect. Thirdly, the police statistics necessarily only cover reported crimes, not unknown or unreported ones and the scale of under-reporting for crimes such as robbery or larceny, for the different years, ranges between 50% and 70%.²⁵¹

| ALL FIREARM CRIME BY PENAL CODE ARTICLES | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 |
|---|------|------|------|------|------|------|
| Homicide (Article 115-127) | 71% | 69% | 59% | 65% | 78% | 78% |
| Premeditated homicide (Article 115-116, 118) | 66% | 76% | 67% | 72% | 82% | 63% |
| Attempted homicide (Article 115-116, 118) | 84% | 82% | 75% | 78% | 74% | 71% |
| Bodily harm (Article 128-135) | 87% | 84% | 75% | 79% | 90% | 95% |
| Crimes against property (Article 194-200, 206-217) | 45% | 42% | 31% | 37% | 45% | 50% |
| Robbery (Article 198-200) (excl. motor vehicles) | 40% | 33% | 26% | 31% | 41% | 47% |
| Larceny (Article 194-197) (excl. motor vehicles) | 32% | 42% | 17% | 31% | 33% | 33% |
| Illegal manufacture, possession and use of firearms, explosives and ammunitions (Article 337-339) | 95% | 95% | 93% | 98% | 97% | 97% |
| Offences against order and the public peace (Article 320-329) | 94% | 88% | 84% | 86% | 96% | 83% |

Table 32: Clear-up rate for different types of reported firearm-related crimes (1998–2003).²⁵²

Note: The table shows the percentage of reported firearm crimes for which the police have identified or arrested a suspect.

Although, unlike the NSCOC, the NPS has no special mandate to investigate gun crimes which may be linked to organised – crime groups, its responsibilities obviously extend to combating any violations of the law that have a SALW-related element. As several commentators have noted, policing work in this area is not at present guided by any strategy. In fact this report presents the first analysis of data on SALW crime known to the authors. Lastly,

²⁴⁸ See 'Country Reports on Human Rights Practices – 2000, (Bureau of Democracy, Human Rights and Labour, 23 February 2001), <<http://www.state.gov/g/drl/rls/hrrpt/2000/eur/705.htm>>

²⁴⁹ US Department of State, <<http://www.state.gov/g/drl/rls/hrrpt/2003/27830.htm>>.

²⁵⁰ 'Human Rights and the Activities of the Bulgarian Police,' Sofia 2004.

²⁵¹ Bezlov et al. 2005 p. 28. The United Nations International Crime and Justice Research Institute's (UNICRI), International Crime Victimization Survey for 2002 and CSD's crime survey for 2004 shows that latency exists even for firearm crimes, such as armed robberies. Unfortunately, the size of the surveys' samples does not allow for a statistically valid analysis of the degree of the problem (eg out of the 1,500 person sample, four individuals reported being victims of armed robberies and two of those stated that they had not reported the crime to the police).

²⁵² Source: Analysis of data supplied by the MoI, NPS.



concerns remain about the police service's inability to solve some high-level crimes of all kinds. While the NPS is only one of the agencies responsible for work in this area, public frustrations are understandably directed at the most visible of all security services. Among the areas of outstanding concern are the unsolved high profile mafia-related assassinations that have taken place in places like Varna and Sofia in recent years and the apparent continued impunity of individuals and organisations involved in the illicit transfer of arms in contravention of the LCFTADGT (See section 4.2.9.2).

4.2.2 National Security Service

Bulgaria's main counter-intelligence agency, the NSS also falls under the jurisdiction of the Mol. Combating the illicit international arms trade is one of the agency's high priorities since the trade is seen as posing a threat to national security. In this work, a strong emphasis is placed on preventing embargoed countries or terrorist groups acquiring ADGT. The NSS's ongoing operations are said to include counter-intelligence, surveillance, detection and interdiction work. Information on the agency's work, structure and resources is classified. Its total staff is estimated at around 4,000.²⁵³

The NSS's in-house intelligence is also brought to bear within the Interdepartmental Commission and the agency is said to play a leading role during preliminary consideration of proposed ADGT transactions.²⁵⁴

4.2.3 National Service for Combating Organised Crime

The NSCOC is tasked with investigating organised crimes of all types within Bulgaria, including SALW-related crimes such as illegal trafficking and production. The agency's main role is to uncover and disrupt criminal structures involved in arms trafficking within the territory of the country, whether local or international. A specialised unit within the agency, the 'Smuggling in Weapons, Hazardous Materials and Proliferation' unit, is responsible for gathering criminal intelligence information, for co-ordinating the work of regional units, and for any international operations.²⁵⁵ With only eight staff for the entire country, however, the smuggling unit is understaffed. Its capacity to conduct operations against illicit producers and smugglers of SALW is therefore severely restricted, and it can only investigate a small number of cases each year.²⁵⁶ In addition to its role in combating the domestic proliferation of SALW, the NSCOC also advises the Interdepartmental Council regarding export licence applications.

4.2.4 Customs Agency and Border Police Service

Bulgaria is faced with an ever-growing threat from cross-border crime, in particular immigration, smuggling, drug trafficking and the proliferation of weapons. It is a major transit route for organised crime syndicates as they seek to penetrate the EU. The Black Sea coast is a particularly crucial area in relation to international criminal activity, partly due to the proximity of violent armed conflict and political, economic and social instability in areas on the other side of the sea to Bulgaria.²⁵⁷ Although the numbers of SALW being trafficked through Bulgaria's borders do not appear to be great (seizures of stolen cars and drugs are far more common), illicit shipments of SALW are continually intercepted at all crossing points.²⁵⁸

The Customs Agency, under the jurisdiction of the MoF, is the main body responsible for the control of imports, exports and transit of SALW through the country. The Border Police (an Mol agency) are also responsible for controlling illegal arms transfers, but although they perform a monitoring role at border check-points, in practice the task falls primarily to customs agents.²⁵⁹ The Agency's Customs Intelligence and Investigation Directorate

²⁵³ Interviews with various Mol officials, September 2004.

²⁵⁴ Ibid.

²⁵⁵ Interview with Mol officials, 15 July 2003.

²⁵⁶ Interview, Gaidarski, 02 August, 2004.

²⁵⁷ 'Strengthening Control of the Bulgarian Black Sea Maritime Border: Phase 2 of a Multi-annual strategy to enhance the future external borders of the EU', <http://europa.eu.int/comm/enlargement/fiche_projet/document/bg0012-02-seamaritime.pdf>.

²⁵⁸ 2003 Regular Report on Bulgaria's progress towards accession', EU Commission, pp 104–106, <http://europa.eu.int/comm/enlargement/report_2003/pdf/rr_bg_final.pdf>.

²⁵⁹ Tolev, 9 September 2003; also interview, Stoianov, 13 October 2004.



Sega, 1998.

Photo 9: Bulgarian customs officers seize illegal small arms at the Kalotina border check point, on the Bulgarian-Serbia border.

and its ADGT Unit are responsible for co-ordinating arms export control activities. Customs agents are also informed by the Interdepartmental Commission of any export licence approvals. They in turn are required to inform the Mol once a transfer has taken place and are also expected to co-operate with the Border Police in order to prevent trafficking.²⁶⁰

The Agency's duties also include performing follow-up checks on shipments of declared ADGT goods at border points, which should all be recorded by the Agency's Central Customs Headquarters. Agents at each border point are supposed to refer to a checklist of ADGT (based on the List created by the Wassenaar Arrangement and the EU List of ADGT) and are required to check that an exporting company or broker is in possession of all the necessary export permits and licences. However, customs posts are not equipped with the most up-to-date ADGT software such

as Tracker, so checks cannot be carried out quickly. As customs officers attend the loading of all arms shipments and oversee the sealing of containers, physical inspections at border posts are very rare and are almost always intelligence-led.

Since 2002, the Customs Agency's Investigations Directorate has undergone significant changes with the help of British consultants. The Directorate now has field officers at almost all border posts and has started developing a risk profiling and analysis system and methodology. Since 2000, the agency has gradually been introducing an *Integrated Bulgarian Customs Information System*, which is said to have significantly increased customs control capacities and has allowed for quick information exchange and risk analysis. In an effort to limit the risks of illegal arms exports and increase the level of control, in 2003 the Agency specified 23 customs posts through which ADGT could pass. In addition, the preparation of customs documents can now be performed at only sixteen specific customs posts.²⁶¹

Despite these changes, outstanding problems remain. A difficulty in securing cargo areas at border crossings is one of these. At one of the best equipped border crossing points, the Kapitan Andreevo crossing with Turkey, Customs Agents are reported to conduct thorough inspections on about two percent of the trucks entering the country and far fewer of those exiting the country. Even this modest inspection ratio is only possible because the crossing point is equipped with X-ray machines. In contrast, at the two most important entry points for the country, the Black Sea ports of Varna and Burgas, there is no similar equipment, despite the much larger volume of incoming traffic. Securing the cargo areas at the sea ports is much more difficult and expensive than at land-border crossings. Neither the port of Varna, nor the one at Burgas have adequate surveillance equipment or infrastructure to ensure high security standards.²⁶² This is an important weakness in the border control system for ADGT, since most ADGT shipments leave either by air from Sofia airport and Gorna Oriahovitzta Airport, or by sea through Varna or Burgas.²⁶³ Although previous research has highlighted concerns about security at Sofia Airport's multiple entry and exit points, noting cases where goods have been stolen or removed from the airport's cargo facilities without Customs authorisation, security has been improving with the introduction of new equipment.²⁶⁴

Corruption within the customs and border services also present a challenge. It is widely believed that some law

²⁶⁰ Ibid, Tolev.

²⁶¹ Decree no 51/15.04.2003 of the Director of the Customs Agency at the Ministry of Finance, first published SG 39/25.04.2003, amended SG 70/08.08.2003.

²⁶² Gounev et al, Chapter 3.

²⁶³ Interviews with Customs Agency officers, February – March 2004 at Sofia, Varna, and Kapitan Andreevo customs posts.

²⁶⁴ Gounev et al, p.44. Given time constraints, the research team were unable to investigate airport security in any depth, and to verify a statement by the Bulgarian Government to the effect that, "The control exercised through modern technical equipment on airport border check-points makes illicit trafficking in small arms and light weapons practically impossible." Correspondence with Mr P Bonchev, MFA, 17 January 2005.



enforcement officers, including those of the NBPS and Customs Agency are complicit in smuggling, and according to research carried out in October 2003, the Bulgarian public perceives customs staff as being the most corrupt of all government officials.²⁶⁵ On several occasions customs officers have been implicated in facilitating illegal arms exports. In the two highest profile cases (the TEREM and Beta Cherven Briag cases), arms destined for Iraq and Sudan respectively were presented as dual-use goods.²⁶⁶ Although the goods in both cases were not SALW, the illicit transfer of any ADGT is highly relevant when considering controls on SALW transfers, given that the same ADGT control system is supposed to regulate transfers of SALW and other ADGT. The fact that Bulgarian companies continue to succeed in illegally transferring a range of goods indicates that the authorities face serious problems in enforcing the reformed ADGT transfer control system. The system's flaws were once again highlighted by the publication of the Iraq Survey Group's *Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's Weapons of Mass Destruction (WMD)* in September 2004, which drew attention to multiple examples where Bulgarian companies had been involved in the transfer of ADGT to the Iraqi regime in contravention of a UN embargo.²⁶⁷

The Bulgarian Government and the EU have been increasing their focus on security of EU and non-EU borders in the light of Bulgaria's expected accession to the EU in 2007. EU-sponsored reports in 1999 and 2000 identified the operational deficiencies of the border police and recommended the introduction of new equipment and a drive to increase professionalism within the service.²⁶⁸ Consequently progress has been made in modernising the agency: legislation was passed in 2003 allowing undercover operations; conscripts are no longer employed in the border police; since April 2003 newly appointed officers receive specialised training courses; and the number of mobile customs units has been increased from five to seven.²⁶⁹ The Customs Agency also periodically conducts training courses and seminars for customs officers on topics relating to the import-export of ADGT, with five courses being run during the first half of 2003 alone.²⁷⁰ In addition, two new patrol boats were launched in December 2003 as part of the EU's Pre-accession assistance programme for Central and Eastern European countries (PHARE), to help Bulgaria update security along the Black Sea coast.²⁷¹ Current staffing levels (the Customs Agency has 3,000–4,000 personnel, the Border Police 8,162) are not thought to be a major concern. By and large, additional resources have been channelled towards increasing the capacity of customs and border police at the larger crossing points. In 2003 the European Commission praised the progress being made by Bulgaria in updating its Schengen Action Plan and its efforts to improve border control.²⁷²

4.2.5 Ministry of Economy

The MoE is at the very heart of the arms transfer control system. The agency responsible for processing applications to transfer ADGT is the Military-Economic Co-operation and International Trade Control Directorate within the MoE. In addition to supporting the Interdepartmental Commission's work, this directorate also assists the government in formulating and implementing its policies for the development of the defence industry and arms trade. Although there is no legal requirement for the head of this directorate to act as Secretary of the

²⁶⁵ US Department of State, <<http://www.state.gov/g/drl/rls/hrrpt/2003/27830.htm>>.

²⁶⁶ In October 2002 Bulgarian customs officers intercepted a shipment of dual-use Bulgarian-made tractor components destined for Iraq. The police investigation uncovered that the export channel involving TEREM had been operating for about six years, and also included the export of 50 tank engines to Syria. The company in question was the state-owned Targovishte branch of TEREM EAD facility. In October 2003 the current and former CEOs of the privately owned Beta-Cherven Briag were briefly detained and charged with illegal exports of parts for the 122 mm Gvozdika self-propelled howitzer to Sudan along with an unlicensed broker from RIK Co. Beta had allegedly delivered 18 howitzers to Sudan in the preceding years and had continued to export from 22–29 November 2001, 7 months after the Bulgarian Government had joined the EU embargo against Sudan. *Capital*, 18 October 2003.

²⁶⁷ The majority of contracts took place on three occasions in 1999, 2001 and 2003 for military goods varying from night vision goggles, tank engines and maintenance parts to anti-tank missiles. Iraq Survey Group report, pp 114, 137 and 138.

²⁶⁸ 'Strengthening Control of the Bulgarian Black Sea Maritime Border: Phase 2 of a Multi-annual strategy to enhance the future external borders of the EU', <http://europa.eu.int/comm/enlargement/fiche_projet/document/bg0012-02-seamaritime.pdf>.

²⁶⁹ *Ibid*, p 99–100.

²⁷⁰ Tolev, 09 September 2003.

²⁷¹ 'Simeon Saxe-Coburg: Bulgaria contributes to strengthening the security within the European Union', <<http://www.government.bg/English/Priorities/PublicOrder/2003-12-09/1861.html>>, 09 December 2003.

²⁷² '2003 Regular Report on Bulgaria's progress towards accession', p 99.

²⁷³ Article 40a, MoE Regulatory Act. (SG 33/2003).



Commission, this has been the case to date.²⁷³

This is a crucial appointment since it carries significant discretionary power – it is at the Secretary's discretion whether to present a permit application to the Commission for consideration. The MoE also provides information and advice on the arms transfer control system for all interested actors. It hosts a website (<http://www.mi.government.bg/ind/lic/arms.html>) that provides the text of relevant legislation, explains the control system, and offers links to the websites of other government agencies and international control regimes. The ministry also runs training events for defence industry personnel to inform them of the required procedures for considering an ADGT transfer.

The administrative capacity of this department received a considerable boost with the appointment of five new staff in 2003. It now has ten personnel, among them a number of defence industry specialists, some of whom are former defence industry employees with hands-on experience. A number of foreign governments have provided direct support to the department. The governments of the Czech Republic and Poland have advised the MoE on how to modify and update its list of controlled goods to take account of goods included in the EU List. The US Government has provided an export control software package, 'Tracker', designed to assist the agency and other relevant ministries in making licensing decisions.²⁷⁴ The system makes it much easier for staff from different departments to share information and allows officials in one country to directly consult with experts in others.²⁷⁵ Although MoE staff have received training in the use of this package,²⁷⁶ legal and administrative difficulties prevent its current use.²⁷⁷

Although the Directorate has benefited from the support provided, the combination of a tighter transfer control regime and the arrival of many new firms, have together generated a growing workload. One staff member noted that a good deal of the Directorate's time is presently being taken up dealing with unnecessary enquiries in relation to dual-use goods, the controls over which companies find it difficult to understand. Given that it is to this department that other ministries often come when seeking detailed information on particular licence applications, it faces a challenging volume of work.

4.2.6 Ministry of Defence

Although two members of the MoD have been represented in an advisory capacity on the Interdepartmental Commission that regulates arms transfers since its creation, the ministry has taken on additional responsibilities following revelations in October 2002 that TEREM, a company owned by and accountable to, the MoD, was violating the arms transfer control system (see Section 4.2.4). As a result of the TEREM scandal, the then Minister of Defence stipulated that all future foreign export transactions undertaken by MoD owned companies would require his personal approval. MoD companies are now required to keep a register of their deals and to report weekly to the Minister for approval. The MoD has stated its intention to appoint export control specialists in all of its manufacturing and trading companies, and to hold a training course for the marketing departments of MoD companies on the workings of the ADGT control system, including the requirements of international arms control instruments.²⁷⁸

4.2.7 Bulgarian Army

The principal responsibility of the Bulgarian Army (within the MoD) with regard to SALW control, is to maintain safe and secure stockpiles of weapons and ammunition, whether they are in active use or designated surplus. The army's storage standards are set out in military regulations, which are in turn informed by those of NATO and the Euro-Atlantic Partnership Council (EAPC) which addresses stockpile management issues among others.

²⁷⁴ Interviews, Lowder 23 September 2004; Atanasov, 24 September 2004.

²⁷⁵ For more information, see <<http://www.ndf.org/html/projects/096.html>>, 25 September 2003.

²⁷⁶ 'Report by the Bulgarian MFA to COARM, 19 March 2003, DS 8/2003'.

²⁷⁷ Interview, Atanasov, 24 September 2004.

²⁷⁸ Gounev et al, p. 42.

²⁷⁹ This section draws heavily on statements by members of the Army General Staff and MoD including: Mihaylov, 11 – 12 March 2003); and Georgiev, 03 – 04 November 2004.



According to public statements by the Army General Staff, there are currently no temporary SALW stockpiles under military jurisdiction.²⁷⁹ Apart from the weapons that operational units require for their routine operations, wartime reserves are stored at seventeen depots across the country. Current Army policy is to move all SALW surpluses to the 137th Central Storage and Technical Maintenance Base (CSTMB), under the supervision of the General Staff's Logistic Command in the city of Veliko Tarnovo.²⁸⁰ The CSTMB is not a new facility and attempts have been made to upgrade storage standards in line with best practices and international agreements. The declared policy regarding confiscated or inadequately marked weapons is to destroy them as soon as possible. Information provided by the MoD in public statements on the subject of stockpile management is outlined below.²⁸¹ Where possible, the information is compared against criteria set out in best practice documents.²⁸² It is, however, difficult to assess the MoD's statements against actual practice, since the research team was unable to make independent visits to storage sites.

Location: Sites should be located away from national boundaries; be accessible by road yet difficult to be approached by unauthorised persons; be at minimum risk of natural catastrophes or extreme environmental conditions; and be distant from large population centres or industrial sites. The location chosen for the CSTMB site appears to be in compliance with these requirements. The army's numerous military bases, at which SALW in active use are also stored, have naturally been chosen with many other considerations in mind.

Construction and maintenance standards: The maintenance of secure arms depots requires specially designed facilities. According to the MoD, the majority of the CSTMB's structures are above-ground structures composed of reinforced concrete or prefabricated concrete elements, secured both with metal doors and combination locks and padlocks. At operational units, wooden doors backed with metal are said to be typical. Windows are normally small and located close to the ceiling, so as to be inaccessible. In all the other cases, windows are blocked with metal grids. Anti-spark lighting is also said to be in use, with switches located outside facilities. There is apparently no heating inside facilities, but devices are installed to measure temperature and humidity and fire precautions such as the routine cutting of nearby grasses and the supply of fire fighting equipment are also said to be in place. The research team were unable to corroborate MoD statements regarding construction and maintenance standards.

Security: According to the MoD, all SALW storage facilities are manned round the clock, in some cases with electronic surveillance systems as back-up. Normally, several guard-posts secure a given site, each of which is typically manned by three to four conscripts. Some consideration has apparently been given to replacing the conscripts with PSC staff, which would offer the advantage of a well-trained, long-term guard force. The Army General Staff has developed a concept for building and installing integrated alarm systems in weapons and sensitive item storage areas. The first Integrated Alarm System (IAS) was developed in 1997 – 1998 and installed at the CSTMB. Two more IASs are already in use and there is a plan to equip all warehouses and storage locations by 2007. Each IAS is said to have a central monitoring station and several sub-systems: perimeter sub-system; violation registration sub-system; sub-system for signalisation of safety within the structures; video-monitoring sub-system; access control sub-system and fire alarm and fire-fighting sub-system. Each SALW storage structure is in turn said to have entrance and internal movement sensors. If an unauthorised entry is noted, the supervisor and if necessary a response force, is dispatched to check the situation. A back-up response force is available at the central station to reinforce the three guard posts. The MoD reports that to date there have been no attempts to breach the system. IASs are operational at all Land Forces SALW storage facilities. IAS installation at Air force and Naval SALW storage facilities was planned for 2003 – 2004, but the quantities of SALW being kept there are negligible. When the installation of all the planned local IASs is completed, the army plans to install modem links to the General Staff Logistic Command so as to allow for real-time monitoring of all facilities.

Record keeping: According to the Bulgarian Army, registers are kept of all acquired SALW according to their type, serial number, quantity and condition. An account of the available SALW is kept at three levels – at company, brigade/battalion level and at army level. So, for example, each company is supposed to give a regular account

²⁸⁰ This site was designated in accordance with the requirements of the Conventional Forces in Europe Treaty as the facility to which surplus SALW will be transported for storage and destruction.

²⁸¹ Ibid.

²⁸² These include, but are not limited to, the OSCE Best Practice Guide on National Procedures for Stockpile Management and Security, and the South Eastern Europe Regional Micro-Disarmament Standards/Guidelines (RMDS/G) on SALW Accounting.



of the number of weapons it has assigned for operations. These registers include the serial number and the weapon category. Whenever a weapon is acquired or decommissioned, the change is registered in the books (the system is manual, not electronic), using a specially designed form that must be completed and signed by the responsible officer. Each individual weapon also has its own document.

It is at Brigade or Battalion level that responsibility exists for controlling the transfer of items between individual army units. Records are also kept at this level of the overall quantities within the unit, both in the sub-units and the unit's storage facility. At the highest level (army level), items can also be transferred between separate military units. Once again, records are kept, but this time of the overall quantities within the armed forces (both in the units and in the CSTMB). The inventory management system is said to be controlled by means of:

- Physical checks of the availability by the responsible persons.
- Inventory control during the hand over/take over from one responsible person to another.
- Annual inventories within the units, made by authorised groups of specialists, ending with Inventory Acts, which are put together at a higher level and compared with the overall database.
- Inspections by higher-level inspection bodies and sudden inspections by authorised officers.

In the past the MoD has given assurances that its stockpile management practices are effective.²⁸³ The research team were unable to visit any depots themselves. Most thefts, though, occur not at the depots controlled by the General Staff, but at active military units, where serving soldiers or officers steal arms and ammunition. A combination of corruption and inadequate security at active military units probably contribute to these thefts. Although in one cited case (that involving the theft of ten *Neto* missiles), the Military Prosecutor's office remarked on the poor accounting standards at the depot in question, it is not possible to generalise on the basis of one event.²⁸⁴ However, given the overall pattern of known thefts, it is probably safe to conclude that the oversight of weapons is of a higher standard at the CSTMB, where, in contrast to the army bases across the country, no thefts have been recorded. Members of an international delegation who were provided with access to the CSTMB as part of an assessment visit have stated that to the best of their knowledge, storage systems are satisfactory.²⁸⁵

The agencies tasked with combating stockpile thefts are the MPMCS within the MoD. Together they are charged with countering threats to the MoD's integrity and to national security, including activities such as illicit arms trading, manufacturing or distribution of weapons and hazardous devices of all kinds.²⁸⁶ One of the problems facing these agencies in their work is the lack of a centralised electronic accounting system. However, while adequate storage and accounting practices are obviously the key consideration in preventing the occurrence of thefts, it should be noted that the low salaries and chronic corruption that afflict most public bodies in Bulgaria, are also likely to be present in the army, making prevention more difficult.²⁸⁷

4.2.8 Ministry of Foreign Affairs

The MFA has several responsibilities in relation to SALW control. It is responsible for updating the List of countries and organisations towards which the Republic of Bulgaria applies prohibitions on the sale and supply of arms and

²⁸³ In 2002 a SEESAC delegation met with the MoD and were assured that 'the Bulgarian Army has introduced an effective system for safe storage and record-keeping of SALW, preventing thefts and uncontrolled movement of arms and ammunition.'" SEESAC, 2002, <<http://www.seesac.org/about/bulg.htm>>, accessed 06 October 2003. According to the MoD, international inspections, conducted by a joint group of American and Norwegian experts in October 2000, concluded that the Ministry's SALW storage is secure and all arms accounted for.

²⁸⁴ The Chief Military Prosecutor, remarked that the investigation into this case proved difficult due to a, "...bad system of accounting of arms at this military base...as well as difficulties in establishing who was responsible for allowing such [a] theft to take place." 24 *Chasa*, February 2004.

²⁸⁵ Interview, Wilkinson, 03 December 2004, based on information provided during a visit to the CSTB from 30 November to 01 December 2004 by a joint SEESAC/JACIG delegation.

²⁸⁶ Defence and Armed Forces Law, last amended SG 119/2002, Article 40.

²⁸⁷ See the annual publication of Bulgaria's anti-corruption initiative for an assessment of levels of corruption in various public institutions: <<http://www.anticorruption.bg/eng/coalition/car2003.htm>>



related equipment on a regular basis. It is also represented on the Interdepartmental Commission by a Deputy Minister. The Global Security and Disarmament Department within the MFA examines ADGT permit applications and offers advice to the Minister. In this work, the department is in turn increasingly coming to rely on Bulgaria's foreign embassies abroad for up-to-date information about particular transfer destinations.²⁸⁸

In accordance with international agreements such as the UN Programme of Action (PoA) and Stability Pact Regional Implementation Plan on SALW, Bulgaria has appointed a National Focal Point (NFP) to co-ordinate information exchange on SALW issues. Like many countries, Bulgaria has chosen an appointee from the MFA, in this case the Head of the Directorate for NATO and International Security. The NFP is responsible for ensuring that government ministries and agencies are compliant with the UN PoA, the Regional Implementation Plan and the OSCE Document on SALW. The NFP is also tasked with ensuring that Bulgaria is represented at international meetings on the subject of SALW, including the routine meetings of the OSCE, UN and Wassenaar Arrangement.²⁸⁹

By appointing a senior figure from a relevant department and ministry as the country's NFP, the Bulgarian Government has signalled its commitment to the SALW issue. However, the department within which the NFP is based has limited staff, whose time is also taken up with non-SALW-related issues such as Euro-Atlantic integration and general non-proliferation. While an interviewee from this department stated that the resources and staffing of the department are largely adequate,²⁹⁰ the department's workload is heavy enough to prevent the designated NFP personally attending most meetings of the Regional Steering Group, a body created to take forward the Regional Implementation Plan on SALW.²⁹¹ The NFP was also unable to meet with the research team during a three-week period of interviews with officials from other government departments because of other commitments.

4.2.9 Judiciary

A professionally functioning judiciary and administrative system is a vital part of a nation's SALW control system, since without it, regulatory frameworks remain unenforced. The problems facing the Bulgarian judiciary are manifold, varying from under-capacity and lack of training to corruption. The past shortcomings of the system have included low budgets; a lack of qualified judges; a large backlog of work; the complexity of the legal system; constantly-changing legislation and under-trained magistrates.²⁹²

The importance of eliminating corruption and ensuring the effectiveness of the Bulgarian judicial and legislative process is recognised both within the country and internationally. Although the judicial system continues to perform in some areas, a series of reform initiatives are gradually building capacity and professionalism. In February 2004, the Supreme Judicial Council adopted a strategy to tackle corruption in the judiciary, followed in March 2004 by a professional code of ethics for judges which is in keeping with the European Charter on the Status of Judges.²⁹³ Another national initiative is the influential *Coalition 2000* which brings a number of Bulgarian NGOs together to push for anti-corruption reforms.²⁹⁴ International specialists are also active in training and reviewing judicial systems. The American Bar Association has helped to develop legal education programmes for lawyers, and has given advice and training in drafting legislation.²⁹⁵ The EU's PHARE programme has identified

²⁸⁸ Interview, Stoeva, 23 September 2004; also, 'Report by the Bulgarian MFA to COARM, 19 March 2003, DS 8/2003'.

²⁸⁹ Bulgaria has recently been represented at meetings such as the 'Regional Seminar on the Implementation of the OSCE Document on SALW and the UN PoA' (Bucharest, 24–26 February 2003); the 'Conference on the Illicit Trade in SALW in All Its Aspects in South Eastern Europe' (Brdo pro Kranju, Slovenia, 11 – 12 March 2003); and the conference on 'International Co-operation in Preventing, Combating and Eradicating Illicit Brokering in SALW', (Oslo, 22 – 24 April 2003).

²⁹⁰ Interview, Stoeva, 23 September 2004.

²⁹¹ Bulgaria has tended instead to be represented by Embassy staff. Correspondence with SEESAC Team Leader Adrian Wilkinson, 22 October and 24 November 2004.

²⁹² CSD Judicial Reform Initiative for Bulgaria. See <www.csd.org.bg>

²⁹³ European Union Commission, 2004.

²⁹⁴ 'Coalition 2000' publishes annual *Corruption Assessment Reports* and produces the *Corruption Monitoring System* which is updated using empirical data every quarter. For further information see <www.anticorruption.bg>

²⁹⁵ The American Bar Association runs the Central European and Eurasian Law Initiative (CEELI) with a number of programmes in Bulgaria. See <www.abanet.org/ceeli/countries/bulgaria/program.html>

²⁹⁶ See UNDP, 2002 – 2003.



Penal Code provisions that are most in need of reform and advised on new legislation. Elsewhere, the UNDP has been involved in two programmes to review the administrative and commercial justice systems.²⁹⁶

4.2.9.1 Illegal firearms and the judicial process

Current regulations state that gun crimes should receive ‘special attention’ and be subject to ‘special reporting’.²⁹⁷ From the data which is available regarding prosecution rates, it is difficult to judge whether this has translated into a fair amount of convictions (see Table 33 below). The current success rate for gun crime prosecutions does not seem to differ from that of other types of crimes, and the police for their part continue to call for stricter penalties and more efficient judicial process related to gun crime.²⁹⁸

| PENAL CODE ARTICLES 337–339. | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|---|-------|-------|-------|-------|------|------|------|
| No. of reported crimes | 1,511 | 1,283 | 1,207 | 1,083 | 743 | 829 | 628 |
| Number of individuals apprehended by police | N/A | N/A | N/A | 1091 | 752 | 870 | 898 |
| Number of individuals taken to court by police | N/A | N/A | N/A | 619 | 415 | 523 | 966 |
| Number of crimes that resulted in a verdict | 363 | 532 | 639 | 505 | 501 | 567 | 614 |
| Number of individuals given a verdict | 363 | 513 | 623 | 481 | 471 | 530 | 565 |

Table 33: Cases of illegal production, possession and use of firearms, ammunition, explosives, that resulted in a verdict (1996 – 2002).²⁹⁹

Table 33 highlights one of the main problems Bulgaria faces in combating domestic gun crime, namely an overburdened legal system in which cases of all kinds are subject to long delays. A large number of the 614 successful court cases listed in the above table for the year 2002 (271) actually dealt with crimes committed before 2000. Only 165 were for crimes committed in 2001 and 141 cases for crimes committed in 2002. The Table also shows the wide gap between the number of individuals apprehended and the number brought to trial for the illegal possession, production, or trade in weapons, ammunition and explosives.

A third problem is the lax punishment that those convicted under Articles 337 – 339 of the Penal Code actually receive. For example, Article 337, which covers illegal manufacturing and trading in SALW (both domestic and international), mandates judges to give prison sentences of between one and six years.³⁰⁰ Yet, as Table 34 below shows, of the seven individuals sentenced under Article 337 in 2002, three were sentenced to less than six months imprisonment and one to between one and three years. The three others were simply fined. Article 339 (illegal possession) is also punishable by up to six years in prison, but again, most of the sentences handed down are light. Of the 532 individuals sentenced in 2002, 309 were simply fined, while most of the rest received short-term sentences. Even for Article 339.2, which concerns illegal possession of ‘large quantities’ of firearms and where in 2002 the sentence was amended to three to eight years’ imprisonment, one can see that the maximum sentence has not been applied. This greatly diminishes the deterrent effect of the law.

²⁹⁷ Instruction No. 1, 22 March 2004 for the work and Co-operation of the Agencies Involved in Pre-trial Investigation, *State Gazette*, No. 30 from 13 April 2004.

²⁹⁸ New Television, 13 June 2004.

²⁹⁹ Sources: NSI, ‘Crime and Convicted Individuals’, Sofia 2003, and Ministry of Interior: National Police Service.

³⁰⁰ Both Articles 337 and 339 refer not only to firearms, but also to firearms ammunition, explosives, and all weapons of mass destruction. The majority of cases though, deal with firearms and ammunition.



| PENAL CODE ARTICLES | INDIVIDUALS SENTENCED | IMPRISONMENT (YEARS) | | | | | | | | | OTHER | | | |
|------------------------------|-----------------------|----------------------|-------|-------|-----|------|-------|--------|-------|------|---------------|--------------|-------|-------|
| | | UP TO 1/2 | 1/2-1 | 1-3 | 3-5 | 5-10 | 10-15 | 15- 20 | 20-30 | LIFE | FORCED LABOUR | RESETTLEMENT | FINE | OTHER |
| All Crimes | 27,771 | 7,264 | 5,808 | 4,461 | 435 | 175 | 64 | 81 | 2 | 14 | 88 | 702 | 7,164 | 1,513 |
| Hazardous Crimes | 3,321 | 692 | 417 | 496 | 47 | 13 | 2 | 1 | - | - | 14 | - | 1,562 | 77 |
| Article 337 | 7 | 3 | - | 1 | - | - | - | - | - | - | - | - | 3 | - |
| Article 339.1 | 532 | 144 | 51 | 24 | - | - | - | - | - | - | - | - | 309 | 4 |
| Article 339.2 | 6 | 1 | 1 | 2 | 1 | - | - | - | - | - | - | - | 1 | - |
| Article 339.3 ³⁰² | 3 | 1 | 1 | - | - | - | - | - | - | - | - | - | 1 | - |
| Article 339.4 & 5 | 14 | 2 | 2 | - | - | - | - | - | - | - | - | - | 10 | - |

Table 34: Length and type of sentence for those convicted of crimes involving illegal SALW.³⁰¹

One explanation for the sentences that Article 337–339 offenders receive was offered by a member of the Prosecutor’s Office who noted that most judges regard mere possession of an illegal weapon as a slight offence. This is in part because the charge is often used by the police as the ‘indictment of last resort’ – whenever a known criminal cannot be charged with anything else due to lack of evidence, he can often be charged with illegal possession of a firearm.³⁰³

4.2.9.2 Enforcing transfer controls

As previously noted, recent changes to the arms transfer control system include the introduction of harsher penalties for individuals or companies found to be violating the LCFTADGT. The penalties involved are sufficiently harsh to deter those who would otherwise conduct illegal transfers, provided they are imposed consistently by the judiciary. While progress has been made since 1999, when government officials interviewed by Human Rights Watch (HRW) were unable to point to any successful prosecutions in relation to numerous violations of the arms transfer control system at that time,³⁰⁴ there remain concerns that the government is not sufficiently thorough in pursuing investigations against those involved in the illegal arms trade. The ongoing trial of a number of individuals accused of complicity in the illicit TEREM deals may prove a test case in this regard. In the light of the Central Intelligence Agency’s (CIA) Iraq Survey Group report, the resolve of the Mol may be further tested when the CIA presents the evidence requested by the Chief Secretary of the Mol regarding illegal dual-use exports by the Bulgarian firm JEFF.³⁰⁵

4.2.10 Inter-agency co-operation

The foremost institution in Bulgaria’s arms transfer control system, the Interdepartmental Commission, is obviously an inter-agency body, in so far as it brings a number of different governmental departments together to oversee ADGT transfer policy. Although both independent analysts and government sources have recommended changes to the body, its operation demonstrates its members’ commitment to information sharing and co-operation on SALW control. Despite its function in controlling Bulgaria’s international trade in ADGT, the Commission’s members also include ministries and agencies whose remit is domestic (such as those under the Mol). These agencies participate in the Commission only to inform decisions about the trade in ADGT, rather than to combat any SALW proliferation within the country, but they do have established patterns of co-operation on SALW and at two levels. On the one hand among the various agencies of the Mol (NSS, NSCOC, NBPS), there is

³⁰¹ Source: NSI, ‘Crime and Convicted Individuals’, Sofia 2003.

³⁰² Articles 339.3 and 339.4 refer to giving a firearm, explosives or other firearms (including WMD) to someone who does not have a possession or carrying permit.

³⁰³ Interview, Georgieva, 14 September 2004.

³⁰⁴ HRW, April 1999.

³⁰⁵ *Novinite*, 08 October 2004.



an informal consultation group that meets periodically to consider SALW control questions. Its members are said to be in regular contact as part of their efforts to co-ordinate Mol activities to prevent weapons proliferation and smuggling more generally, though the research team was unable to obtain any detailed information about the group's composition, workings or strategy.³⁰⁶

The Mol and Customs Agency also have established procedures for information exchange between the two institutions. Nevertheless, the procedures are said to be cumbersome and slow and their effectiveness is therefore likely to be limited. A long-running lack of trust between the two institutions is believed to have prevented them from developing their coordination efforts.³⁰⁷ Furthermore, as noted in Section 1.2.3.2 the Customs Agency and the MPMCS now have a standing agreement to exchange information on cases of stolen or missing weapons.³⁰⁸

One alternative to what might be described as the 'piecemeal' approach to SALW control, would be the creation of a national strategy for SALW control, and perhaps a co-ordinating agency tasked with implementing it (as recommended by the 2004 Weapons Under Scrutiny 'expert group' report).³⁰⁹ Speaking on behalf of Bulgaria at the opening session of the UN 'Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects', in July 2001, the Deputy Minister of Foreign Affairs, Amb. Takev called for "...an integrated and holistic spectrum of measures designed to address manufacturing and implementation of an effective regime of export control, marking and tracing, security and safe management of stockpiles, destruction of excess arms, enforcement of arms embargoes, organised crime, border control, disarmament, demobilisation and reintegration".³¹⁰ This statement arguably gestures towards the establishment of overarching co-ordination mechanisms with competency over all, or most, thematic areas of SALW control. While Bulgaria is coming to grips with most of the issues cited in this statement, the call for integration appears still not to have been answered. That said, the resources available for such an agency are few since most government departments experience shortages either of funding, skilled personnel or equipment. The agencies tasked with controlling the SALW trade and combating internal proliferation are not exceptional in this regard and the existing head of the Interdepartmental Commission is of the view that it would not prove wise to add to the Interdepartmental Commission's current duties by adding the co-ordination of internal SALW control activities to its remit, given that it already experiences operational difficulties.³¹¹ The task of fully implementing what is a fairly comprehensive system of internal and external SALW controls with Bulgaria's current resources is certainly considerable, and in the absence of extra funding, diverting existing resources from existing agencies towards the creation of a new agency would strain them further.

4.3 Civil society

4.3.1 Non-governmental organisations

Bulgarian NGOs have so far been involved in a number of different activities relating to SALW, most notably research, awareness raising and advocacy. An early and hard-hitting research report was produced by the BHC in co-operation with US-based HRW, *Money Talks: Arms Dealing with Human Rights Abusers* (1999). Until the 2002 legislative changes that strengthened the regulation of the arms trade significantly, the two organisations advocated stricter arms export controls by means of a series of briefing papers and open letters targeting institutions such as NATO, the EU and the national parliament.³¹²

This type of work has been complemented by awareness raising seminars on the subject of SALW control such

³⁰⁶ Interviews, Gaidarski, and Parlev, June – July 2004. Information on the group's membership and activities is classified.

³⁰⁷ Interviews, Customs Agency officers, February – March 2004 at Sofia, Varna, and Kapitan Andreevo customs posts.

³⁰⁸ Customs Agency, October 2004.

³⁰⁹ See Gounev et al, Executive Summary.

³¹⁰ Takev, July 2001.

³¹¹ Interview, Atanasov, 24 September 2004.

³¹² See for example, 'Open Letter to Members of the Bulgarian Parliament Re: Pending Arms Trade Reform', 03 July 2002 <<http://www.hrw.org/press/2002/07/bulg.htm>>, also 'Open Letter to NATO Heads of State and Government on Weak Arms Trade Controls in Central and Eastern Europe, 15 November 2002, <<http://www.hrw.org/press/2002/11/nato1115-ltr.htm>>, and 'EU: Keep Up Pressure for Arms Trade Reforms in Candidate Countries, 8 October 2002, <<http://www.hrw.org/press/2002/10/eu-1008.htm>>.



as those held regularly by the Bulgarian Red Cross (BRC) from 2000 onwards. The first such event was a regional one, organised on 01 – 02 October 2000 with the support of the Norwegian Initiative on Small Arms Transfers (NISAT), the Norwegian Red Cross and the Norwegian Government. The meeting brought together Red Cross/Red Crescent National Societies from South Eastern Europe to consider the role of the Red Cross Movement in highlighting the humanitarian impact of SALW proliferation.³¹³

In May 2002 the BRC and UK-based Saferworld held an international seminar in Sofia, *Controlling Small Arms Proliferation: the View from Bulgaria* (the event was co-sponsored by the Atlantic Club of Bulgaria and the Bulgarian MFA). On 14 May 2003, Saferworld, the Atlantic Club in Bulgaria and CSD organised a workshop on developing a Bulgarian National Programme to Implement Arms Export Controls and Combat Small Arms Proliferation. It assessed the feasibility of developing a Bulgarian National Action Programme and any additional steps required for the effective implementation of arms export controls and measures to combat small arms proliferation.³¹⁴ In addition, in September 2003, the Atlantic Club, the NATO Information Centre and the Bulgarian MFA organised a conference on the topic, *Modern Control of Arms Export in the Process of Bulgaria's Accession to NATO*. This type of work has continued and in November 2004 the BRC held a further meeting to consider the question of *Non-proliferation of SALW*, a matter that continues to concern the organisation because of the grave threat that SALW proliferation poses to respect for International Humanitarian Law. The BRC is also the only organisation known to the researchers to have conducted any community-based work on SALW, which is covered by some regional chapters in the course of their work either with young people during anti-violence campaigns, or in a less direct way with military and police personnel, students, public authorities and BRC staff during tutorials on international humanitarian law.

Primarily a think tank, CSD has concentrated its efforts on researching SALW questions. On 28 March 2003, CSD held a round-table discussion entitled *Export Control on SALW in Bulgaria*, which brought government and civil society experts together to discuss the topic. Following that event, CSD convened an 'expert group' of specialists from the MoD, MFA, MoI, MoE and the University of National and World Economy to analyse the Bulgarian arms export control system and make recommendations for its improvement. The resulting report, *Weapons Under Scrutiny – Implementing Arms Export Controls and Combating Small Arms Proliferation in Bulgaria*, was launched on 05 April 2004.³¹⁵

In many respects the above activities by local and international NGOs compare well with those in neighbouring Western Balkan countries, where SALW control work has been less consistent and analytical. NGO staff interviewed in the course of this research expressed a desire to continue this line of work and in one case, to become newly involved in the SALW issue.³¹⁶ So far, however, there has been very little collaborative work among NGOs, an approach THAT would allow different strengths to be pooled for greater impact.



Photo 10: April 2004, a panel of governmental and non-governmental specialists discuss the findings of the 'Weapons Under Scrutiny' report. From left: Agron Sojati, Head of SALW Task Force, SECI Center; Gen. Roumen Milanov, NSCOC, Director; Tihomir Bezlov, CSD Senior Analyst; and Boyko Todorov, CSD Program Director.

4.3.2 Defence industry associations

There are a number of associations that bring defence industry companies or gun owners together. In October 2004, ten companies founded the 'Association of Arms Producers: Bulgarian Defence Industry'. The group involves all SALW producers, such as Arsenal and VMZ and brokering firms such as Kintex. Its stated goal is to

³¹³ <<http://www.redcross.bg/news.html>>.

³¹⁴ This was followed on 05 April 2004, by the launch of CSD and Saferworld's report *Weapons Under Scrutiny* in Sofia, an event that provided further opportunities for awareness raising and public debate.

³¹⁵ See <http://www.saferworld.co.uk/publications/weapons_under_scrutiny.pdf>

³¹⁶ Interview, Kashumov, 21 September 2004.

³¹⁷ Darik Radio, 11 October 2004.



promote the Bulgarian defence industry by means of joint participation in arms-trade shows.³¹⁷

The Bulgarian Industrial Association's 'Branch Chamber of Manufacturers and Traders from the Military Industry' was founded in 1992 as a non-profit voluntary association. The Chamber unites 35 state and private defence industry entities including manufacturing enterprises, scientific organisations, marketing and trading companies. Its activities to date appear to have been quite limited and the fact that defence companies are now considering new forms of association, such as the 'Association of Arms Producers: Bulgarian Defence Industry', would seem to indicate that the Chamber is not satisfactory for some.

Another non-profit organisation is the Plovdiv-based 'Hemus Foundation' whose goal is to support the development of the defence industry in Bulgaria. Its main activities include the organisation of an annual arms trade fair (see www.hemusbg.org), as well as supporting Bulgarian defence companies' participation in arms trade shows.

A fourth association is the 'Association of Arms Producers and Traders in Bulgaria', headed by former policeman Hristo Stoikov. Its activities are various but have included frequent public appeals by the Chairman for the relaxation of gun controls in order that more Bulgarian citizens can own and use firearms.

4.3.3 Gun rights organisations

Although the firearm producers promote the rights of individual gun owners to some extent, there are in addition several citizens' associations that bring together individuals who are supportive of more liberal firearms regulations. In general their influence is limited, but with the increase of the number of firearm owners it is likely to grow. These organisations include the 'Bulgarian National Association of Firearm Owners', and the internet-based 'Bulgarian Gun Club' (<http://guns-bg.com/>), and its discussion forum at <http://www.dir.bg>, one of the largest Bulgarian internet portals. There are also a number of hunters' unions of various sizes. The largest of these, the 'Bulgarian Union of Hunters and Fisherman' grew out of the pre-1989 hunters' union. The organisation co-ordinates and represents over a hundred regional hunters' associations, defending the rights and interests of hunters and promoting hunting activities. Finally, the 'Bulgarian Sports Shooting Federation' is the organisation that co-ordinates the work of dozens of sport-shooting clubs around the country and promotes the sport.

4.3.4 Trade unions

A number of trade unions have an influence on and interest in, SALW issues. The 'Defence Trade Union' is involved with the defence companies owned by the MoD, above all the TEREM company. It is associated with Podkrepa, one of the two largest trade unions in the country, has a presence in most defence industry companies, including Arsenal and VMZ. There is also a 'Federation of the Independent Defence Industry Trade Unions', which combines several grassroots trade unions. Given the dire economic situation of most defence companies, the influence of the trade unions in the industry factories is weak. According to the leader of Podkrepa, Dr Konstantin Trenchev, the high levels of unemployment around defence companies make the employees protest-averse, despite the irregular salary payments, lay-offs and industrial accidents they face in their work.³¹⁸ Although in the past the above-mentioned trade unions have generally been able to organise protests against irregular salary payments, or lobby for alternative employment opportunities for sacked workers, they have not been able to prevent lay-offs or bargain effectively for salary increases.

4.3.5 Mass media

Bulgaria has a wide range of predominantly privately-owned media outlets. The SALW-related topics that the Bulgarian mass media most commonly report on are gun crimes, exports, and defence industry stories. Coverage in each area is important since it shapes public perceptions and occasionally precipitates government intervention. On many occasions, the media's treatment of SALW issues is sensationalist and superficial. As a report from 2003 by the Stability Pact's Media Task Force noted, 'quality niche reporting and programming in the

³¹⁸ *Trud*, 08 February, 2004.

³¹⁹ Stability Pact Media Task Force, November 2003, p18.

³²⁰ A worthy exception is referenced elsewhere in this report, op cit, Dimitrova.



Bulgarian media is seen to be in very short supply.³¹⁹ Although a few of the better publications have developed investigative reporting capacity, good investigative reporting is still rare and tends to depend on donor funds.³²⁰

There are a number of factors at work inhibiting reporting of SALW issues, among them a lack of understanding among journalists, which leaves them unable to offer any in-depth analysis.³²¹ Other factors include editorial and financial pressure and low skill levels across the industry. As the study cited above noted, 'Reporting is often unprofessional, biased and intolerant. Quality beat reporting in important areas like the judiciary system, the economy, local government, or ethnic relations is a rarity. Professional investigative reporting on exposing corruption and organised crime is limited to a few editions'.³²² It should be borne in mind that similar conditions prevail across the Balkans. In the following sections, coverage of the three issues identified above is examined in more detail.

4.3.5.1 Reporting on gun crime

Since almost all firearm crimes that include a fatality are reported in the media, stories appear on most weeks, with a consequent negative effect on public perceptions of security. However, media reports of gun crimes are usually a mere repetition of information released in police bulletins or announcements. Much more extensive analyses are given to high-profile assassinations of crime bosses, politicians or judges, over seventy of which have occurred in the last two years.³²³ In these articles, special attention is often paid to the weapons used. Following a recent assassination in the centre of Sofia, a newspaper article, '7.62 the Preferred Calibre', examined recent high-profile assassinations in Bulgaria and Serbia. It concluded that 7.62 mm rifles, such as Kalashnikov, Dragunov, Simonov, or Steyr are the preferred weapons in such homicides.³²⁴ Another article following the same assassination focused on the ammunition – 'The 'Russian' Killed with Unique Bullets', focusing on the special type of bullets used in this murder.³²⁵

4.3.5.2 Reporting on arms transfers

Any coverage relating to arms transfers tends to focus on the more dramatic illegal transactions that sometimes occur. Since 2001 three stories in particular have captured the media's attention. The first two were the illegal arms exports by the state-owned companies TEREM and Beta, to Syria and Sudan respectively. In both cases most journalists demonstrated a poor understanding of Bulgaria's export control system and the international issues that were at stake. A more recent discussion, involving some of the brokers in the TEREM case, included an analysis of the Iraq Survey Group Report. The article reported extensively on several Bulgarian companies involved in the illegal exports of ADGT to Iraq (see Section 4.2.4). Yet it is clear to any informed reader or viewer that only a handful of journalists actually read the sections in the report concerning Bulgaria, most relying on interviews and recounted stories from their colleagues.

The media coverage that followed the launch of the 2003 CSD/Saferworld report *Weapons Under Scrutiny*, a report which examined Bulgaria's SALW production and export system, serve to underline the generally poor journalistic standards in the field. One major national daily's front page headline stated 'Our Country is Placed in UN's Register for Illegal Trade for the Export of Mortars to Uganda and Cote D'Ivoire for 2002',³²⁶ demonstrating no understanding of the UN Register's purpose, which is to record transfers of conventional weapons as declared by governments. Another major daily reported that 'Companies have earned US\$ 1 bn dollars from the illegal export of arms from Bulgaria',³²⁷ in this case confusing global and domestic economic statistics.

³²¹ So far as is known to the authors, Bulgarian journalists have only had access to one training event on SALW reporting. The SEESAC/Saferworld seminar, held in Bucharest in June 2004, brought journalists together from Moldova, Romania and Bulgaria. Only 5 places were available for journalists from each country.

³²² Stability Pact Media Task Force, November 2003, p 16.

³²³ *Banker-Paragraph* 22, 13 December 2003.

³²⁴ *Standard*, 26 November 2004.

³²⁵ *Noshten Trud*, 25 October 2004.

³²⁶ *Monitor*, 05 April 2004.

³²⁷ *Novinar*, 06 April, 2004.



4.3.5.3 Reporting on the defence industry

Reporting on defence industry issues, particularly SALW production, is often of a higher standard since a pool of specialists (former military or defence ministry analysts, or economists) who are able to write sound analyses on the issue are available to journalists. Additional analytical capacity is provided by specialists from the military academies, the Bulgarian Academy of Sciences and the University of World and National Economy's Defence and Security Economics department. Most journalists who write on this topic though tend to go for formulaic storylines about the 'good old days' when Bulgaria exported large numbers of weapons. Headlines such as 'The Military Industry Closed Down' or 'How the Arms Trade was Smashed from US\$ 1.5 bn to US\$ 80 m' are still typical.³²⁸

4.4 SALW collection

4.4.1 Previous collections

The earliest voluntary weapons collection in Bulgaria appears to have been a two-month amnesty held in 1968, during which individuals were allowed to surrender unregistered arms to the police. This programme was primarily focused on air-guns and its effects were not widespread.³²⁹ In 1990 another amnesty law was passed. It suspended Article 339 of the Penal Code and allowed anyone possessing unregistered firearms, ammunition, or explosives to hand them in without being prosecuted.³³⁰ During this amnesty only a few dozen firearms were handed in.³³¹

Since that time Bulgaria has taken the unusual step of running temporary weapons collections during periods of tension. The first such programme was implemented in June 1992, when the Council of Ministers instructed all regional police departments to collect all legal and illegal firearms, including all hunting and sports arms, as well as all weapons given to individuals by the state as gifts. The order called for a complete re-registration and accounting of all MoI weapons, and for MoD, the MoI, the Forest Commission, the Bulgarian Fishing and Hunting Union and the Committee on the Closure of the ODC to account for all registered SALW and increase the security measures at storage sites.³³² Since many of the weapons in the country at that time were held by former Communist party members, this was widely seen as a politically motivated act by the ruling party of the time, the Union of Democratic Forces. However, the government's stated goal, both in 1990 and 1992, was to minimise the impact of any violent outbursts during political elections that were highly polarised.³³³

Although the weapons were subsequently returned to their owners, they were collected again ahead of the December 1994 parliamentary elections.³³⁴ At that time the political divisions in the country were acute and the government was attempting to minimise the incidence of armed violence by taking weapons out of circulation. Following the elections, the legal firearms were once again returned to their owners once more.³³⁵ According to an interviewee from the MoI, the 1992 and 1994 collections were both very successful, with the bulk of known weapons handed in.³³⁶ In reality, though, most of the weapons collected were so-called 'award weapons' belonging to former communist party members. Attempts to collect hunting weapons largely failed, while the number of illegal weapons that were handed in did not exceed that collected in previous years.³³⁷

³²⁸ 168 Chassa, 30 April 2003, and 24 Chassa, 04 April 2004.

³²⁹ Amnesty Draft Law from 26 June 2002, Parliament Legislation Database, <<http://www.parliament.bg/?page=app&lng=bg&aid=4>>

³³⁰ Amnesty Law, from 28 March 1990, State Gazette No. 30 from 13 April 1990.

³³¹ Email correspondence with Mr N Krachmarov, former employee of the Co-ordination, Information and Analysis Division of the NPS, MoI.

³³² Decision 167 of the Council of Ministers on the re-registration of firearms used by legal entities and private individuals, 04 May 1992.

³³³ Interview, Chervenkov, 21 July, 2004.

³³⁴ Decision 473 of the Council of Ministers of 27 October 1994 for the accounting, re-registration, confiscation and storage of firearms, owned or used by legal entities and private individuals.

³³⁵ Interview, Chervenkov, 21 July 2004.

³³⁶ Ibid.

³³⁷ Interview, Stoyanov, 2004.



In June 2002, Nonka Matova, a Member of Parliament, submitted a draft law that proposed an amnesty for everyone who owned unregistered weapons in violation of the Penal Code's Article 339, provided they surrender the weapon to the Mol within a three month period. In addition, the proposed law allowed the surrendered arms to be legally registered and their owners to resume ownership.³³⁸ This initiative, though, did not capture the imagination of the public or politicians and was never voted on. Ms Matova renewed her attempt to introduce an amnesty law in late 2004, but as government agencies argued that an amnesty would need to be accompanied by a large, and possibly costly collection and awareness campaign, the law stalled again and was not submitted for voting.

4.4.2 Capacity to conduct future SALW collection

The fact that a weapons amnesty law has been under consideration raises the question of Bulgaria's readiness to conduct a safe and effective SALW collection. The minimum conditions that would need to be met would include the following. Firstly, the existence of a nationwide infrastructure suited for use as temporary collection and storage centres. On this count there are no foreseeable problems because of the NPSs country-wide network of district police stations and warehouses. Secondly, procedures, facilities and training would have to be provided to deal with any risks arising from unsafe explosive ordnance surrendered during the amnesty. Since, unlike neighbouring countries such as Macedonia and Serbia, Bulgaria has not historically suffered the proliferation of military-style weaponry on its territory, few challenges would probably arise in this area. Some preparations would nevertheless need to be taken. A further challenge would be presented by the requirement to store and transport surrendered SALW in a secure manner, particularly since the country is engaged in an ongoing battle against hardened and audacious organised criminal gangs. Although the research team were unable to gather information on the storage standards at Mol facilities, the Bulgarian police have successfully collected legal weapons on previous occasions and will therefore have relevant experience to draw upon during any future initiatives.

A final consideration is whether the general public would have sufficient trust and confidence in institutions tasked with collecting weapons and delivering any incentives. HHS and FGD results showed that public trust in state institutions, including the police, is lacking (see Section 3.2). Attitudes towards the idea of SALW collection were also generally negative, indicating that public scepticism would be a major hurdle for any SALW collection in Bulgaria to overcome. Experience elsewhere has shown that a well-conceived SALW awareness campaign can significantly improve public participation in disarmament programmes. However, in order to succeed, such a campaign would in turn require a large degree of transparency from the government over the nature and size of the problem being tackled, the criteria for success and the fairness of the disarmament process, including the delivery of incentives.

4.5 SALW destruction

4.5.1 Destruction of surplus weaponry

As noted above, Bulgaria has sizeable stocks of surplus weapons, primarily those held by the army (approximately 200,000, see Section 1.1.2). Although weapons seized from the population during police work come under the jurisdiction of the Mol, the police are not known to have carried out destruction on a significant scale. In January 2003, however, the Mol auctioned off 1,350 confiscated SALW³³⁹ a decision that is not in keeping with the UN PoA which calls for the destruction of all surplus SALW.³⁴⁰

That said, the Bulgarian Government has shown increased willingness to discuss and implement the disposal of its SALW stockpiles in recent years, and has attracted some donor assistance in return. The first destructions

³³⁸ Amnesty Draft Law from June 26, 2002, Parliament Legislation Database, <<http://www.parliament.bg/?page=app&lng=bg&aid=4>>

³³⁹ 68 *Chasa*, 31 January 2003.

³⁴⁰ UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (UN Document A/CONF.192/15), Section II-16.

³⁴¹ Gounev et al, p 46.

³⁴² Georgiev, 03 – 04 November 2004.



SEESAC, 2003.

Photo 11: 24 October 2003: Bulgaria proudly unveils its 'Bird of Peace' monument outside the Defence Ministry's Information Centre. The sculpture was made from weapons and ammunition destroyed in summer 2003.

of SALW started in 2001 when Bulgaria signed an agreement with the US Government for the destruction of up to 150,000 SALW.³⁴¹ So far, Bulgaria has destroyed around 96,000 SALW (and ammunition – see below) under this agreement.³⁴² In July 2003, under a project funded by the UNDP, the MoD destroyed 4,500 AK-74 rifles and additional ammunition (see below). On 27 October 2003, a sculpture created by students from the Bulgarian National Academy of Fine Art using a portion of the weapons and ammunition earmarked for destruction was unveiled in central Sofia.³⁴³

Following the UNDP-supported destruction, an independent report commissioned by SEESAC concluded that Bulgaria is a good candidate for future destruction SALW projects, provided the MoD is motivated to support the process. It noted that remaining stocks of surplus small arms ammunition and AK-74s would be good candidates for future destruction since many

of the existing stocks are relatively new and have significant value on the world's black and grey markets (the RPG family of weapons was also noted as another potential candidate). The report also made a number of recommendations for improvement of technical and environmental procedures before any future destruction.³⁴⁴

Although no national programme for SALW destruction currently exists, the Government of Bulgaria has been seeking funding for further destruction from foreign donors on a one-to-one basis.³⁴⁵ In particular both the US and UK governments have expressed a willingness to assist Bulgaria with further SALW destruction and discussions were underway during mid-2004.³⁴⁶ In December 2004 a joint delegation from the UK's Joint Arms Control Implementation Group (JACIG), and SEESAC, made an assessment visit to MoD storage sites.³⁴⁷

4.5.2 Destruction of surplus ammunition

At the end of 2004, the Bulgarian Armed Forces had close to 80,000 tons of surplus ammunition, out of which about 21,000 tons was SALW ammunition (see Figure 37 and Annex C). As noted above, Bulgaria has co-operated with the US Government and UNDP on the destruction of surplus ammunition (nearly 6,700,000 rounds in the case of the US-supported project and 750,000 rounds of 5.45 mm small arms ammunition and 2,475 rounds of high explosive anti-tank ammunition in the case of UNDP).³⁴⁸

On 04 March 2004, Bulgaria's Council of Ministers approved a document entitled *The National Programme for Recycling and Destruction of Surplus Ammunition on the Territory of Republic of Bulgaria*.³⁴⁹ As the title suggests, this document sets out a national plan for the destruction of ammunition surpluses. Drafted by MoD specialists, the document gives several explanations for the existence of current surpluses (said to be equal to about 50 percent of all available ammunition stock). The first reason offered is the ongoing reduction of the

³⁴³ 'From Small Arms to Peace in Bulgaria', UNDP, <http://www.undp.bg/en/homepage_files/salw/monument_of_peace.pdf>.

³⁴⁴ Munro, 2003.

³⁴⁵ Reference on the Main Projects for the Modernisation of the Armed Forces of the Republic of Bulgaria, <http://www.mod.government.bg/_bg_/docs/spravka_prj_15_07.htm>, accessed 21 July 2004>.

³⁴⁶ Interviews, Lowder, 23 September 2004; Broid, 21 September 2004.

³⁴⁷ Interview, Wilkinson, 06 December 2004.

³⁴⁸ Georgiev, 03 – 04 November 2004; and Munro, 2003.

³⁴⁹ The programme was submitted on 09 March 2004 to the National Parliament. Since it was first considered on 18 March 2004 by the Foreign Relations, Defence and Security Committee the programme has been retained for further consideration by the Committee.

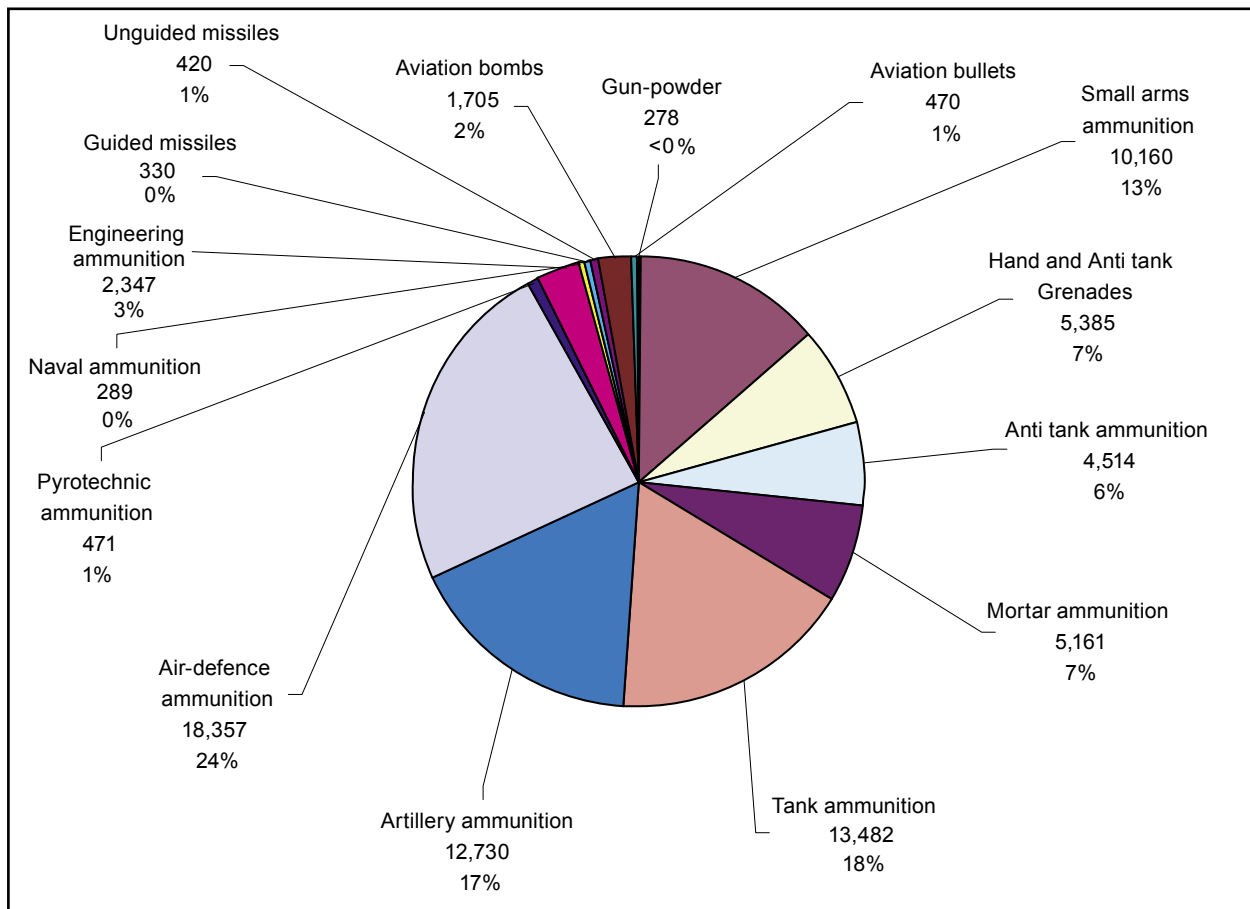


Figure 37: Surplus ammunition of all kinds by type (tons).³⁵⁰

Bulgarian Armed Forces. The second justification given is that during the period of restructuring, ammunition was moved to new locations, leading to the deterioration of some stocks. Technical assessments are said to have shown that the chemical stability of propellant and the ballistic qualities of some ammunition have indeed been reduced. As a result, all ammunition produced prior to 1970 is earmarked for destruction under the proposed programme. Without the full results of these ammunition tests it is not possible to assess whether any of this ammunition constitutes an immediate threat to human life.

In addition to detailing existing surpluses, over one third of the programme document gives general explanations of different destruction and recycling methods and their environmental implications (the environmental impact is admitted to be very serious but the document concludes that a separate study would be needed to estimate its precise nature and extent). Unfortunately, no linkage is made between these textbook-like sections of the document that discuss destruction processes and the task of destroying the particular stores in question. Nor does the text explore the financial implications of these different methods.

The document also gives some information on the capacities of different defence industry companies to destroy or recycle ammunition (see Box 14), although the exact quantities that particular facilities can deal with is generally not stated. The document does not present an overall assessment of the actual combined capacities of the facilities it mentions, but concludes that altogether the companies have sufficient storage space, technological capacity and expertise to deal with a part of the destruction and recycling task specified. Although the companies are assessed as meeting safety requirements for these processes, their methods and equipment are said to be below current environmental standards.

³⁵⁰ Source: MoD, 2003. A detailed description of the SALW ammunition surpluses is provided in Annex C.



Box 14: Ammunition destruction capacities of defence facilities³⁵¹

VMZ (Sopot): VMZ has a number of 'galvanic facilities' for various chemical technology operations related to the destruction and recycling of ammunition. Although the company needs some additional equipment to recycle some of the ammunition, it already has sufficient equipment to handle ammunition destruction, though it is not made clear on what scale. The equipment is said to include: hydraulic presses up to 250 tons, equipment for steaming the main explosive filling out of shells and a machine for fracturing explosives.

Trema (Triavna): Like VMZ it has its own water-treatment facility and equipment for steaming explosives out of shell casings. The company does not have the capacity to dispose of or destroy the explosive substances, particularly TNT, so the preferred option is to extract, dry and re-sell the high explosive to other defence companies. Trema also has equipment for cutting empty shell casings to make steel scrap and furnace facilities to burn any additional material left over from the disposal of shells. The company has storage capacity for up to 30,000 artillery ammunition rounds. With some extra equipment and product-line adjustments, the company could destroy or dismantle up to 10,000 85–125 mm ammunition rounds at 11 rounds per euro (after the sale of scrap metal and TNT).

Arcus (Lyaskovetz): The company has the capacity to destroy and recycle all types of ammunition up to 40 mm. The company has also developed its own project for a 'Centre for Recycling and Destruction of Ammunition'. It remains unclear whether this centre would compete with the regional centre envisaged by the national programme document.

Videks (Sofia): Has the capacity to process between 350–400 tons of explosive materials per month. It could recycle and destroy between 80,000–100,000 rounds of artillery ammunition, depending on its calibre (57 mm, 85 mm, 100 mm, 122 mm). The company is currently involved in the destruction of anti-tank mines, cumulative, longitudinal, and centred fuses.

Dunarit (Ruse): Involved in the production of aviation and artillery (57–122 mm) ammunition. No information is given on the quantities of ammunition the company can handle, or the rate at which it can process them.

Mechanics and Installation (Sevlievo): Could destroy and recycle a wide range of mine, artillery, anti-tank and anti-aircraft ammunition fuses, as well as some hand grenades. No information is given on the quantities of ammunition the company can handle, or the rate at which it can process them.

Elovitza (Gabrovo): Could extract and recycle TNT and produce a number of civilian use products from it. It could also destroy anti-tank mines (BA-III and TM-46). No information is given on the quantities of ammunition the company can handle, or the rate at which it can process them.

Arsenal (Kazanlak): Capable of recycling a wide range of SALW ammunition, including 5.45–14.5 mm rounds; 23–57 mm anti-aircraft rounds; 60–120 mm mortar rounds; 76–152 mm artillery rounds; RPG rounds, as well as a range of artillery ammunition. No information is given on the quantities of ammunition the company can handle, or the rate at which it can process them.

TEREM (Kostenetz): The MoD owned plant participated in the 2003 UNDP-sponsored SALW destruction project and the company is capable of destroying a wide range of SALW artillery, and anti-tank and air-defence ammunition. No information is given on the quantities of ammunition the company can handle, or the rate at which it can process them.

Having detailed the destruction capacities of the different national defence facilities, the programme document identifies several gaps:

- The defence facilities are not fully capable of meeting current environmental regulations.
- The technology in use is old and investment in its improvement would be more costly than acquiring new ones.
- There is limited capacity to recycle.
- An absence of proper equipment for the disposal of explosive or sensitive components (eg detonators and fuses).
- No equipment for the reprocessing and secondary use of hull elements and cartridge cases.

In light of these problems the document recommends that Bulgaria establishes a new 'centre, where the most modern destruction and recycling technologies will be implemented.'³⁵² The centre is envisaged as being able to dismantle, recycle and destroy all ammunition, from 'bullet to rocket.'³⁵³ The proposed location is the existing TEREM-Kostenetz plant, which is assessed as being 'far away from a large town and in a region with high unemployment, but with good infrastructure.' (It is not made clear how the ongoing privatisation of TEREM facilities affects the plan (preliminary bids for the Kostenetz plant were due in December 2004, raising the

³⁵¹ Source: MoD, 2003.

³⁵² MoD, 2003, p 58.

³⁵³ Ibid, p 65.



possibility of additional capital costs if land or facilities necessary for the programme are sold off).³⁵⁴ Although the planned centre would use existing sites, it would operate as a separate company. The document predicts that such a centre would be able to destroy all surplus ammunition in eight years. Crucially though, the programme plan is for a centre that accepts surplus ammunition from across the region, 'It should be able to destroy the ammunitions of countries in the Balkans, which will transform it into a regional centre'.³⁵⁵ (see Box 15 for a discussion of the considerations that apply to establishing regional ammunition destruction centres.)

Box 15: Regional demilitarisation facilities³⁵⁶

A solution that is often proposed at international conferences is the development of a regional demilitarisation facility. Whilst this is an attractive concept for donors and the recipient country, the political and technical realities are very different for the remainder:

- The very large stockpiles present in many countries of the region mean that national economies of scale can usually justify a national demilitarisation capacity anyway.
- The ammunition would have to be 'safe to move' in accordance with international legislation, agreements or recommendations. This would be difficult to achieve until effective ammunition surveillance systems had been developed in some countries.
- Many states within the region will support a regional facility since it is a major economic investment. The difficulty for donors would be in choosing between them.
- Large-scale movements of ammunition to a regional demilitarisation facility would require intense political negotiation and planning to ensure that the 'balance of military capability' between the states of the region was impacted equally. Stockpile downsizing would have to be done in an equitable manner, which may not be efficient in terms of demilitarisation operations.
- The international donor community is unlikely to have the resources to pay for the total surplus stockpile destruction, therefore it would also become an economic issue between countries.

The section of the document that aims at a financial justification of the proposed programme considers only one scenario – the construction of a destruction centre. The centre would take two years to build at a cost of EU 9.85m (plus an extra EU 6.8m in storage costs). The cost of destroying all the ammunition earmarked for destruction by the programme is estimated at EU 47.3m, with the destruction of surplus SALW ammunition costing just over EU 6.3m. This total also includes a EU 4.73m projected profit, estimated on the basis of the recent destruction programme subsidised by the US Government. The discounted storage costs for all surplus ammunition for a ten-year period would be EU 29m (it is not clear whether the EU 47.3m includes the storage expense). Expected profits from the sale of 62,510 tons of recycled materials would be EU 16.52m.

The programme document does not compare the financial implications of alternative solutions to the regional destruction centre, such as the use of current capacities or transportation to facilities abroad. There are also no estimates for future destruction orders from neighbouring countries in the document.

4.6 Public transparency and accountability

The exchange of information at the international level is now a routine practice for Bulgaria. Domestic improvements have also occurred and information on topics such as the legal framework and the operation of control mechanisms are now publicly available.³⁵⁷ Probably the best single test for levels of transparency in Bulgaria on SALW issues, however, was the writing of this report. While the co-operation obtained by the researchers in their dealings with government officials was in many cases excellent (in some cases officials even took time to review the text), the team's enquiries were sometimes frustrated by a lack of transparency, meaning the following information was unobtainable:

- Arms export and import data (MoE and Customs).
- Active SALW holdings of various government agencies (MoD, MoI, Customs Agency, Ministry of Justice, and Ministry of Agriculture and Forests).

³⁵⁴ BTA, 11 November 2004.

³⁵⁵ Ibid.

³⁵⁶ Source: Correspondence with Adrian Wilkinson, SEESAC Team Leader, September 2004.

³⁵⁷ See the MoE website, <<http://www.mi.government.bg/ind/lic/arms.html>>.



- SALW surpluses (MoD, Mol).
- Firearm-related crime within the military (Military Police).
- Brands of registered and seized firearms (Mol, NBPS).
- Breakdown of seized firearms by border-crossing location (NBPS).
- Number of thefts from military depots (MoD).
- Number of registered hunters (Union of Hunters and Fishermen in Bulgaria, National Forest Management Service).

Responses on the occasions when the above information was sought varied from formal denials to a lack of response to repeated requests.³⁵⁸ As a well-known Bulgarian defence economist who previously collaborated on the *Weapons Under Scrutiny* report put it, 'The spirit of secrecy regarding military and security affairs inherited from the Communist era is still strong'.³⁵⁹

In fact, with few exceptions, most officials contacted by the researchers were willing to co-operate but felt constrained by law. It seems then that Bulgarian citizens' rights to obtain public information relating to SALW are severely curtailed. The major problem appears to lie with the scope and application, of the recent *Law on Protection of Classified Information (2002)*, which stipulates that the following information shall be classified: 'summarised information regarding special production³⁶⁰ of the defence industry, as well as forecasts about development, plans, production capacities, scientific and research units involved in fulfilling production orders for armaments, combat equipment, ammunition and military equipment.'³⁶¹ In addition, the law classifies, 'summarised information about the export and import of armament, combat equipment and ammunition for the needs of the Bulgarian Armed Forces.'³⁶²

As the above list of denials demonstrates, information is restricted by a number of agencies with quite different responsibilities. In transparency terms, the 2002 law actually represents a step backwards. Under the previous *Law for Access to the Documents of the Former State Security and Former Intelligence Agency of the General Staff*, repealed in 2002, information on arms trading could be declassified with the approval of a special committee. Since a good part of the requested information denied to the research team during this research has already entered the public domain by a number of different routes, the current wording and application of the law seems unduly restrictive. For example, Mol and MoD spokespersons give estimates of army and police personnel with some regularity in the media; the number of surplus SALW is presumably known to Western governments (eg the UK and USA) and international agencies (eg SEESAC) who finance and oversee their destruction, yet not to the Bulgarian public; and import and export figures are available for all weapon types in a number of different registers and publications including the UN Register of Conventional Arms, the UN COMTRADE and NISAT databases, the arms export reports of other countries, and media reports (see Annexes E and F for a list of known exports and imports.)

4.6.1 Annual arms export reporting

Transparency in the arms trade is an important means of monitoring whether states follow international agreements and guidelines. The publication of arms export reports by countries involved in the arms trade is an essential element of transparent practice, provided those reports are comprehensive and detailed. Bulgaria's first arms export report was originally due in April 2003, having been under preparation by the Interdepartmental Commission for almost two years. The report is said to detail the Interdepartmental Commission's activities for the previous year and it is hoped that it will provide information on the type, destination and value of arms

³⁵⁸ Another highly relevant refusal is detailed in a report by the Bulgarian Helsinki Committee in their annual report for 2003. On 28 March 2002, the Yambol Regional Court found the Sliven Regional Military Prosecutor's Office guilty of a violation of the Access to Public Information Act, because it refused on 12 February 2001, to provide the BHC with information regarding the number of complaints of illegal use of force and firearms by police and military officers and the number of these cases that resulted in investigative cases in 2000-2001. The court's decision was appealed, but at the beginning of 2003 the Supreme Court of Appeals confirmed the Regional Court's decision.

³⁵⁹ BICC/BASIC/Saferworld/SAS, p 98.

³⁶⁰ "Special production" is a term used in Bulgarian to denote any type of arms and dual-use goods and technologies.

³⁶¹ Law on Protection of Classified Information, SG 45/2002, last amended SG 31/2003, Article 25, Addendum 1, §1.18.

³⁶² Ibid, Article 25, Addendum 1, §1.22.



transfers for 2002 and 2003. The report has now been accepted by the Council of Ministers (without alteration) and is under consideration by the national parliament, whose members will determine what part of the text will be made public.³⁶³

Though the ultimate publication of the report will be a welcome boost to transparency, it should be noted that the LCFTADGT does not make provisions for a public report on arms transfers. Although the law tasks the Interdepartmental Commission with reporting to the Council of Ministers on the law's implementation and the Council of Ministers in turn with submitting the report to parliament (Article 18), there is no legal requirement for the report to be made public. This low degree of transparency is reflected in the lack of accountability mechanisms at the parliamentary level. To date no provision has been made for parliamentary scrutiny of arms transfer licensing decisions, either before or after licences are granted.³⁶⁴

4.7 International co-operation and information exchange

For a country whose arms trade was veiled in complete secrecy a decade ago, Bulgaria has made speedy progress towards routine co-operation with European organisations and processes and the exchange of information that entails. From 1993 onwards, successive Bulgarian Governments have provided information on arms exports to the UN Register of Conventional Arms. Since then the country has become party to an increasing number of international arms control instruments, some of which pertain to SALW and involve the exchange of information (see Section 4.1.2).

In 1994, Bulgaria became one of the first countries to join NATO's Partnership for Peace (PfP), programme, beginning a series of co-operative defence reforms.³⁶⁵ Bulgaria was also an early member of the Wassenaar Arrangement (WA) that has brought member countries together to promote the control of exports of weapons and sensitive technology to countries of concern since 1996. Government representatives participate at the WA's regular meetings and reports on arms exports are submitted on a regular basis. In the past, Bulgaria has also expressed its support in for adding SALW reporting requirements to Wassenaar's requirements.

In August 1998 Bulgaria formally aligned itself to the EU Code of Conduct on Arms Exports and committed itself to abide by all guidelines, decisions and positions related to arms transfers taken by the EU. In the absence of a report on the country's arms exports, it is extremely difficult to judge how closely the Code is being adhered to, particularly in regard to exports, but also in other areas. While the MFA is known to have fulfilled one information exchange requirement contained in the Code by submitting a report to the EU's Working Party on Conventional Arms Exports (COARM), on its efforts to implement the Code,³⁶⁶ it seems certain that the restrictions contained in the *Law on Protection of Classified Information* (see above) will have prevented the MFA fulfilling a second requirement of the Code, namely that, 'Each Member State will circulate to other Member States in confidence an annual report on its defence exports...'.³⁶⁷ Despite this, an interviewee from the US Embassy welcomed the increased use that members of the Interdepartmental Commission are making of foreign embassies as an information source when assessing applications for export permits.³⁶⁸

In December 1998 the government made a further political commitment to the EU Joint Action on SALW.³⁶⁹ In November 2000 it signed the OSCE Document on SALW³⁷⁰ and since then has made timely submissions to the OSCE on SALW transfers within the OSCE area, as required by the document.³⁷¹ Bulgaria is also a signatory to the UN PoA of 2001. On 07 March 2002, the Council of Ministers also adopted a *Decision for the Approval of the UN PoA*, which tasked different government institutions with appointing a point of contact to facilitate the

³⁶³ Interview, Vladimirov, 04 November, 2004. During a previous interview, the acting secretary of the commission stated that he hoped and expected the published report to include information on values of exports and their destinations – interview, Atanasov, 24 September 2004.

³⁶⁴ Article 66, § 2 of the regulation on implementation of the LCFTADGT (SG 102/95) tasks the Interdepartmental Commission with overseeing implementation of the law.

³⁶⁵ <http://www.dcaf.ch/publications/e-publications/SL_FRY/Ivanov.pdf>, accessed 01 November 2004.

³⁶⁶ 'Report by the Bulgarian MFA to COARM, 19 March 2003, DS 8/2003'.

³⁶⁷ European Union Code of Conduct on Arms Exports, Operative Provision no. 8, 8675/2/98 CR/mas EN, DG E - PESC IV 9.

³⁶⁸ Interview, Lowder, 23 September 2004.

³⁶⁹ EU Joint Action of 17 December 1998 on the EU's contribution to combating the destabilising accumulation and spread of small arms and light weapons (1999/34/CFSP).

³⁷⁰ FSC.DOC/1/00, 24 November 2000.

³⁷¹ Bulgaria has made three submissions to the OSCE secretariat since the document's adoption. Correspondence with Anton Martynyuk of the OSCE Secretariat, 23 September 2004.



implementation of the Programme. The decision is said to have formalised the existing practice of an 'expert group' meeting from January 2001 onwards.³⁷² Since the Programme was adopted, Bulgaria has submitted two annual progress reports to the UN Department for Disarmament Affairs, but has yet to file one for 2004.³⁷³ A Bulgarian representative has also participated in the UN Group of Governmental Experts which meets to consider the feasibility of an international instrument governing the marking and tracing of SALW.³⁷⁴

A number of different regional initiatives currently operate in South East Europe with the declared aim of combating organised crime and cross-border trafficking. They include the International Criminal Police Organisation (Interpol),³⁷⁵ the European Police Office (Europol),³⁷⁶ the Stability Pact for South-Eastern Europe (via the SEESAC), the Black Sea Economic Co-operation Organisation (BSEC), the Central European Initiative (CEI), and the Southeast Europe Co-operative Initiative (SECI), Center for Combating Trans-Border Crime. The Bulgarian police, customs and intelligence agencies co-operate with several of these initiatives on the basis of bilateral agreements.³⁷⁷ The most influential and important of these are probably the SECI Centre and SEESAC.

The SECI Center for Combating Transborder Crime, based in Bucharest, is comprised of police and border officials, seconded from twelve regional countries. It seeks to, 'prevent, detect, trace, investigate and suppress illicit trafficking in SALW by establishing direct, sustainable and rapid channels of information exchange.' Bulgaria has supplied two liaison officers, one from the Mol and one from the National Customs Agency as points of contact with the Center's Bucharest office.³⁷⁸ These officers actively exchanged information on illicit arms trafficking with fellow SECI members during 'Operation Ploughshares', the SECI Center's initiative to tackle SALW trafficking in South Eastern Europe, which ran between November 2002 and May 2003.³⁷⁹ Unfortunately inadequate resources hamper the effectiveness of the SECI Center, in particular the lack of analytical capacity to process the data collected (the Center does not have in-house analysts to examine the intelligence on trafficked SALW that it receives). Improvements to the operational capacity of the SECI Center would assist all participating countries, including Bulgaria, in combating the movement of illegal SALW across its borders.

SEESAC, a joint UNDP/Stability Pact initiative, was created as part of the November 2001 'Regional Implementation Plan on Combating the Proliferation of SALW' (RIP). It acts as a focal point for SALW control and reduction projects in the region, offering technical assistance to governments and other actors on SALW control issues. The Bulgarian Government's principal involvement with the Clearinghouse so far has been in connection with the UNDP-sponsored weapons destruction project of 2002, in which SEESAC gave technical support and assistance with fundraising.

³⁷² According to the Reply of the Republic of Bulgaria to Operative Paragraph 12 of UNGA resolution 56/24 V, the designated institutions are as follows: Interdepartmental Council on Issues of the Defence Industry and the Country's Mobilisation Readiness at the Council of Ministers; Commission for Control and Permission of Foreign Trade Deals in Arms and Dual-use Goods and Technologies at the Ministry of Economy; Ministry of Interior; The Customs Agency at the Ministry of Finance; Ministry of Defence; Ministry of Foreign Affairs; Ministry of Justice.

³⁷³ <<http://disarmament2.un.org/cab/salw-nationalreports.html>>, accessed 23 November 2004.

³⁷⁴ Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V.

³⁷⁵ According to public statements by government officials, the Bulgarian Customs Agency periodically receives information on stolen firearms from the Interpol National Bureau, thereby enhancing its capacity to prevent illicit arms trafficking. Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', p 8.

³⁷⁶ On 17 June 2003, Bulgaria signed a co-operation agreement with Europol in connection with the fight against international organised crime. The agreement allows Bulgaria to appoint a liaison officer to work at Europol headquarters in The Hague. Europol press release, 17 June 2003.

³⁷⁷ Co-operation between customs authorities takes place on the basis of: Protocol No 6 on Mutual assistance in Customs activity, in accordance with Article 93 (3) of the Europe Agreement establishing association between the European Commission and the Member States on the one part and the Republic of Bulgaria on the other part (SG No 33/1993, in effect since 01 February 1995); Bi-lateral agreements on international co-operation and mutual assistance in customs activities between Bulgaria and the governments of Austria, Turkey, Greece, Romania, the Russian Federation, Ukraine, Macedonia, Mongolia, Federal Republic of Yugoslavia; and a MoU with the UK Government. Reply of the Republic of Bulgaria to operative paragraph 12 of UNGA resolution 56/24 V 'Illicit trade in small arms and light weapons in all its aspects', pp 7-8.

³⁷⁸ See <<http://www.secicenter.org/html/index.htm>>, accessed 23 November 2004.

³⁷⁹ According to an end of project report, the information made available within the centre by Bulgaria covered seizures of a wide variety of weapon types, including 46 hand guns, 2 Makarov pistols, 86 unspecified combat rifles, 10 handmade weapons, 3 RPGs, 16 handmade explosive devices, 426 detonators and 15.9 kg of unspecified explosive devices. Data provided by the SECI Regional Center, June 2003.