

6

SALW amnesties and weapons collections

6.1 SALW amnesty and collection legislation and structures

THIS SECTION AIMS TO REVIEW and draw lessons from the SALW amnesty and collection activities that have taken place since 1997 as a contribution to developing programmes to remove the remaining illicit weapons from hands of civilians in Albania. It begins by outlining the legal basis for the different amnesty and collection periods; introduces the operational methodologies that were used; reviews the UNDP contribution (as the main international actor involved in weapons collection); details the key results of the major collection programmes; and concludes by identifying lessons for the future.

Due to the variety and novelty of the approaches employed in Albania over recent years to remove illicit weapons from the hands of the civilian population there have been a number of studies conducted into their relative successes and failures.⁵⁶²

This Survey does not aim to rehearse the findings of these studies but rather to indicate from the operational and policy perspective the different elements that might be useful in any future intervention.

6.2 The legal basis for SALW amnesty and weapons collection

In August 1997, the Albanian Government established an amnesty for those who voluntarily surrendered unregistered weapons to the authorities, which was continually renewed until it lapsed on 4 August 2002. On 5 August 1998, the Government enacted Law No. 8388 'For SALW Collection'. This established the principles for voluntary surrender of weapons that had not been used in crimes, the methods to be employed for weapons collection and the registration of weapons and military ammunition.⁵⁶³ According to Article 21 of this law, the sanctions to be imposed against those failing to co-operate with the disarmament process, would be a fine of between 10,000 leke and 100,000 leke or a custodial sentence of six months, at the court's discretion.

This law also established a series of administrative and operative inter-agency structures that were to be responsible for implementing the law on SALW collection at

⁵⁶² Faltas S and Paes W-C, 'You Have Removed the Devil from our Door': An Assessment of the UNDP Small Arms and Light Weapons Control (SALWC) Project in Albania, (SEESAC, 2003); South Eastern Europe SALW Monitors 2004 and 2005 (Saferworld and SEESAC); Muggah R, *Listening for Change: Participatory Evaluations of DDR and Arms Reduction in Mali, Cambodia and Albania*, (UNIDIR, 2005); Centre for Rural Studies and Sustainable Development, 'Socio-economic Analysis and Impact Assessment of UNDP Albania SALWC Project' (Sept 2002).

⁵⁶³ These principles continued to be applied in subsequent weapons collection legislation. The processes of storage, documentation and administration for collected weapons were also outlined in Trial Agreement No. 1214, 'For Collection, Storage, Secure, Administration of Armament-Ammunition and Other Fighting Materials', 29 March 2000.

national, prefecture and local levels, including a special weapons collection unit within the police, which by May 2000 had recruited 250 members specially tasked and trained for weapons collection duties. The army was given the responsibility for storing the collected weapons in their depots.⁵⁶⁴ This law also stated that the prefecture level weapons collection committees would be responsible for public awareness raising on the issue, and were expected to devise awareness raising plans.⁵⁶⁵ Albania is the only country in the Balkans region to have explicitly included awareness raising on SALW in national legislation.⁵⁶⁶

By the middle of 2002 it seemed likely that the amnesty for the voluntary surrender of weapons would not be renewed and the special commissions and teams tasked with weapons collection would cease to exist.⁵⁶⁷ Thus, after 4 August 2002, the weapons amnesty ceased and the weapons collection structures were dismantled and members of the weapons collection team either reassigned to other police duties or made redundant.⁵⁶⁸ The UNDP office in Tirana had initially supported the end of the amnesty, provided it was accompanied by a serious effort to arrest and prosecute those found in possession of unregistered firearms or military equipment, and by a law that enabled weapons collections and amnesties to be carried out for limited periods in limited areas.⁵⁶⁹ Neither of these subsequently took place.

A draft law for limited amnesties was prepared, with the assistance of the UNDP, but was not passed by parliament. In a review of the various UNDP supported weapons collection processes Faltas and Paes noted that there “were no noticeable increases in the number of arrests and prosecutions for the illegal possession of arms” after the amnesty expired as it seemed that “the Government had lost interest in both collecting and controlling SALW”.⁵⁷⁰ The UNDP and NGOs began to lobby for another general amnesty,⁵⁷¹ and Government officials approached the UNDP to draft a new amnesty and weapons collection law, which was approved by the Council of Ministers in December 2002.⁵⁷² On 6 March 2003, Law No. 9018 “For the collection of weapons, ammunition and other military materials” entered onto the statute books of Albania.⁵⁷³

The 2003 law was comparable to the 1998 Law on SALW Collection for a number of reasons. It contained similar aims, principles, duties for the police and military, and the same pyramid structure of weapons collection commissions in Albania (see figure one below) – although the central weapons collection commission had been upgraded to an inter-ministerial commission for weapons collection chaired by the Deputy Prime Minister.⁵⁷⁴ Designed to remain in force for two years, the 2003 law expired on 31 May 2005 without a new law being put in place. Officials from the UNDP SSSR office in Tirana apparently requested a further two-year extension of the law,⁵⁷⁵ and this appeared likely as the then deputy prime minister and chair of the inter-ministerial commission, Namik Dokle, informed Saferworld that the Government planned to

⁵⁶⁴ Interview, international official, 12 April 2005.

⁵⁶⁵ Article 8, Law No. 8388 on ‘SALW Collection’, 5 August 1998.

⁵⁶⁶ South Eastern Europe SALW Monitor 2005 (Saferworld and SEESAC), p. 31.

⁵⁶⁷ This position was officially stated by the chair of the central weapons collection commission, deputy prime minister Skënder Gjinushi, in an action plan drafted on 14 June 2002 and reiterated at a special meeting of the weapons collection commission on 24 June 2002. The same opinion was stated in a letter sent to Gjinushi by a working group on weapons collection, which consisted of senior officials from the ministries of Defence, Local Government and Public Order. Faltas S and Paes W-C, ‘You Have Removed the Devil from our Door’: An Assessment of the UNDP Small Arms and Light Weapons Control (SALWC) Project in Albania, (SEESAC, 2003), p. 6.

⁵⁶⁸ Interview, MOPO official, 22 April 2005.

⁵⁶⁹ Interview, international official, 12 April 2005.

⁵⁷⁰ Op cit Faltas and Paes, p. 5.

⁵⁷¹ The lobbying of the UNDP for a new amnesty law in 2002 was criticised by Faltas and Paes, although they acknowledged that this route was taken due to the failure of the government to seriously address the issue of illegally held SALW. Ibid, p. 7.

⁵⁷² Interview, international official, 12 April 2005.

⁵⁷³ In the opinion of one NGO representative, who had been involved in the lobbying and drafting for this law, the difficulties persuading the government to accept another amnesty and weapons collection programme could have been linked to the Albanian government’s belief that this would damage its EU membership aspirations. Interview, NGO representative, 30 April 2005.

⁵⁷⁴ Law No. 9018, ‘For Collection of Weapons, Ammunition and Other Military Materials’, 6 March 2003.

⁵⁷⁵ Interview, international official, 12 April 2005.

enact another two-year law.⁵⁷⁶ However following the change in Government following the General Election in 2005, there is still currently no legal basis permitting weapons surrender or voluntary collection and no specific commitment on the part of the Government to develop new plans to put before parliament on this issue.

6.3 Undertaking weapons collection

6.3.1 The government approach

With differing degrees of success, ongoing weapons collection programmes were undertaken across Albania by the police, supported by local governance structures and civil society. A key player in the collection process throughout most of the period covered by the different amnesty/collection legislation was the UNDP, which at different times organised incentive based collections in specific parts of the country (see section 6.3.2 below).

In May 2000, the special teams specifically tasked with weapons collection duties were finally operationalised. Their duties included:

- Public awareness raising activities;
- The collection and recording of surrendered weapons;
- Ensuring the safe storage of collected weapons until they were transferred to the MOD;
- Collecting declarations from Albanian citizens, which stated that the household did not possess any unregistered weapons

The 250 members of the weapons collection teams were mainly police officers and former military personnel, who were recruited for their technical abilities and experience in handling weapons and ammunition.⁵⁷⁷ Additional training was provided by the then Ministry of Public Order Weapons Collection Section (MOPOWCS), and included specific modules for the head of the prefecture's collection teams and the storehouse manager.⁵⁷⁸ However, best practice methods were not always followed. For example, there were a number of instances where magazines had not been removed from collected weapons before being placed in police storage.⁵⁷⁹ The UNDP's technical experts' general assessment was that both the police and military were lackadaisical in their approach to safety of collected weapons. Nevertheless, there were noticeable improvements in communication regarding safety as the weapons collection programme progressed. The situation had certainly improved when compared to 1997, when "people were throwing boxes of ammunition out of third floor windows into the streets of Gramsh and sending children with guns and unexploded ordnance to the collection site".⁵⁸⁰

The process for weapons collection and the subsequent treatment of the collected weapons is shown in Fig 1.

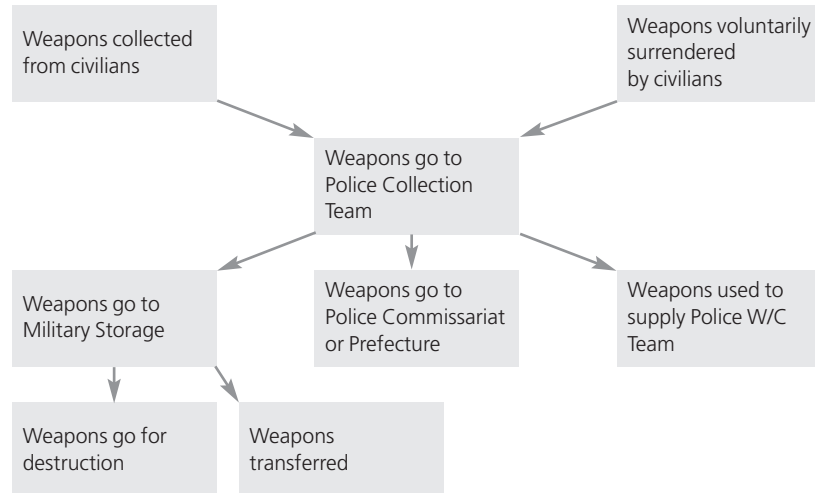
⁵⁷⁶ Interview, Office of the Prime Minister, 31 March 2005.

⁵⁷⁷ Interview, former MOD official, 18 April 2005.

⁵⁷⁸ The UNDP also provided technical experts, who produced Albanian language safety cards.

⁵⁷⁹ One known example of this practice was discovered at the Peshkopi police Commissariat according to UNDP, Weapons in Exchange for Development (Final report, Tirana, Albania, 1 June 2002), pp. 35–7.

⁵⁸⁰ Op cit Faltas and Paes, p. 6.

Fig 1: Chain for weapons collected or voluntarily surrendered⁵⁸¹

The weapons collection process, according to one interviewee, could take place in a village square or hall, or a person could voluntarily surrender their weapon(s) at a police station.⁵⁸² In these cases, when the weapon was handed in, at least two police officers would be present. A receipt was then issued to the person who voluntarily surrendered the weapon and a copy of the receipt was sent with the weapon to the police stores. The storeperson then wrote another receipt, indicating that the weapon had been received. The receipts issued during the day were then added together to give a daily total for all weapons received and stored. At the end of the month, the weapons, ammunition and explosives that had been collected were counted and sent to the MOD with documents detailing the consignment. The collected weapons were then transported to the nearest military bases, where the military storehouse manager would compare the receipt for weapons and ammunition received with his own physical check.⁵⁸³

While it is relatively easy to count the number of SALW collected, exact figures for ammunition, explosives and other military materiel should be approached more sceptically. Neither the police collecting military materiel nor the warehouse manager counted each round. Furthermore, they may not have been able to accurately identify the different types of rounds and explosives. The problem was exacerbated by the fact that the ammunition and explosives may have been delivered in bottles or unorthodox containers, which the police were unwilling to open for fear that the contents were unstable. Therefore, the officially recorded volume of recovered ammunition and explosives may differ from the actual contents of the cola bottles and plastic bags that have been surrendered to the police. However, it was also stated that those responsible for maintaining the police and military collection figures met each month to discuss discrepancies in their respective figures for SALW, ammunition and explosives sent by the police and received by the military.⁵⁸⁴

During the first weapons collection and amnesty period (1997–2002), it has been estimated that Albanian police officers visited more than one million homes, asking people to voluntarily hand over guns or sign a declaration that they did not possess any unregistered weapons.⁵⁸⁵ According to Fier's weapons collection specialist, the heads of communes would sometimes accompany police officers on their rounds collecting declarations and weapons from households in the locality during this period.⁵⁸⁶ In addition, members of the public could, in theory, surrender their

⁵⁸¹ Taken from: United Nations Development Programme, *Weapons in Exchange for Development*, Final report, 1 June 2002, Tirana, Albania, p. 31.

⁵⁸² Interview, former MOD official, 18 April 2005.

⁵⁸³ The Albanian military bases used for storing collected weapons are located in: Berat, Burrel, Elbasan, Fier, Gjirokaster, Korce, Kukes, Lac, Rreshen, Shijak, Shkodër and Tirana.

⁵⁸⁴ Interview, former MOD official, 18 April 2005.

⁵⁸⁵ Quin D, et al, 'Disarming civilians in Albania, Kosovo and Macedonia means making them see guns are a threat to security, not a guarantee', IWPRBCR 470, 27 November 2003, <<http://www.iwpr.net/>>, 07 April 2005.

⁵⁸⁶ Interview, MOPO official, 13 May 2005.

unregistered weapons to local police stations. During the second amnesty and weapons collection period (2003–5), other methods were used. A number of interviewees mentioned initiatives that carried slogans such as ‘one less weapon, one less crime’ or ‘one police officer, one gun’, which had the same methods and aims – for each police officer to collect one SALW during a fixed period, such as a month. According to Bajram Ibraj, the General Director of the State Police, an order was issued that called for each police officer to collect three SALW, with penalties for those who did not fulfil this task and incentives for those who excelled at it.⁵⁸⁷ The cash incentive that was recently introduced for police who collect at least 10 weapons was an attempt to overcome lethargy on behalf of all Government structures, but also of course police.⁵⁸⁸

Other police collection campaigns have been carried out in co-operation with private security companies, with one report stating that this approach led to the collection of 200 firearms.⁵⁸⁹ In what appears to be an isolated incident, there have also been reports of a Catholic priest in Shkoder who went door-to-door in his parish asking people to hand their weapons over to him ‘for God’. It is believed that he collected around 50 guns using this approach, although we were unable to discover when this took place and the time period.⁵⁹⁰

6.3.2 The UNDP contribution

In February 1998 the Albanian Government requested assistance from the UN for the disarmament of the civilian population. They initially requested assistance with the establishment of a buy-back scheme, in which individuals would be financially rewarded for returning looted SALW, ammunition, explosives and other military equipment. Several months later, the United Nations Under-Secretary General on Disarmament Affairs, Mr. Jayantha Dhanapala, led a mission to Albania (11–14 June 1998), which – unsurprisingly – rejected the request for a buy-back scheme. They argued that it would be too expensive, inflate the prices of arms and potentially encourage trafficking in the region.⁵⁹¹ Instead, the mission recommended the establishment of a pilot project in the District of Gramsh,^{592 593} where in exchange for the voluntary surrender of weapons communities would benefit from UN-funded small-scale development projects.

The Gramsh Pilot Project (GPP) officially started in December 1998, became fully operational by the end of January 1999 at which point activities were suspended due to the Kosovo crisis. The project resumed weapons collection activities in June 1999, running until August 1999. The GPP was not only a pilot project for weapons collection programmes in Albania. To some extent, it was also piloting the idea of organising a weapons collection programme that did not reward individuals for voluntarily surrendering weapons, but rather provided an incentive only through the funding of small-scale community-based development projects.⁵⁹⁴ The idea of collective incentives has been promoted as an innovative and positive factor, but it has been argued that the idea of involving ‘communities’ is a problematic one in Albania because of the atomisation of society in the post-communist period.⁵⁹⁵ These views could arguably be supported by the results of a survey carried out in spring 2005, in which 34 percent of respondents believed that lotteries offering rewards to individuals would act as an incentive for people to surrender SALW compared to only 17.8 percent of respondents who stated that community rewards would act as an incentive.

⁵⁸⁷ Interview, MOI official, 25 July 2005.

⁵⁸⁸ Interview, MOPO official, 26 April 2005.

⁵⁸⁹ Interview, MOPO official, 23 April 2005; Quin, 2003.

⁵⁹⁰ Interview MOPO official, 15 April 2005.

⁵⁹¹ Op cit UNDP, p. 1.

⁵⁹² Gramsh is a district of around 100 villages in central Albania, with a population of 50,000.

⁵⁹³ Two other potential candidates for the pilot project – Vlore and Shkodër – were also suspected of having large number of citizens with looted weapons, but the problem was that Vlore was too closely associated with the SP and Shkodër with the DP. To choose one of these regions would have offended the other party and potentially led to the UNDP becoming embroiled in the political crisis. Interview, NGO representative, 30 April 2005.

⁵⁹⁴ Op cit Faltas and Paes, p. 1.

⁵⁹⁵ Interview, international official, 29 April 2005.

Due to a range of positive factors including some impressive collection results as well as a perception that the rewards scheme was becoming more widely understood and requested by the wider population, the Albanian Government reacted to the trial in Gramsh by requesting projects based on similar principles to be carried out in the districts of Elbasan and Diber.

The 'Weapons in Exchange for Development (WED)' project ran from 1 June 2000 until February 2002 in the regions Diber and Elbasan.⁵⁹⁶ It had a larger budget than the GPP,⁵⁹⁷ but the WED also used the same three main approaches for attempting to reduce the number of weapons in the targeted communities:

- Public awareness raising through the print media, TV, local town hall meetings, the establishment of NGO networks and other events;
- The actual collection of weapons, ammunition and explosive materials, and the symbolic public destruction of some of the recovered items;
- Small-scale community-based development in the targeted communities in Diber and Elbasan districts.⁵⁹⁸

However, the regions of Diber and Elbasan presented a number of different problems compared to GPP. For example, it has been argued that Diber traditions, such as the rule of the Kanun, had been preserved in this area and strictly followed, even during communist times. Thus for example, one of the main challenges was that the possession of weapons was considered to be the 'right' of every man aged over 18 years old. Further, there were no useful estimates of the number of weapons in the area and it had served as a trafficking route for arms into Kosovo and Macedonia. Elbasan had presented a different set of problems, due to the fact that it provided shelter to many of the refugees that had entered Albania from Kosovo during the crisis of 1999, swelling the population of 239,631 further. In addition, the public destruction of weapons "was considered the most sensitive aspect of the weapons surrender and collection".⁵⁹⁹ This was because it required not only public safety standards to be fulfilled, but required the Government's permission to destroy recovered state property – property that the Government may have considered of value for the military or for export sales.

The third UNDP weapons collection programme in Albania, entitled Small Arms and Light Weapons Control Project (SALWCP), ran from April 2002 until December 2003. It was based upon the same principles, and used the same methods, as the GPP and WED projects. However, Faltas and Paes argue that it differed from previous weapons in exchange for development projects on three counts:

- It covered far more territory than the other projects: the five prefectures of Kukës, Lezhe, Shkodër, Tirana, Vlorë and three communities in the Tepelena district;
- All of the weapons collection and destruction was carried out by Albanian authorities;
- Not all of the communities that collected weapons and took part in the project received development projects. There would be a competition for the limited pool of financial resources available for development projects.⁶⁰⁰

It is this final point that is perhaps the most innovative and perhaps most controversial. The fact that a community that collected weapons might not receive a development project could have posed problems such as lower interest because there would be no guaranteed 'reward' or resentment at the 'winners' from those who did not feel that they benefited. According to Lawrence Doczy, head of the UNDP Support to Security Sector Reform (SSSR) Programme, this was not the case.⁶⁰¹ In his opinion, the

⁵⁹⁶ Faltas and Paes argue that the name of the project was inappropriate, as it suggested that weapons were being traded in for development. They preferred the nomenclature 'Disarmament for Development'. See: Op cit Faltas and Paes, p. 3.

⁵⁹⁷ The WED project for Elbasan and Diber had an initial budget of \$2,035,855, with donors including Sweden, Norway, USAID and Denmark. The UK's Department for International Development (DFID) joined the list of project donors at a later stage, helping to increase the project budget by \$1,000,000. Op cit UNDP, p. 17.

⁵⁹⁸ Ibid, pp. 17–18.

⁵⁹⁹ Ibid, pp. 21–22.

⁶⁰⁰ Op cit Faltas and Paes, p. 3.

⁶⁰¹ Interview, international official, 12 April 2005.

communities that collected weapons but did not receive a development project seemed willing to accept the rules of the ‘competition’.⁶⁰² The rationale of weapons in competition for development resulted from the fact that the size of the territory to be covered was large compared to the total project budget. This meant that if each community that collected weapons received a development project, then it would have been so small as to be considered almost worthless. Therefore, larger projects were deemed to have more of an impact, with the competitive option the best way to encourage greater participation at a lower cost.

Another of the challenges for the project leaders was the assumption that the weapons amnesty would end on 4 August 2002. Therefore, it was expected that the weapons collection phase of the project would only last for four months (April 2002–4 August 2002). However following the introduction of the new amnesty law in March 2003, another round of collections took place, firstly between June and August 2003 (which were implemented by local authorities and SSSR staff in the absence of Government weapons collection teams), and then finally between 1 September and 30 November 2003.

6.3.2.1 Understanding the UNDP contribution

As stated previously, there are already studies that examine the success or otherwise of the UNDP contribution. It is clear that in the most basic sense it was a success in that there were fewer weapons in the hands of civilians at the end of the intervention than at the beginning. It is also clear that the UNDP injected much needed momentum and commitment to an issue that at times was not a priority for the Albanian Government or the international community. The approaches developed and tested by the UNDP team have also influenced the design and implementation of similar schemes in a number of countries in the South East European region as well as further afield and the support awarded through development projects has certainly been important for many in the beneficiary communities.

Some of the elements that have attracted questions from those who have conducted assessments (but are not necessarily held by the authors of this Survey) include:

- The perception that there was more interest in the quantity rather than quality of SALW collected. For example, one official working in Shkodër stated that only about ten percent of the weapons collected for the SALWCP were in working order.⁶⁰³ Therefore, although collecting gun barrels, rusted bolt-action rifles and other SALW looted in 1997 is desirable, it is questionable if they should have been counted as weapons that posed a threat to public safety and security and used to bolster collection figures. The wide range of aims and objectives for the UNDP projects certainly gave the impression that they were not necessarily targeting reductions specifically in the types of weapons which were of greatest concern in terms of trafficking, use in accidents, crime, or tensions between communities.
- Whether the interventions and development projects offered by the UNDP in their targeted areas had a more significant impact than the general amnesty/collection in the rest of the country. For example, were the collection levels in the targeted areas significantly higher than in those areas without interventions? Did the interventions result in more SALW being voluntarily surrendered than if there had not been an intervention? Could similar levels of collection have been achieved without development project incentives? Would individual incentives and lotteries have yielded greater returns? It is not possible to answer the last three hypothetical questions, but weapons collection figures show that three of the regions with the lowest percentage of weapons collected in comparison to weapons looted had all been sites for UNDP interventions (Tirana, Kukës and Lezha).

⁶⁰² Ibid; see also: Op cit Faltas and Paes, p. 12.

⁶⁰³ Interview, international organisation official, 13 June 2005.

- As shown in the table ‘Statistics on weapons collected from 1997–June 2005’ (in section 6.4 below), the three regions with the highest percentage of weapons collected in comparison to weapons looted had not had UNDP interventions (Korça, Berat and Gjirokaster). The three regions with the lowest total of weapons collected were also sites of UNDP interventions (Kukës, Diber and Shkodër), while two of the three highest total numbers of weapons collected had been party to UNDP-funded weapons collection and development programmes (Elbasan and Tirana; Korça was not). Of course, this data does not conclusively prove that UNDP interventions did not have a positive and valuable impact upon weapons collection. Nevertheless, if the UNDP programmes aimed to do more than collect weapons – as their advocates suggest – then it would have seemed appropriate to conduct surveys and interviews throughout the process in areas of intervention and areas without intervention to assess and compare the UNDP’s impact and value-added contribution to Albanian state weapons collection endeavours.

However, other studies have clearly identified positive perceptions of the UNDP interventions. For example, the only public opinion assessment surveys of UNDP interventions were carried out by the Centre for Rural Studies and Sustainable Development for the SALWCP, and then only in areas of UNDP interventions. Their 2004 survey found that on average 90 percent of respondents from communes that were awarded community development projects were satisfied.⁶⁰⁴ Yet the actual success of these programmes in removing unregistered SALW from the hands of the Albanian population was also questioned in focus groups, where on a number of separate occasions participants felt that even if someone had voluntarily surrendered a firearm, they would probably have “another ten at home”. Thus, when asked to assess the success of the UNDP WED project, one respondent stated:

Think about UNDP, it has made many things in different underdeveloped villages, but people in these areas own more than a gun, so they have given up one, and kept two let’s say. I don’t think we could call this a success. Because the poor villager cannot feel secure, but he needs development, he needs the street, and he also needs the gun. What can he do?

Focus Group, Shkodër, Male, August 2005.

Nevertheless, according to one interviewee from the Shkodër area, more and more communities were becoming interested in the idea of participating in the UNDP project as it was drawing to a close and international donor interest was waning.⁶⁰⁵ In his opinion, the project sent out a positive message, attracted more attention and interest in the area than it could cope with, and should therefore be considered a success. He also reported having been told that some communities had informed him that they were ready and willing to buy guns in order to win a development project, thus demonstrating that even the community development approach could potentially fuel trafficking.

Yet, one could argue that the yields from these projects can be compared favourably with weapons collection in neighbouring regions and states. For example, the UNDP projects in Albania certainly appear to be more successful than the pilot WED project carried out in Kosovo in September 2003.⁶⁰⁶ A three month weapons collection programme carried out in Montenegro between March and May of the same year, with assistance from USAID/ORT, collected 1,770 guns, 48,200 units of ammunition and 145kg of explosives.⁶⁰⁷ The total number of SALW in civilian hands in Montenegro has been estimated between 126,000 and 175,000.⁶⁰⁸ Therefore, one could argue that the UNDP intervention in Albania appears to have been comparatively successful.

⁶⁰⁴ The main exceptions to this satisfactory assessment were to be found in Kukës and Tirana. See: op cit Center for Rural Studies and Sustainable Development, pp. 36–7.

⁶⁰⁵ Interview, hospital official, 14 June 2005.

⁶⁰⁶ Mustafa A and Jeta X, ‘Kosovo gun amnesty setback: Highly-publicised campaign fails to persuade Albanians and Serbs to hand over their firearms’, IWPRBCR 464, 16 October 2003, <<http://www.iwpr.net/>>, 18 May 2005. After three months of public awareness raising activities, this project collected only 155 guns in a region thought to be home to somewhere between 330,000 and 460,000 guns in civilian hands. Op cit Khakee and Florquin, p. 17

⁶⁰⁷ Op cit Florquin and O’Neill Stoneman, pp. 32–3.

⁶⁰⁸ Ibid.

6.4 Results of the amnesty/ weapons collection processes

In general, state officials are more positive about the results of the amnesties and weapons collection programmes, than NGO representatives and focus group participants, who were sceptical of official statements. The latter still felt that although SALW may not be their most pressing concern, there remain too many unregistered SALW in Albania. Official statistics certainly support their fears that a large number of looted SALW remain at large in Albania and also beyond its borders.

Between March 1997 and May 2005, 201,365 weapons had been collected by weapons collectors and police and 13,383 units had been collected by the MOD (the MOD has apparently retained some 60,000 of all collected weapons for its own use).⁶⁰⁹ In addition, 8,178 weapons that were collected are now held by the police or were registered to border inhabitants and businessmen between 1997 and 2002. Therefore, weapons collection officials claim that of the 549,775 SALW looted from the MOD, the then MOPO and SHISH depots, they can account for 222,918 SALW. In addition, 118,134,222 various pieces of ammunition and 1,539,828 pieces of generic ammunition have been collected.⁶¹⁰ One issue with these figures is that parts of weapons, such as barrels, or weapons that appear to have been out of commission for a long time, have been counted as whole SALW units for collection purposes.

Table 32: Weapons and ammunition collected March 1997–June 2005

Years	Ammunition	Explosives	Weapons UNDP	
1997	44,273,651	187,618	72,548	
1998	13,481,537	19,660	10,547	
1999	11,740,789	5,490	6,909	GPP 5,981
2000	30,229,425	829,974	68,101	
2001	10,451,148	183,955	25,680	WED 8,795
Jan–07 Aug 2002	4,956,793	146,426	17,078	
08 Aug 2002–Oct 2003	213,689	1,086	2,631	SALWCP 9,718
Nov–Dec 2003	230,332	734	1,982	
Total 2000–2003			122,381	24,494
Jan–Dec 2004	1,941,493	157,096	13,306	
Jan–Mar 2005	315,394	2,490	2,658	
Mar 1997–Jun 2005	118,134,222	1,539,828	222,918	
Looted in 1997	839,310,038	16,000,000	549,775	

The weapons collection committee counts all of the collected weapons against the number of looted weapons to calculate a percentage of recovered weapons. Thus, as the above table shows, their statistics state that 201,365 of the 524,226 weapons looted from military bases have been returned, giving a percentage of 40.5 percent.

⁶⁰⁹ Interview, MoD official, 14 April 2005.

⁶¹⁰ Source: MOI weapons collection unit.

Table 33: Statistics on weapons collected from 1997–June 2005

Districts or institutions where weapons are looted	Number of weapons looted	Number of weapons collected	% of weapons collected
Weapons looted in Ministry of Public Order: Total = 23,929			
Weapons looted in National Intelligence Agency (SHISH): Total = 1,620			
Weapons looted in Ministry of Defence			
General District Directory in Berat	27,379	19,776	72
General District Directory in Diber	21,875	10,564	47.6
General District Directory in Durres	27,956	14,025	50
General District Directory in Elbasan	69,473	37,766	54.3
General District Directory in Fier	26,009	15,411	59.6
General District Directory in Gjirokaster	22,855	15,643	68.1
General District Directory in Korca	29,030	24,712	85
General District Directory in Kukës	26,930	4,730	17.6
General District Directory in Lezha	53,348	10,162	19
General District Directory in Shkoder	27,816	10,291	37
General District Directory in Vlore	24,733	15,028	60.6
General District Directory in Tirana	166,822	23,355	14
Total – Ministry of Defence	524,226		
Total – district weapons collections		201,463	
Weapons collected by MoD		13,383	
Distributed to police commissariats, or registered by inhabitants of the border areas and businessmen 1997–2002		8,176 ⁶¹¹	
Total	549,775	223,022⁶¹²	40.57%

However, in certain areas the proportion of weapons which remain uncollected is greater. For example, while some of the weapons collected in Fier may have come from military depots in Fier, they may also have come into Fier from other regions of Albania, not to mention the possibility that they entered Albania from elsewhere, or were already illicitly held prior to 1997 (see sections 3.4 and 3.5.2 above on trafficking and illicit possession of weapons).⁶¹³ The proportion of weapons recovered from the 1997 looting could be more accurately ascertained if the serial numbers of collected weapons had been checked against the 1997 records from the military depots. This did not happen, and there was no clear distinction between the likely source of the weapons collected, their vintage, or whether they could still function as a weapon.

It is also worth noting that collection totals varied widely across the country. Berat, Korca and Elbasan were the locations where most weapons were collected. Kukës and Tirana were areas where it was most difficult to collect.⁶¹⁴ The North of Albania generally presented more of a challenge given its greater problems with insecurity, isolation and cultural attachment to weapons maintaining the higher levels of SALW possession that are noted by this Survey.⁶¹⁵

Although weapons collection figures are reportedly broken down by type of weapon collected, the authors did not receive such a breakdown. Therefore, we are not able to list the number of weapons collected according to their type, or calculate the quantity of each type which is still missing. Experts from the MOD and MOI informed the research team that, in general, very few pistols had been handed in, which would suggest that demand for these weapons is still high, either for personal protection or

⁶¹¹ 8,178 according to centralised statistical records.

⁶¹² The apparent discrepancy between the sum of yearly collection figures and the sum of region collection figures has not been fully explained to the research team, but may well be due to the problem of information exchange between central and regional collection teams as described elsewhere in the report. The centralised figure supplied by the Tirana authorities has been used as the official number of weapons collected throughout this report.

⁶¹³ Interview, local government official, 14 May 2005.

⁶¹⁴ Interview, MOPO official, 15 April 2005.

⁶¹⁵ Interview, MOPO official, 15 April 2005.

criminal purposes.⁶¹⁶ Pistols can be easily hidden, and the incentives have not been strong enough to persuade people to part with these types of weapons.⁶¹⁷ MOD and MOI officials stated with some confidence, however, that the overwhelming majority of the collected weapons are rifles, sub-machine guns and automatic rifles, which were mostly made in Albania, China or the Soviet Union.

6.5 Lessons learnt from the Albanian experience

Albania has in many ways been an extremely important test-bed for developing approaches to weapons collection and the lessons that can be learnt from Albania's experience have a utility beyond its borders. They are also absolutely critical to informing the development of policy and programming to address the remaining problems of illicit civilian possession. The following recommended elements of a successful voluntary weapons collection programme have been drawn from an analysis of project design and implementation in Albania over recent years.

6.5.1 Establishing a clear and coordinated regulatory basis for weapons collection

In the opinion of a national security officer at the OSCE in Albania, the fact that the Albanian Government had a law on weapons collection and an amnesty for voluntary surrender at the same time as criminalising illegal weapons possession created problems for the implementation of the law.⁶¹⁸ Although a weapons collection programme, an amnesty and the criminalisation of illegal weapons possession could theoretically operate at the same time, it was argued that it was extremely unlikely that those found in possession of an unregistered firearm during the amnesty period would be punished with a custodial sentence. This opinion was also expressed in a number of interviews conducted with senior politicians, chiefs of police, judges, prosecutors and civil society representatives in various regions of Albania. This issue was also raised in a focus group conducted in Shkodër in the following manner:

Do you think that these amnesties are effective?

– Yes.

– *Come on. A person that has not given up his gun before now will not give it up if the amnesty deadline is extended.*

...

– *It is nonsense that the state tells you to give up your gun, and you will not be punished – in other words the state makes it legal for you to do something illegal and if you don't surrender the gun you're late – what does this deadline mean? Also, if you extend the deadline constantly people will never give up their weapons. But I don't think that it is the deadline that stops people giving up their guns.*

Focus Group, Tirana, Female, August 2005.

6.5.2 Ensuring rigorous, fair and transparent enforcement of the law

One respondent stated that when people who had signed declarations stating that they did not have any unregistered weapons were subsequently found to be in possession of illegal SALW, they were not harshly punished for this.⁶¹⁹ Another interviewee from Shkodër suggested that when weapons were seized by the police, the person who had been caught would claim that they were on their way to surrender the weapon to the police, and would normally escape arrest and would certainly not be severely punished if the case reached court.⁶²⁰ One interviewee even went as far as to suggest that there is

⁶¹⁶ Interviews, MOPO official, 26 April 2005; MOD officials, 18 July 2005.

⁶¹⁷ For example, when the research team attended a 'weapons collection' ceremony at Tirana Police Commissariat No. 1 on 26 April 2005, there was not a single working pistol within the haul of 80 collected SALW that were sent to the MOD.

⁶¹⁸ Interview, international official, 29 April 2005.

⁶¹⁹ Interview, hospital official, 14 June 2005.

⁶²⁰ Interview, MOPO official, 15 June 2005.

no real will to punish people who illegally possess weapons, arguing that it provides an opportunity for people in law enforcement and the courts to make money from accepting bribes in exchange for recording a ‘seized’ weapon as a ‘voluntarily surrendered’ weapon.⁶²¹ Even when cases of illegal possession did reach the courts, a great deal of discretion was given to judges so that one could receive anything from a warning, a small fine or a few days in prison up to a fine of a hundred thousand leke or seven years in prison.⁶²² For example a senior police officer in the Gjirokaster police directorate stated that of thirty known cases of arrests for illegal SALW possession, the courts had set all of the accused free.⁶²³

However, several interviewees in the regions also stated that they were aware of a few cases where penalties for illegal possession had been taken into account when sentencing those who had been found guilty of other crimes – i.e. the penalty for illegal firearms possession was added to sentences for other criminal offences. In the majority of cases that reached court, people were simply fined or given a prison sentence of no more than three months. In Shkodër, an individual who was caught in illegal possession of weapons for the fourth time and had previously been sentenced for murder was only sentenced to two and a half years in prison. According to one interviewee, his sentence should have been at least five years imprisonment, up to a maximum of fifteen years.⁶²⁴ The majority of police officers interviewed cited the leniency – or corruption – of the courts as one of the major problems when trying to send a tough message on illegal SALW possession during the amnesty periods.

Although a member of the community policing and weapons collection directorate stated that there was no problem implementing the weapons collection, amnesty and upholding the law on illegal weapons possession, he stated that the priority was simply to collect SALW and that the law could be applied ‘flexibly’ when it came to collecting unregistered weapons – i.e. it was better not to criminalise someone found in possession of an unregistered firearm if they had not committed another crime.⁶²⁵ Several other police officers stated that Albania did not have the prison capacity for a rigorous application of the law on illegal weapon possession, as prisons were already overcrowded.⁶²⁶

According to a weapons collection official based in the police force, a review of Article 278 of the penal code will be carried out by the Ministry of Justice in the near future.⁶²⁷ He believed that they will introduce custodial sentences of between three and seven years for this offence. Whether this is the right route to take remains to be seen. A more suitable option might be to explore non-custodial punishments for illegal weapons possession, such as community service, or rather a lowering of the custodial sentences. Indeed, the impression has been given in recent years that it is politically easier to grant an amnesty rather than attempt to arrest, prosecute and imprison those suspected of holding unregistered weapons in Albania. Therefore, the decision to increase the sentence for illegal possession of weapons could merely be an empty gesture that was discussed in an effort to talk tough on dealing with unregistered weapons, rather than actually attempting to find a suitable response to the issue.

6.5.3 Maintaining capacity and motivation

One of the key challenges mentioned by all of the weapons collection staff at various sites interviewed for this Survey is the fact that since the amnesty and weapons collection teams were disbanded in 2002, the job of collecting weapons became much

⁶²¹ Interview, international organisation official, 13 June 2005.

⁶²² Interviews, MOJ official, 16 May 2005.

⁶²³ MOI official, 6 August 2005.

⁶²⁴ Interview, MOPO official, 16 June 2005.

⁶²⁵ Interview, MOPO official, 15 April 2005.

⁶²⁶ Interviews, MOPO official, 22 April 2005; MOPO official, 25 April 2005; Lluka, 14 June 2005; MOPO official, 14 June 2005. In a subsequent interview on 14 July 2005, MOPO official also stated that it would be impossible to arrest and imprison everyone who holds an unregistered firearm in Albania.

⁶²⁷ Interview, MOPO official, 18 April 2005.

more difficult. Since 2003, there has only been a handful of staff specifically tasked with weapons collection. It came to be regarded as part of the general duties of rank-and-file officers.⁶²⁸ It has been argued that this has been one of the main contributing factors to the decline in the number of weapons collected during the 2003–5 amnesty and weapons collection period although this is not a view that is necessarily universally held.

Yet there are a number of other concerns and challenges that those interested in collecting weapons face – whether they are specially tasked weapons collectors or police. These include:

- Safety of weapons collectors and police operating alone where their authority is not respected or they are potential targets for attack;
- A lack of weapons for personal protection and other equipment, such as vehicles and metal detectors;⁶²⁹
- The hazard of unstable ammunition and explosives;
- The difficulty of finding hidden weapons amidst increasingly sophisticated methods of concealment;⁶³⁰
- Apathy and the normalisation of weapons ownership.⁶³¹

While some police are optimistic that if another amnesty is put in place, some of the people hiding weapons will eventually voluntarily surrender them,⁶³² many of those tasked with coordinating police weapons collections report that there is a good deal of ‘collection fatigue’ among police officers.⁶³³ If the amnesty were to continue, there are also those who argue that society itself is suffering from collection fatigue and is now largely indifferent to the awareness campaigns and calls for the voluntary surrender of weapons.⁶³⁴ According to interviewees in police structures in Gjirokaster, there was no noticeable increase in the number of SALW surrendered on the eve of the 31 May 2005 deadline for voluntary surrender under amnesty (as there had been with the 2002 deadline).⁶³⁵ This was taken to mean that the public already knew that they would be able to keep their weapons without too many problems, knowing that they would not be seriously punished even if authorities found them in possession of an unregistered weapon.

6.5.4 Building trust in collection and collectors

Weapons collection was traditionally unsuccessful in urban areas with the partial exception of Shkodër.⁶³⁶ In areas where public safety is high and levels of personal insecurity are low, it has been argued that weapons are not handed in because of the ‘mentality’ of Albanian citizens. In particular, it was mentioned on a number of occasions that while there continues to be a lack of trust in state officials and authorities, weapons will not be surrendered.⁶³⁷ The low level of trust given to state bodies in opinion polls, in particular law enforcement and justice organs, suggests that there is a long way to go.⁶³⁸ It is therefore perhaps worth questioning the wisdom of

⁶²⁸ Interview, MOPO official, 15 April 2005. For example, Shkodër had ten weapons collectors before 2002, and only one during the 2003–5 amnesty (Interview, MOPO official, 14 June 2005). In Fier, there were twelve weapons collectors divided between the city of Fier, Lushnja and Mallakaster, which was subsequently reduced to one for the whole Fier district (Interview, MOPO official, 13 May 2005).

⁶²⁹ Op cit UNDP, pp. 33–4.

⁶³⁰ Interview, MOPO official, 15 April 2005.

⁶³¹ A finding of the UNDP’s second baseline study on SALW collection conducted in February 2004: Interview, international official, 12 April 2005.

⁶³² Interview, MOPO official, 25 April 2005.

⁶³³ Op cit South Eastern Europe SALW Monitor 2005, p. 26.

⁶³⁴ Interview, local government official, 14 May 2005.

⁶³⁵ Interviews, Alimema, 6 August 2005; MoPo official, 6 August 2005.

⁶³⁶ Interview, international official, 12 April 2005.

⁶³⁷ Interviews, Domi, 28 April 2005; MOPO official, 14 May 2005.

⁶³⁸ For example, according to an opinion poll conducted in May 2005, 43 percent of respondents expressed trust in the police, while the lowest ranking state institutions were the public prosecution office and the courts with 29 percent and 25.7 percent of respondents expressing trust in these institutions respectively. Source: op cit Elections 2005 Public Opinion Polls, 1 June 2005, p. 20. See also: Kenney D J, Public Perceptions of the Police in Albania: Nationwide Surveys of Residents and Police (City University of New York and UNDP SSSR, 2004).

using former police and military officers to collect weapons from the general public in the immediate aftermath of the 1997 events. The situation may be improving, but interviewees still expressed scepticism regarding the efficiency of state agencies.

Focus group participants tended to stress that while the law is not seen to be enforced and deterrents do not appear to be used, the state will be seen as not functioning and ordinary citizens more likely to “go out on streets with guns to terrorize people, like that, just for no reason. This is the result of state weakness and an absence of law and order”. The exchange continued with another interviewee stating that:

You can say that people are armed in US, they all have permission to get a gun, but the state authorities are powerful and the law is applied there. What I mean is, that the fact that people have guns here, it is not the only problem. The state is the problem. So, possessing a gun without permission is just the result of a state that doesn't function properly.

Focus Group, Shkodër, Female, August 2005.

Yet according to opinion poll data collected for this report, 67.9 percent of respondents stated that they believed that state agencies were best placed to encourage people to voluntarily surrender illegally held arms. Only 12.8 percent of respondents selected community leaders with 9.1 percent selecting international organisations. The low ranking for international organisations could be regarded as surprising given the high trust rating given to international organisations in opinion polls and the actions that the UNDP has taken on the SALW collection issue.⁶³⁹

6.5.5 A differentiated approach

Of course, not all parts of Albanian society, or even certain regions of Albania, enjoy the same socio-economic and public safety levels. Thus, interviewees in Kukës and Shkodër mentioned that although the number of shootings and deaths resulting from blood feuds and violent conflicts relating to land disputes have decreased in recent years, people in the rural areas of these regions fear that the number of conflicts could rise again, and keep a weapon for personal and family protection.⁶⁴⁰ Therefore, it would be wrong to treat all of Albania as a single entity when referring to weapons collection, attitudes to the state and attitudes to weapons possession. Therefore, another challenge for weapons collection programmes in Albania has been how to overcome the regional differences.

6.5.6 Incentive based or coercive approaches

Most interviewees stressed that an amnesty and the voluntary surrender and collection of weapons were simply not enough to get people to hand their unregistered weapons to the police or local authorities. Either sticks, carrots or a combination of the two would result in the return of most of the remaining SALW, they argued. Thus, a number of police officials stated that people need to be pressurised into returning the weapons and be made aware that to retain an unregistered firearm would lead to severe punishment. Some believed that arrests and the imprisonment of those who had not voluntarily surrendered weapons should have been made during the amnesty period.⁶⁴¹ Of course, as we have seen above, this requires political will and the rigid application of clearly defined laws – a combination that has not always been present in the state's approach to unregistered weapons. Yet, the strict application of the law was an issue called for by many respondents, with a number of police officials raising pragmatic concerns with the approach taken hitherto.

Of course the threat of prison or fines would not be enough for some Albanians.

⁶³⁹ International organisations scored the highest trust ratings in the May 2005 opinion polls carried out by Gallup International and Mjaft. The EU was ranked as trustworthy by 65 percent of respondents, NATO by 64.5 percent and the OSCE by 57.1 percent. The UN was not listed. Source: op cit Elections 2005 Public Opinion Polls, 1 June 2005, p. 20.

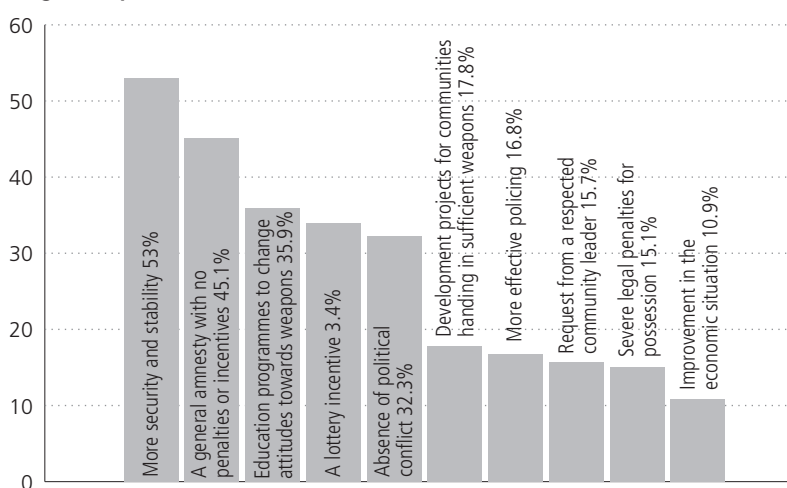
⁶⁴⁰ Interviews, local government official, 28 April 2005; NGO representative, 27 April 2005; MoPo official, 27 April 2005; MOPO official, 14 June 2005; MoJ official, 15 May 2005.

⁶⁴¹ Interviews, MOPO official, 14 May 2005; MOPO official, 13 May 2005; MOPO official, 6 August 2005.

Therefore, it was argued that weapons would only normally be surrendered in return for some form of reward or incentive.⁶⁴² The looted weapons may not have cost the looters in financial terms, but they knew that the weapons had a value and certainly did not seem to regard them as ‘state property’. As will be discussed in more detail below, the lack of individual incentives did not deter thousands of Albanians from voluntarily surrendering their unregistered weapons. Yet, in many cases, these weapons were surrendered because a collective reward would be received by the community as part of one of the UNDP’s projects. As one interviewee stated, the amnesty and weapons collection programme will only really deliver if Albanians are offered something in return for their weapons.⁶⁴³

In the opinion poll carried out in spring 2005 by ISO for this report, respondents were asked to choose the three main factors that they believed would make people in their community more willing to hand in their illegal weapons. The results can be found in the table below:

What three things would make people more likely to hand in their illegal weapons?



The fact that more than half of those asked believe that levels of security and stability need to be increased before people will be willing to surrender their illegally held weapons voluntarily lends weight to suggestions that the success of weapons collection efforts depends on more than the structure put in place and the incentives and penalties for surrendering or keeping unregistered weapons. It is also worth highlighting that despite appearing in the table above as the second most popular choice, the level of support for this option differed greatly between the different regions of Albania. For example, while 79 percent of respondents in central Albania believed that a general amnesty was a significant factor for encouraging the voluntary surrender of SALW, only 49 percent of respondents in the south, 29 percent in the north and 19 percent in Tirana agreed. While 55 percent of respondents from Tirana stated that education programmes would help to encourage the voluntary surrender of illegally held weapons, 45 percent of respondents in the south, 22 percent in the north and 19 percent in the centre thought that this option would have a significant impact. Only 29 percent of those aged between 18 and 30 years old selected this option, in comparison to a high of 46 percent for those aged between 31 and 40. There were no large regional differences for those who supported the idea that community development projects would act as an incentive to surrender weapons.

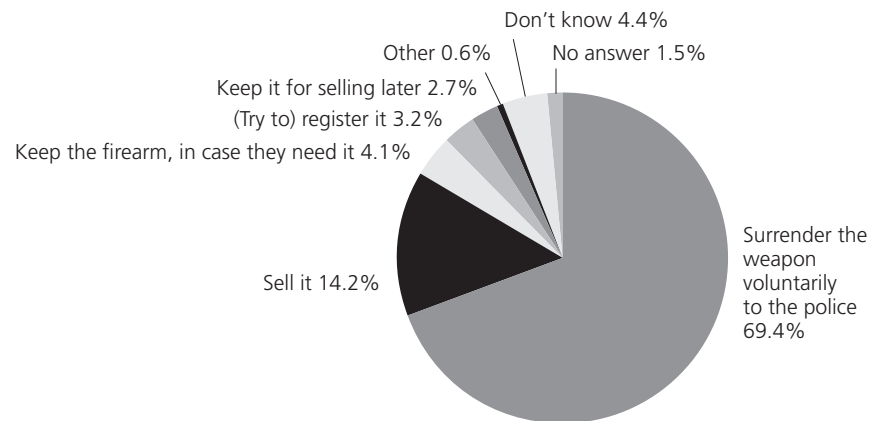
Yet despite the fact that the expert opinions outlined above suggest that people would be unwilling to voluntarily surrender their illegally held weapons without an incentive, 69.4 percent of respondents in the ISO survey stated that this is what they would tell a

⁶⁴² Interviews, local government official, 12 May 2005; MOPO official, 27 April 2005; MOD official, 13 June 2005; local government official, 13 May 2005.

⁶⁴³ Interview, international organisation official, 13 June 2005.

friend to do with their unregistered firearms. The percentage of respondents who selected this option dropped from 80.5 percent in Tirana to 61 percent in the north, with 73 percent in the centre and 69 percent in the south. However, as the table below shows, more than twenty percent of respondents would urge their friend to keep the weapon or sell it for a personal profit, with six percent of respondents in the north urging their friends to keep the weapon in case they needed it. It is tempting to assume that the numbers of those urging friends to keep or sell unregistered SALW would be higher if the individuals were actually put into such a situation rather than asked hypothetically.

What would you advise a friend to do with an unregistered SALW?



Of course, there are also those who will not be convinced to part with their unregistered guns, whether by greater stability, lotteries, educational and awareness raising programmes, development projects or police visits. While all interviewees put criminals into this group, ordinary citizens were also included. For example, here one would include those for whom a gun was regarded as necessary for providing personal and family security or tradition. These people would go to considerable lengths to ensure that their weapons were not discovered, with weapons collectors noting that people were no longer simply hiding guns under their beds, but in more ingenious or awkward-to-reach places.⁶⁴⁴