

SALW REPORT- Anna Di Lellio

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I. Introduction

As a result of the dissolution of the Soviet Union and the Yugoslav wars, a legacy of the 1990s in Europe has been the proliferation and trafficking of weapons (Small Arms and Light Weapons, SALW)¹ and ammunition. Locally, this equipment is both a source of and a means for criminal activities. It also turns up in the global illegal market – a development that regional actors such as the European Union (EU) and the Organization for the Security and Cooperation in Europe (OSCE) deem an urgent security concern.²

Kosovo is part of this broader picture. Emerged from a conflict that included the irregular forces of the Kosovo Liberation Army (KLA), since 1999 it has undergone a process of Demilitarization Demobilization and Reintegration (DDR), and several campaigns of weapons seizure and voluntary surrender. Yet, the estimates of illegal weapons possession, no matter how uncertain, are still high compared to collection figures – a gap that must and can be bridged. Contrary to conventional wisdom, which takes Kosovo as a “gun paradise,” the problem is tractable. What is needed is a clear policy that reflects the Kosovo experience, rather than proceed from a series of myths, such as the enduring strength of a “gun culture” linked to ancestral traditions.

This report assesses the new environment created by the establishment of a legislation and policy framework after the declaration of Kosovo independence in February 2008. It also zeros in on the emerging awareness of the need for considering weapons control not a stand-alone problem to be addressed by straightforward amnesties and collection campaigns, but an issue of human security that deserves both better focus and broader strategies. This approach is more specifically manifest in the conclusions drawn by the Internal Security Sector Review (ISSR) – hopefully contained in the forthcoming *Kosovo Security Strategy* -, and the advisory work by the UNDP Kosovo Small Arms Control Initiative. (KOSSAC).³ At the basis of this report there is an existing body of research on SALW in Kosovo and the wider Balkan region,⁴ which depicts a comprehensive scenario, including: the diffusion of weapons and the attitude of people towards them; security laws and strategies and the state of their implementation; lessons learned from past experiences; and best practices in the EU and OSCE countries.

¹ In this report, SALW and weapons will be used interchangeably.

² The Council of the European Union, *EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition* (15-16 December 2005) [5319/06], and OSCE, *Document on Small Arms and Light Weapons*, 24 November 2000.

³ A similar conclusion is clearly summarized in Saferworld and Forum for Civic Initiative (FIQ), *Small Arms and Human Security in Kosovo. An Agenda for Action*, Feb 2007

⁴ In particular, it draws from reports by Saferworld and the FIQ; South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC); the OSCE; and the UNDP, which will be all appropriately cited throughout the text.

From a review of this documentation, a first overall conclusion can be drawn: despite previous failures, the conditions today exist for an expertly planned and locally owned state program of weapons collection to succeed. Not only. This program should be a priority for the Kosovo government and the reasons are evident:

- 1. The first reason is institutional and political.** It includes the dictates of the legislative framework adopted by the Assembly (among them, the *Law on Weapons*), and the government's strategic approach to SALW control and collection (*National SALW Strategy*).⁵ These legal and policy achievements are based on the Constitution and commit Kosovo to follow international standards. In the new institutional context opened by the declaration of independence, the Kosovo government has assumed full responsibility for fulfilling its international commitments, and now it must deliver. The *European Partnership Action Plan* (EPAP) provides the framework for European compliance on arms control, but United Nations (UN) and OSCE conventions and protocols demand equal attention.⁶ **Although Kosovo is not a member of the UN or the OSCE, any aspiration to become one in the future rests on regional integration (all countries in the region are committed to the UN Programme); consistent respect for international laws and agreements; and evidence that it can control its internal security.**
- 2. The second reason is that weapons control is not a sideshow, but integral part of the strategy to combat crime and improve safety, and is largely favored by the public.** Illegal weapons play a role in domestic and social incidents, as well as violent crime, and evidence gathered through police statistics confirms that Kosovo crime rate is high, even in the presence of gross underreporting. Ordinary people readily acknowledge the lack of security they experience because of crime, and crime linked to weapons. Though conventionally accepted as a means to defend oneself, property and the family, weapons are not thought of as contributing to safety. On the contrary, they are seen as dangerous. **Reduction and control of weapons are thus a service to society, and largely considered as such by a good part of public opinion.**

⁵ The *Law on Weapons* No. 03/L-143 has been approved in November 2009 by the Assembly. On 24 April 2008 the government approved a *Kosovo Small Arms Control Strategy*. It was later updated with the *National SALW Control and Collection Strategy and Action Plan of the Republic of Kosovo* (hereafter *National SALW Strategy*) in October 2009.

⁶ The *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) is the only globally legally binding instrument on SALW. The OSCE Document (see ft. 2) sets norms, principles and measures and mandates participating states to implement them.

II. Leadership For a Good Policy Foundation: Law and Strategy

The main obstacles to an effective policy of weapons control, identified by experts' research in recent years,⁷ have been removed with the establishment of appropriate legislation and an enabling policy environment since the declaration of independence.

In 2009, the Kosovo Assembly adopted a *Law on Weapons*, aligning Kosovo legislation with countries in the neighboring region and EU directives.⁸ This Law establishes a much-needed legal framework in place of the temporary measures provided by UNMIK Regulation *No 2001/7* on civilian possession of SALW. It introduces two important changes: it transfers the responsibility to conduct background checks and collection campaigns from KFOR to the Kosovo Police; and it eliminates the discretionary power previously granted to the Head of UNMIK Police to deny permits or confiscate weapons.

The legislation establishes modalities and criteria for acquisition, possession and carrying of weapons by individuals and private security company staff, as well as sanctions for breaking its provisions. (Other laws stipulate the same for the police, the Kosovo Security Force and members of State authority). Overall, the *Kosovo Law* follows models adopted elsewhere in the broader Balkan region, including a clear identification of the authorities responsible for its implementation, that is, the Police and the Ministry of International Affairs (MIA).

Beside the Law, Kosovo also has a *National SALW Strategy* as part of a broader commitment to the *UN Programme on Action on SALW*, which clearly spells out an overall mission with specific objectives, responsibilities, priorities along functional areas of intervention, and an action plan. This *Strategy* provides for a National SALW Commission (23 May 2007), chaired by the Prime Minister, and a time frame of three years to attain its stated goals. The Office of the Coordinator is especially crucial as the institutions involved in implementing the strategies are numerous and diverse: from the MIA and the Police to other relevant Ministries,⁹ the Prosecutor Office, the Intelligence

⁷ See Saferworld/FIQ, *Small Arms and Human Security in Kosovo*, *ibid*.

⁸ Those states are Croatia, Bosnia, Macedonia, Serbia, Montenegro, Albania. For a quick review of the legislation in the Balkans, though outdated on Kosovo, see SEESAC, *Firearms Possession and Domestic Violence in the Western Balkans: A Comparative Study*. 2007, pp. 19-23; and Commission on the European Communities, *Kosovo Under UNSCR 1244/99 2009 Progress Report 2009*.

⁹ Beside the Ministry of Internal Affairs, the Ministry of Justice; Economy and Finances (Kosovo Customs); Health; Education, Science and Technology; Trade and Industry; Local Government Administration; Environment and Spatial Planning; Kosovo Security Force; Foreign Affairs; Agriculture Forestry and Rural Development; Culture, Youth and Sports.

Agency, the Independent Commission for Mines and Minerals, and the Statistical Office. For the first time, specific mention is made of the role of non-governmental organizations and the wider public in implementing the *National Strategy*.

Substantively, the keys to this effort are information and coordination. At the basis of designing and developing both preventive and reactive actions there is reliable data collection and sharing across institutions, on:

- movement of weapons across borders;
- possession, collection, sequestration and surrender;
- crime and health statistics;
- public opinion.

Nowhere this is more evident than in the case of the *State Program for SALW Collection and Voluntary Surrender*, a priority for the *National Strategy*. As designed in the Annex C to the *National Strategy*, the *State Program* intends to square off with the legacy of ineffective organized weapons collection programs, which punctuates past and recent Kosovo history (see table below), by taking a more strategic approach. Its success will depend on establishing the right link between weapons control and security as well as on developing evidence-based policy.

Results of amnesty and collections campaigns since 1999. Source:

Date	Firearms	Rounds of Ammunition	Actors
21 June - 19 September 1999	9.978	5.000	KFOR
1 May – 3 June 2001	777	31.000	UNMIK-KFOR
15 March – 15 April 2002	496	59.200	UNMIK-KFOR
1 – 30 September 2003	155		UNMIK-KFOR-UNDP

Politically, the implementation of such Strategy requires the entire Government to exercise leadership, but in particular the Prime Minister, who chairs the National SALW Commission. The Prime Minister is constitutionally mandated to ensure “that all Ministries act in accordance with government policies” (Art. 94.2, Constitution of the Republic of Kosovo) and “the implementation of laws and policies determined by the Government” (Art. 94.3). Also in this instance, he must take an explicitly executive and leadership role and move the process forward.

III. Obtaining a Reliable Baseline as the First Step in a Safety Strategy.

The first objective of a broader strategy for weapons control is to ascertain the total number of privately owned weapons with good approximation. As part of this

commitment, the *National Strategy* rightly requests that the police collect detailed data on weapons related incidents, disaggregated by type and region. This is the first link between weapons control and security. In fact, the improvement in crime statistics collection is not important only for a weapons control policy. It is at the center of police performance, as the overall capacity for planning community safety strategies is built on accurate measurement of crime.

More accurate estimates are needed because the 2006 SEESAC's figure of just above 300,000 illegal weapons,¹⁰ or the conventionally accepted baseline, relies on research that includes household surveys and interviews, but is not based on hard-evidence. Coupled with the previous estimates of 330,000-460,000 guns of the 2003 Saferworld Survey, the current baseline offers only a very general idea of the number and types of weapons that are variously distributed among the civilian population.¹¹ As a consequence, knowledge of the problem in its real manifestation is indeterminate and open to suggestive interpretations, such as the assumption that the vast majority of the about 300,000 Kosovo households owns illegal weapons. This conclusion is explicitly drawn in the 2003 Survey, which states that between 60 and 70% of Kosovo households own guns.¹²

Although it might be that the current baseline is not too far from reality, in the absence of specific evidence it encourages generalities that feed on the myth of an all pervasive and unchanging "gun culture." A widely accepted claim is that everybody loves weapons in Kosovo because the *kanun* (customary law) continues to dictate normative behavior in traditionalist fashion, linking the gun to manhood and the defense of family honor. This conventional wisdom stereotypes Kosovo society and has had a negative impact on policy. By offering only untested and vaguely general assumptions, based on deep mistrust of the public, it fails to direct weapons control policy in the right direction and contributes to failure. Thus the blanket amnesties and top-down collection campaigns of the past have all proved ineffective, even when linked to development. Ironically, the same assumption on Kosovo society's cultural backwardness and violence is used to justify policy failure.

It's time to inject policy with real knowledge of the issue at hand and abandon stereotypes on Kosovo society, based on the wrong understanding of both *kanun* and "gun culture." The *kanun* is an evolving body of a variety of traditions collecting communal knowledge on arbitration, conflict resolution, marital procedures, property protection and inheritance, inter- and intra-family relations, personal honor, and other

¹⁰ See SEESAC, *SAWL Survey 2006*. According to this estimate, there are 33,949 legal weapons; 42,217 weapons in possession of legal security agencies; and 317,000 illegal weapons. http://www.saferworld.org.uk/images/pubdocs/Kosovo_survey_2006.pdf

¹¹ Khakee Anna and Nicolas Florquin, *Kosovo and the Gun: A Baseline Assessment of Small Arms and Light Weapons in Kosovo*. UNDP and Small Arms Survey 2003.

¹² Khakee, *ibid.*, p. 2

aspects of collective life. In the Ottoman era and until the early twentieth century it regulated local social systems among the highland populations of Albania, southern Montenegro, and Kosovo, where it functioned as the state that never reached those regions. As a meaningful social system, the *kanun* does not exist anymore. The exception is contingent on specific political contexts: one is the persistent isolation of rural areas, where some of its features still influence behavior; the other is the legacy of the war, and a successful militant interpretation of historical and cultural references to martial aspects of the *kanun*. This latter phenomenon has served a crucial function in building and presenting an Albanian national identity during the conflict against Serbia, but it does not reflect unchanging cultural laws, accepted by all.

In any given society, “gun culture” is to be understood as a “sets of values, norms – both social and legal – and meanings that render the presence of firearms and their possession by private individuals acceptable and legitimate.”¹³ If one wants to talk about “gun culture” in Kosovo today, a reference to conflict, insecurity and the political reinvention of folk traditions is in order. A recent study on South Eastern Europe reaches similar conclusions.¹⁴ In other words, weapons might be widely tolerated and even celebrated in transitional societies emerging from decades of conflict such as Kosovo, but this “gun culture” is not ancient, ubiquitous, and immutable. It does not constitute a barrier to SAWL control interventions, unless it dominates policy makers’ assumptions and sabotages interventions.

IV. Knowing Where Weapons Are and What They Are For.

The new *Law on Weapons* has now created the enabling institutional environment to start registering – and count – weapons. Soon it will be possible to know how many weapons are used as collector items, for hunting and other recreational activities, or for professional reasons by security staff. However, obtaining accurate figures on weapons possession in any given society is a challenge even in the presence of official registration reports, and Kosovo will be no exception. The official count will leave out illicit weapons, which are kept in houses for defense purposes or because of tradition, in a general environment that tends to discount law enforcement as protector; it will leave out weapons used by individuals with criminal intent. More reliable estimates are usually based on indirect indicators such as comparisons with other societies of similar size or development, the official gun crime rates, and the number of weapons either confiscated

¹³ Stephanie Schwandner Sievers and Silvia Cattaneo, ‘Gun Culture’ in Kosovo: Questioning the Origins of Conflict, pp. 205-228 in A Project of the Graduate Institute of International Studies, Geneva, *Small Arms Survey 2005. Weapons at War*. Oxford, p. 205.

¹⁴ SEESAC, “*The Rifle has the Devil Inside,*” *Gun Culture in South Eastern Europe*, May 2006.

or voluntarily surrendered. Here is where Kosovo needs a strategic approach to SALW control and crime in order to improve:

- the reliability of police statistics, which suffers from both underreporting of crime and lack of efficient information management,
- and the outcomes of campaigns to collect weapons based on amnesties and voluntary surrender, which have proved consistently inconclusive.

Kosovo Violent Crime in Numbers.

The last comparable police data show that during the period 2006-2007 violent crimes against persons, including robbery, sexual and physical assault, have sharply increased.* The overall violent crime rate is 174, much higher than the Republic of Macedonia (51) but lower than Montenegro (1535) and Croatia (288).** In 2007 Kosovo crime rate (measured as number of crimes per 100,000) was 3.044 compared with Macedonia 1,311, and Croatia 1,685. Only Montenegro has a much higher rate, with 4,629. The rate of crimes against society (+25%), as well as murder, which at 3.25 is already high, is also up (in 2008, the number of murders went down to 55, or to the rate of 2.75). The murder rate (3.25 per 100,000 inhabitants in 2007), which is quite high, although drastically decreased since the end of the war (from 226 murders in 2000 to 65 in 2007), constitutes better confirmation of the size and impact of weapons on security.

Violent Crime Against Persons 2006-2007 Source: KP

	2006	2007	Percentage +/-
Serious Assault	389	2882	+641
Sexual Assault	58	93	+60
Robbery	441	458	+4

* See Kosovo Police, *Annual Report 2007*, pp. 22-23. In 2008 the police changed the classification of certain crimes, making statistical comparison difficult, if not impossible. See *EULEX Programme Report* (July 2009)

** For a comparison with EU countries or EU candidate countries, see:

http://epp.eurostat.ec.europa.eu/portal/page/portal/crime/documents/violent_crime.pdf

http://epp.eurostat.ec.europa.eu/portal/page/portal/crime/documents/total_crime.pdf

What Kosovo police data tell us on weapons so far is too little and too incomplete (See **Box on Kosovo Violent Crime in Numbers**). Crime rates are high, but given that many offenses often go unreported, the reality might be even worse. The phenomenon of crime underreporting is both a symptom and a cause of problems with police effectiveness:¹⁵ a symptom because it also reveals lack of trust in the police, which in survey earns high favorable ratings at least among the Albanians, but in practice lags behind its general

¹⁵ Crime underreporting is not unique to Kosovo, where it is as severe as other countries of South Eastern Europe but significantly more severe than the rest of Europe on selected crimes. On this see United Nations Office on Drugs and Crime, *Crime and Its Impact on the Balkans and Affected Countries*, March 2008, p. 9 and *EULEX Programme Report*, 2009, p. 21.

positive reputation;¹⁶ a cause because by hindering the capacity of producing a truer map of crime, it also hinders a rational and effective deployment of police resources and personnel in combating crime. But underreporting also points to a major deficit of trust in the judiciary, probably the weakest institution in Kosovo, that fails to prosecute and judge in timely and effective fashion.

Reliable, disaggregated crime statistics kept by all branches of law enforcement are linked to police operation. In fact, they are considered crucial in policing best practices, as the success of CompStats (statistics comparatively used to map crime, identify problems and create performance baselines) demonstrated in New York City and elsewhere. Better data management is an urgent priority and it can and should be done. However, there will be no substantial improvement without increasing performance in two fields: systematic intelligence gathering that respects citizens' rights; and trust and cooperation of the public with law enforcement. The first issue begins to be addressed by the State Program, with specific reference to actions and resources such as the establishment of an anonymous hotline, and the use of K-9s (dogs trained in detective ammunition and explosives).¹⁷ Intelligence gathering should be part of normal police work, requiring interviews of the individuals arrested for weapons possession and records of information thus collected properly stored. The issue of trust pertains to the development of community policing across law enforcement organizations, or a people-centered, locally rooted approach to combat crime and reduce the need that people feel town weapons for self-defense.

V. Voluntary surrender.

Kosovo Police official data also tell a narrative of missed opportunities. Known figures of weapons-related crimes are in fact clearly too low, compared to general estimates. In 2007 there were a total of 2120 incidents related to illegal possession of weapons, explosive and ammunition,¹⁸ a number consistent with comparable figures in previous years. The police seized only 4,026 weapons in 2004-2005, and 11,406 in the 4 years from the end of the war through 2003.¹⁹ Particularly inconclusive is the comparison with the outcome of the more recent weapons amnesty (2003), which brought in only 155 weapons, a number too low to indicate anything, but the unwillingness to surrender illegal weapons. Except that before reaching any conclusion, these figures need to be compared with data collected in survey after survey on attitudes towards weapons since 2003 (See **Box on Attitudes towards Weapons Collection**).

¹⁶ See UNDP *Early Warnings Reports* which consistently show the overwhelming popularity of the Kosovo Police among Kosovo Albanian majority, with plummeting ratings among Kosovo Serbs, who do not trust in general any Kosovo institutions.

¹⁷ *State Program*, p. 57

¹⁸ Kosovo Police *Annual Report 2007*, p. 23.

¹⁹ *SAWL Survey 2006*, pp. 9-10

Survey results indicate an ambivalent relation with, rather than attachment to guns (See **Box on Attitudes Towards and Perceptions of Weapons**).²⁰ The attitude of Kosovars toward the possession of weapons is largely negative, and there is a clear perception of

Attitudes Towards and Perceptions of Weapons

The 2003 SEESAC baseline survey revealed that 47% of Kosovars believed that there were ‘too many guns in society’, and only 21% disagreed with this statement. More than 50 % of respondents claimed that they would not choose to own a weapon even if it were legal. The same percentage thought it ‘very likely’ or ‘somewhat likely’ that people in their neighborhood would hand in their guns in exchange for investments in their community. The 2006 SEESAC report showed that 87% of household survey respondents believed illegal firearms posed a threat to the future prosperity of Kosovo.

Fast forward to 2009. A high percentage of respondents in a survey conducted to analyze community safety issues considered activities that can be associated with guns – celebratory fire, armed violence, murders and robberies - as a very serious or serious local problem.* Almost half said that owning a firearm should not be allowed; more than half said that guns create unsafe areas in their municipalities. When asked more in general who would benefit the most from arms control measures, more than half considered that a gain for the whole society, an answer that was shared across all ethnic groups.

Yet, in the same 2009 survey, one learns that 36.4% thought that “it is okay in certain circumstances” to own weapons. Other surveys add useful contextual information to help making sense of this partial finding.** In April/May 2008, 29.2% of respondents said that they were ready to acquire a weapon if they were able to and 76.8% of them would have done that in order to protect their family, 21.1% to protect their business. Only 3.7% said that they would use weapons to defend their community and 4.3% in case of conflict or war. Compared to 2006, there was a sharp decline in political motivations for the ownership and use of weapons, but an increase of anxiety about personal safety even in the presence of a strong belief that weapons do not make people any safer. Yet, even in 2006 of the 23.6% of the household survey respondents who said that they would eventually acquire a weapon, an overwhelming majority (76.8%) stated that their main reason for doing so would be to protect themselves and their family.

*UNDP. *Community Safety*. 2009

**See FIQ/Saferworld, *Through the Cross-Hairs. A Survey of Changing Attitudes towards Small Arms in Kosovo* (November 2008), p. 14.

weapons as a threat to safety, but there is no similar consensus on their voluntary surrender. Not yet. This apparent contradiction has been left unexploited until now, despite being consistently present.

²⁰ See a substantial body of research in FIQ/Saferworld, *Ready or Not?* (July 2009) and other Safeplace publications since 2006, in www.safeplaceproject.org

There is a clear convergence between safety strategy and weapons control strategy broadly understood and this link is straightforward. It calls for better trust between people and law enforcement, for an approach to safety that is formulated and implemented by the police in partnership with a variety of local actors, from municipal institutions and agencies to non-governmental organizations and the wider public. These are nothing but the main tenets of human security, an emerging way of thinking about and practicing security policies that Kosovo has also adopted in formulating its plan for a security sector reform.²¹ All people should be included as the focus and the actors of a successful safety strategy. Being inclusive does not mean fulfilling a checklist of stereotypical subjects, but listening to grassroots needs and aspirations. It means taking community policing seriously.

Attitudes on Weapons Collection

Participants in focus groups have not felt comfortable in discussing weapons amnesties, although when they do, they agree that the government and the police should sponsor and manage them (*Through the Cross-hairs*, *ibid.*, p. 14). In a 2009 UNDP commissioned survey, half of the respondents thought that the government should be the organizer of a voluntary surrender of illegal weapons, but a little more than half thought that the time for that has not come “yet” or “don’t know.” Only 36.5% thought that citizens should indeed surrender their weapons. This gap is consistent with a broad acceptance of limiting and regulating the presence of guns in the local society, while still thinking that weapons are needed for safety.

However, in the eventuality of a campaign for voluntary surrender of weapons, it is to the police that the overwhelming majority would turn (63.9). KFOR is a very distant second (15.1%) among the institutions responsible for collecting the weapons. These answers are rational, given that weapons seizure and stockpiling are the subject matter of police work. They also reflect a wide consensus on the preference of local institutions (the KP) to the international (KFOR). However, they suggest that there is little connection in the mind of Kosovars between municipal councils, law enforcement and safety, as municipalities do not appear at all as possible reference for weapons collection.

For this reason a human security, but especially gender sensitive approach to weapons control has been seen as key in a recent report on community safety, as well as in a growing literature on the subject of human security and gender, including the objectives of United Nations Security Council Resolution 1325, and the relevant points of the

²¹ Anthony C. Welch, S. Kondi, D. Stinson, M. P. Von Tange, eds. , *Internal Security Sector Review Kosovo*. Pristina: UNDP, 2006.

UNDP *Eight-Point Agenda* that refer to SALW control Agenda.²² Women can and should be involved in safety policies specific to their needs first (domestic violence), but also others related to the safety of the household and a judicious use of weapons control. And they should be involved from research and design, to implementation and monitoring. But why and how? Women's heightened feeling of vulnerability could make them less supportive of a straightforward voluntary surrender of weapons. Further, it might add to a general sense of insecurity and defenselessness, which currently seems the strongest reason to keep weapons at home. But women are also recipients of violence, often performed or simply threatened by family members with weapons. They are sensitive to the dangers posed by improperly kept weapons to children's safety, whether in the house or outside. If turned into actors for their own protection and the protection of their families through cooperation with the police, women could have a strong impact in diminishing reliance on the private sphere for safety, and establishing greater sense of local safety and trust.

Expanding the number of local actors managing a weapons control plan through a gender perspective implies the strategic shift in safety policies, as suggested earlier, in the direction of community policing. For the police, this means taking domestic violence as a priority, equipping personnel with the required skills to tackle this crime. More specifically, by establishing greater trust with women, the police and the courts could achieve important results:

- acquire better information on the nature and diffusion of domestic violence, and violence based on the use of weapons;
- confiscate weapons used in domestic violence;
- deliver tougher sentences to perpetrators of domestic violence who use weapons;
- restrict or prohibit acquisition of guns and ammunition by individuals who have committed domestic violence;
- educate women on the threats posed by improperly stored weapons.

More in general, community policing means changing perspective on other local actors. It calls for partnerships with local government institutions and agencies for example, which are pivotal in providing services in the most inclusive way. In this instance as well Kosovo has an institutional and legislative framework in place, awaiting implementation. There reference here is to the new, enabling powers of the Mayor, or the local safety councils (the Municipal Community Safety Councils and Local Public Safety Councils),

²² UNDP, *Community Safety* 2009; UNSCR 1325.; UNDP's Eight-Point Agenda for Women's Empowerment and Gender Equality in Crisis Prevention and Recovery; SEESAC *Strategy for Gender Issues in SALW Control and Armed Violence Prevention Programmes and Projects Activities*, 2007. SEESAC, *Firearm Possession and Domestic Violence in the Western Balkans*, *ibid.*; Vanessa Farr, Henri Myrntinen and Albrecht Schnabel eds., *Sexed Pistols: the Gendered Impact of Small Arms and Light Weapons*, United Nations University Press, 2009; and Megan Bastick and Kristin Valasek (eds.) *Gender & Security Sector Reform Toolkit*. DCAF, OSCE/ODHIR, UN-INSTRAW

that constitute a good forum for a variety of local actors to debate and work together on local safety.

VI. Conclusions and Recommendations

Below, some more specific conclusive recommendations, which do not claim to be exhaustive, but touch upon identified priorities:

- 1. A stronger leadership role of the Government and the Prime Minister in policy implementation.** Because the legislative framework on weapons is new and its implementation still largely untested, the Kosovo Government shall make it a priority to concentrate political capital and resources on the National SALW Strategy. **This requires that the Prime Minister, who chairs the National Commission on SALW, exercise stewardship over interested Ministers and state agencies; produce sustained work of monitoring and evaluation to obtain results in line with international standard; and concretely shows commitment, by implementing the first big task required by the National Strategy: a State Program for SALW collection and voluntary surrender.**
- 2. Closer connection between SALW control strategy and internal safety strategy.** Although increasingly associated to danger and insecurity, weapons are not easily surrendered by Kosovars. This might change with their legalization, but not quickly and to the extent that is required to make an impact. In order to improve weapons control, the culture that needs change is not a fabled atavistic love for the gun, but the deep mistrust of the effectiveness of the police and the courts in protecting the public. This problem is manifest in different communities, whether they are mostly inhabited by the Albanian majority or by minorities, especially Kosovo Serbs who either do not recognize Kosovo authorities, or have an ambivalent relationship with them. In all cases, **an improvement of the level of trust in core law enforcement institutions is attainable only by increasing their effectiveness, a goal which local authorities should fully embrace, and the European Union Rule-of-Law Mission (EULEX) should choose as its priority benchmark.**

For the police, this means adopting a community policing approach across departments, an improvement that will achieve two results among others. First, it will bridge both the physical and philosophical distance between law enforcement and civilians, a problem that remains acute across ethnic communities. Second, it will provide better knowledge of how weapons are acquired and used. To reach these goals a **gender-**

based approach, sensitive to domestic violence, could prove to be useful, as suggested in the 2009 report on Kosovo Community Safety sponsored by the UNDP.²³

For the courts, it means to take the crime of illegal possession and use of weapons seriously [something that the new legislation facilitates and the SALW Strategy requires], and apply sanctions speedily and with the required severity. It also means **taking crime generally more seriously, including domestic violence**, which too often is expressed through the use of weapons, but, as evidence shows, goes unrecorded or unpunished.²⁴ Here the leadership and monitoring role of the Minister of Justice, the Prosecutor's Office and especially EULEX is paramount.

3. **A small revolution in thinking about information and communication** in relation to weapons control. A different approach includes as a priority a focus on information and communication within and among agencies and institutions, for example on improving data collection and sharing among law enforcement. Communication with the wider public must also depart from a narrowly understood public relations approach and must make use of grassroots intervention, recovering traditional, face-to-face interactions, as best practices to sharpen the message and target specific communities or sub-cultures.

The SALW Strategy hints at such overhaul of the approach to communication in its Annex on the State Program for Improving Public Safety Through the Collection and Voluntary Surrender of Weapons, Ammunition and Explosive Materials (hereafter State Program for SALW Collection and Voluntary Surrender). Below, some of the actions suggested in the Annex are highlighted and amplified as needed:

4.1. **A first priority is the development of reliable data collection across institutions and agencies, from the police, as the focal point for intelligence and accurate, disaggregated crime statistics; to health centers, where victims of firearms are serviced and reports on incidents shall be made; and finally the courts, where criminal records shall be kept and made public.** Information on the number, storage, and usages of illegal weapons crucially provides the basis for legally licensing owners, directing preventive and reactive intervention, and developing awareness campaigns about the danger that weapons pose for safety.

²³ UNDP. *Community Safety Report*, 2009.

²⁴ On this see Ariana Qosja-Mustafa and Nicole Farnsworth for Kosova Women's Network, *More than "Words on Paper"? The Response of Justice Providers to Domestic Violence in Kosovo*, October 2009 and for the broader region, SEESAC, *Firearm Possession and Domestic Violence in the Western Balkans*, *ibid.*

4. 2. Intelligent gathering, respecting citizens' rights, is integral part of information. It should be given attention and resources, as its effectiveness is a show of police performance that increases trust in the institution.

4. 3. Increasing awareness of the danger posed by weapons should play a big role in public information campaigns on safety and collection, which in order to be effective cannot be a vague and abstract appeal to disarmament. What needs to be addressed is the specific reality of the problem, including the tolerance for weapons that is widespread in certain areas. The Kosovo public for example has never been effectively informed of the lethal threats posed by celebratory fire or by unsafe storage of weapons, inside and outside the house. **A clearer understanding of the dangers posed by weapons might tip the scale in favor of voluntarily surrendering weapons; it will certainly improve safety.**

4. 4. Billboards, newspapers, broadcasting, and new technologies are the media, not the end of communication, and despite their reach sometimes they are not the best media. As it appears that wider acceptance of weapons possession and use is more often than not localized in particular regions, and pertains to sub-cultures, it is also clear that **the use of community-based activities, involving local organizations and community leaders together with safety municipal institutions, will provide more effective information to a targeted population on a variety of issues: from danger that weapons pose to legislation, collection policies, and incentive for surrendering weapons.**

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