

# THE 2018 EU SALW STRATEGY: TOWARDS AN INTEGRATED AND COMPREHENSIVE APPROACH

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## I. INTRODUCTION

On 19 November 2018 the Council adopted a new EU Strategy on illicit firearms, small arms and light weapons (SALW) and their ammunition: *Securing Arms, Protecting Citizens: EU Strategy against illicit Firearms, Small Arms and Light Weapons and their Ammunition*.<sup>1</sup> The starting point of this strategy is the observation that illicit trafficking in firearms and SALW continues to fuel instability, armed conflict and terrorist violence in the European Union, in its immediate neighbourhood and in the rest of the world. The Council noted that the illicit trafficking of these weapons also thwarts the EU's development and crisis management, humanitarian and stabilization efforts in parts of the EU's neighbourhood and Africa.

This 2018 EU SALW Strategy (2018 SALW Strategy) is a revision of the 2005 Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition.<sup>2</sup> It has been developed to guide the actions of the EU institutions and the EU member states on countering the illicit proliferation of firearms and SALW. The 2018 SALW Strategy has a double purpose: first, to guide integrated, collective and coordinated European action to prevent and curb the illicit acquisition of SALW and their ammunition by terrorists, criminals and other unauthorized actors; and, second, to promote accountability and responsibility with regard to the legal arms trade.

This paper provides a succinct overview of the development of EU policy on controlling the legal transfers of firearms and SALW and combating the

<sup>1</sup> Council of the European Union, *Council Conclusions on the Adoption of an EU Strategy Against Illicit Firearms, Small Arms and Light Weapons and their Ammunition*, Brussels, 19 November 2018, 13581/18.

<sup>2</sup> Council of the European Union, *Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*, 5319/06, Brussels, 13 Jan. 2006.

## SUMMARY

In November 2018 the European Union (EU) adopted a new strategy to combat the illicit proliferation of firearms, small arms and light weapons (SALW) and their ammunition. Through this new strategy, the EU and its member states commit themselves to coordinating their actions and initiatives on this important security challenge. This paper describes the development of EU policy on firearms and SALW, and analyses the actions foreseen in the new strategy. The 2018 EU SALW Strategy takes account of the changing security environment and contains various measures to secure the full life cycle of these weapons. This paper concludes that the 2018 EU SALW Strategy can be considered a highly positive development, but stresses that more attention is needed on upgrading the export control policies of EU member states. It recommends using the current review process of Common Position 2008/944/CFSP on arms exports to develop a truly comprehensive approach to combating the illicit proliferation of these lethal weapons.

## ABOUT THE AUTHOR

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illicit proliferation of these weapons. It also analyses the actions foreseen in the 2018 SALW Strategy and highlights some of the challenges connected with these actions.

## II. EU POLICY ON FIREARMS AND SALW

The EU has been developing a legislative and policy framework on the manufacture, trade, possession and use of firearms and SALW since the late 1980s. For institutional reasons, the policy on these weapons has been developed by different EU actors. While international efforts to curb the use of these weapons in conflict have generally used the term ‘small arms’, initiatives aimed at strengthening law enforcement and public safety generally used the term ‘firearms’. This difference in terminology has been carried through into the different EU policy initiatives by the various EU actors.<sup>3</sup> On the one hand, the Council has taken actions and developed various policies and instruments on military-grade firearms and SALW as part of the EU’s Common Foreign and Security Policy (CFSP), such as arms embargoes, Common Position 2008/944/CFSP on arms exports and Directive 2009/43/EC on transfers of defence-related products within the EU.<sup>4</sup> The European Commission, on the other hand, has driven policy initiatives on regulation of the possession and trade in so-called civilian firearms, such as Directive 91/477/EEC on the acquisition and possession of firearms and Regulation 258/2012 on the international trade in civilian firearms to third countries.

The distinction between these different terms is not always clear from a technical perspective and becomes irrelevant from a policy perspective once these weapons are diverted from the legal domain into illegal use. In order to address this threat in a comprehensive way, the 2018 SALW Strategy explicitly covers both civilian and military-grade firearms.

## EU arms exports control initiatives

### *EU Code of Conduct on Arms Exports*

Since the early 1990s the EU has promoted cooperation and convergence in EU member states’ arms export policies as part of the CFSP. In 1991–92, the Council adopted eight common criteria on arms exports. These were integrated into the EU Code of Conduct on Arms Exports in 1998.<sup>5</sup> This Code of Conduct required EU member states to evaluate export licence applications on a case-by-case basis against common assessment criteria (see box 1). With this provision, the Council was explicitly seeking to make the arms trade with third countries more restrictive and ‘responsible’ by including considerations about human rights and conflict prevention in the assessment of licence applications for the export of military equipment, including SALW and their ammunition.<sup>6</sup> To increase convergence on arms export decisions, a denial notification procedure was also put in place in order to prevent ‘undercutting’, where one EU member state grants a licence for an export that is essentially identical to one that another EU member state has already denied.

### *EU common position*

In 2008, the politically binding EU Code of Conduct was replaced by the legally binding Common Position 2008/944/CFSP, which set common rules governing the control of exports of military technology and equipment.<sup>7</sup> The content of the common position differs only slightly from the 1998 Code of Conduct. This means that the same common criteria have been used to assess arms export applications in the EU for almost three decades.<sup>8</sup> Nonetheless, studies have found little evidence that the EU Code of Conduct has improved harmonization of member states’ arms exports.<sup>9</sup>

<sup>5</sup> Council of the European Union, European Union Code of Conduct on Arms Exports, Brussels, 5 June 1998.

<sup>6</sup> Cops, D., Duquet, N. and G. Gourdin, *Towards Europeanized Arms Export Controls? Comparing Control Systems in EU Member States* (Flemish Peace Institute: Brussels, 2017).

<sup>7</sup> Council of the European Union, Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment.

<sup>8</sup> Cops, Duquet and Gourdin (note 6).

<sup>9</sup> Bromley, M., ‘The EU Common Position on arms exports and national export control policies’, eds A. J. K. Bailes and S. Depauw, *The EU Defence Market: Balancing Effectiveness with Responsibility* (Flemish Peace Institute: Brussels, 2011), pp. 39–46; and Erickson, J., ‘Market imperative meets normative power: Human rights and European arms

<sup>3</sup> Bromley, M. and Verbruggen, M., ‘The revision of the EU SALW Strategy: taking account of the changing security environment’, EU Non-Proliferation Consortium, *Non-Proliferation Brief* no. 18, (2017).

<sup>4</sup> For an overview of arms embargoes see Bromley, M., Wezeman, P. D., ‘Multilateral embargoes on arms and dual-use items’, *SIPRI Yearbook 2018: Armaments, Disarmaments and International Security* (Oxford University Press: Oxford, 2018), pp. 413–23; and the SIPRI Arms Embargo Database.

**Box 1. EU Common Assessment Criteria**

1. Respect for international obligations and commitments.
2. Respect for human rights and international humanitarian law.
3. The internal situation in the country of final destination.
4. The preservation of regional peace and stability.
5. The national security of EU member states, allies and friendly countries.
6. The behaviour of the buyer country towards the international community.
7. The risk of diversion within the buyer country or re-export under undesirable conditions.
8. The compatibility of arms exports with the technical and economic capacity of the recipient country.

Source: Common Position 2008/944/CFSP

*Additional frameworks*

In the past decade, two additional, complementary legal frameworks on arms exports have been developed at the EU level. In 2009, the EU adopted Directive 2009/43/EC, which aimed to simplify arms transfers within the European Union.<sup>10</sup> Under this Directive, intra-EU trade in military equipment was made increasingly a competence of the Community and the connected single market.<sup>11</sup> In 2012, as part of its ratification and implementation process of the UN Firearms Protocol (see below), the EU adopted Regulation 258/2012, which regulates the international trade in ‘civilian’ firearms to third countries.<sup>12</sup>

**EU CFSP actions to combat illicit SALW proliferation**

In parallel with its initiatives to harmonize national arms export control policies, the Council also sought to develop a comprehensive policy to address the illicit proliferation of SALW. This became an important focus of the EU’s CFSP in the 1990s. International attention on this issue at this time was primarily on limiting the conflict-aggravating role these weapons played in the

transfer policy’, *European Journal of International Relations*, vol. 19, no. 2 (2013), pp. 209–34.

<sup>10</sup> Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community.

<sup>11</sup> Bailes, A. J. K. and Depauw, S. (eds), *The EU Defence Market: Balancing Effectiveness with Responsibility* (Flemish Peace Institute: Brussels, 2011).

<sup>12</sup> Regulation (EU) no. 258/2012 of the European Parliament and of the Council of 14 Mar. 2012 implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organized Crime (UN Firearms Protocol), and establishing export authorization, and import and transit measures for firearms, their parts and components and ammunition.

‘new’ asymmetric wars of the immediate post-cold war period.<sup>13</sup> This resulted in the 2001 Protocol Against the Illicit Manufacturing of and Trafficking in Firearms (the Firearms Protocol), as well as the 2001 United Nations Programme of Action to prevent, combat and eradicate the illicit trade in SALW in all its aspects (the UN PoA on SALW).<sup>14</sup>

In response to these international agreements, the EU decided to develop its own specific policy initiative to target the illicit proliferation of SALW. The Council argued that the consequences of the illicit manufacture, transfer and circulation of SALW, and their excessive accumulation and uncontrolled spread were central to four of the five key security challenges defined in the 2003 European Security Strategy: terrorism, regional conflicts, state failure and organized crime (the fifth challenge was the proliferation of weapons of mass destruction). Inspired by the 2003 EU Strategy against the proliferation of Weapons of Mass Destruction, the EU wanted to devise a similar instrument that could serve as ‘an integrated

<sup>13</sup> See e.g. Singh, J. (ed.), *Light Weapons and International Security* (Delhi: Indian Pugwash and BASIC: Delhi, 1995); Renner, M., *Small Arms, Big Impact: The Next Challenge of Disarmament*, (Worldwatch Institute: Washington, DC, 1997); Alves, P. G. and Cipollone, D. B. (eds), *Curbing Illicit Trafficking in Small Arms and Sensitive Technologies: An Action-Oriented Agenda* (UNIDIR: New York and Geneva, 1998); Boutwell, J. and Klare, M. T. (eds), *Light Weapons and Civil Conflict: Controlling the Tools of Violence* (Rowman & Littlefield: Lanham, 1999); and Lumpe, L. (ed.), *Running Guns: The Global Black Market in Small Arms* (Zed Books: London, 2000).

<sup>14</sup> United Nations, General Assembly, Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, A/RES/55/255; and United Nations, General Assembly, Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, A/CONF.192/15.

approach and a comprehensive plan of action' to curb the illicit proliferation of SALW.<sup>15</sup>

#### *The 2005 EU SALW Strategy*

The 2005 EU SALW Strategy to combat illicit accumulation and trafficking of SALW and their ammunition (2005 SALW Strategy) was adopted in December 2005. It acknowledged that thus far most of the EU's actions on disarmament had been mainly reactive, with a focus on programmes of post-conflict disarmament, demobilization and reinsertion and security sector reform.<sup>16</sup> It aimed to supplement this reactive approach with more preventive action to tackle the illegal supply of and demand for these weapons as well as controls on conventional arms exports. The 2005 SALW Strategy was primarily focused on the significant accumulations of SALW stockpiled in Eastern and South-East Europe, and the ways and means through which they were being disseminated to conflict zones, especially in sub-Saharan Africa, for example, by means of illegal brokering and transport.

The 2005 SALW Strategy was implemented through a series of SALW control projects supported by Council joint actions and later Council decisions. Between 2005 and 2018, the Council adopted 32 decisions at a total cost of €77 million.<sup>17</sup> The Council, for example, took action to counter the illicit trade in SALW by air.<sup>18</sup> It also provided support inter alia for the South East and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) and for organizing regional training workshops on brokering controls and security upgrades of arms stockpile depots in Belarus and Kyrgyzstan.<sup>19</sup> Programmes were also implemented

on the destruction of SALW and their ammunition in Ukraine.<sup>20</sup> Physical security and stockpile management (PSSM) activities were funded to reduce the risk of illicit trade in SALW and their ammunition in the Sahel region.<sup>21</sup> At the same time, a number of important first steps were made to broaden the EU's approach to tackling the illicit proliferation of SALW. The focus on Eastern and South East Europe, on the one hand, and sub-Saharan Africa, on the other, did not prevent the EU from examining existing and emerging challenges in other parts of the world, such as its support for securing stockpiles in Libya.<sup>22</sup>

#### **EU initiatives to combat illicit firearms proliferation within the EU**

##### *The Firearms Directive*

In 1991 the European Community enacted Directive 91/477/EEC (the Firearms Directive), which prescribes minimum standards on the transfer, acquisition and possession of weapons and ammunition within the EU that EU member states must implement in their national firearms legislation.<sup>23</sup> EU member states traditionally had different standards on the possession of and trade in firearms by civilians. The regulation of firearms possession and trade within the EU first appeared on the radar of European policymakers following the establishment of the Schengen Area and the creation of the European single market. This was part of a broader agenda on closer cooperation between

<sup>15</sup> Council of the European Union, EU strategy against proliferation of Weapons of Mass Destruction, 15708/03, Brussels, 10 Dec. 2003.

<sup>16</sup> Council of the European Union (note 2).

<sup>17</sup> European External Action Service (EEAS), Communication with author, 8 Feb. 2019.

<sup>18</sup> Council decision 2010/765/CFSP of 2 December 2010 on EU action to counter the illicit trade of small arms and light weapons (SALW) by air.

<sup>19</sup> EU support for SEESAC has been provided since 2002 through a series of Council decisions. In 2016 the EU extended this support through Council Decision (CFSP) 2016/2356 of 19 December 2016 in support of SEESAC disarmament and arms control activities in South East Europe in the framework of the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition, *Official Journal of the European Union*, 21 Dec. 2016; Council Decision 2012/662/CFSP of 25 October 2012 in support of activities to reduce the risk of illicit trade in, and excessive accumulation of, Small Arms and Light Weapons in the region covered by the Organisation for Security and Cooperation in Europe (OSCE), *Official Journal of the European Union*, 26 Oct. 2012.

<sup>20</sup> Council Decision 2005/852/CFSP of 29 November 2005 for the destruction of small arms and light weapons (SALW) and their ammunition in Ukraine, *Official Journal of the European Union*, 1 Dec. 2005.

<sup>21</sup> Council Decision 2014/912/CFSP of 15 December 2014 in support of physical security and stockpile management (PSSM) activities to reduce the risk of illicit trade in small arms and light weapons (SALW) and their ammunition in the Sahel region, *Official Journal of the European Union*, 17 Dec. 2014.

<sup>22</sup> Council Decision 2013/320/CFSP of 24 June 2013 in support of physical security and stockpile management activities to reduce the risk of illicit trade in small arms and light weapons (SALW) and their ammunition in Libya and its region, *Official Journal of the European Union*, 26 June 2013. This Council Decision was repealed in 2015 by Council Decision 2015/1521/CFSP of 14 September 2015 because of the deteriorating political and security situation in Libya.

<sup>23</sup> Since its adoption in 1991, the Firearms Directive has been amended twice by Directive 2008/51/EC of the European Parliament and of the Council of 21 May 2008 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons, and by Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons.

EU member states on security-related issues.<sup>24</sup> The gradual loss of internal border controls confronted members of the Schengen Area and the single market with a number of possible negative consequences, not least reduced opportunities for controlling the transfer of firearms.<sup>25</sup>

Since the early 2000s, the European Commission has paid increased attention to illicit firearms trafficking into and within the EU.<sup>26</sup> This was initially largely event-driven and to begin with the policy focus was rather fragmented. In the wake of the 2004 Madrid and 2005 London bombings, the European Commission began increasingly to focus on the problem of the acquisition and circulation of weapons *within* the EU.<sup>27</sup> The observation of increased levels of possession of automatic firearms in criminal hands in a number of EU member states led the Council to adopt a European Action Plan to combat illegal trafficking in ‘heavy firearms’ in 2010.<sup>28</sup>

EU policymaking on illicit firearms trafficking into and within the EU member states has become more comprehensive in recent years. In 2013 the disruption of illicit manufacturing of and trafficking in firearms was made one of the EU’s law enforcement priorities for the 2014–17 policy cycle. EU efforts and initiatives to combat illicit firearms trafficking were subsequently converged in a concerted action announced by the European Commission. In the 2013 Communication ‘Firearms and the internal security of the EU: Protecting citizens and disrupting illegal trafficking’ the European Commission set out an integrated policy to address the threat posed by illegal firearms within the EU.<sup>29</sup> This Communication was described

<sup>24</sup> For an overview of the development of EU policy on firearms within the EU, see Duquet, N. and Goris, K., *Firearms Acquisition by Terrorists in Europe: Research Findings and Policy Recommendations of Project SAFTE* (Flemish Peace Institute: Brussels, 2018), pp. 43–58.

<sup>25</sup> Eigel, C., ‘Internal security in an open market: The European Union addresses the need for community gun control’, *Boston College International and Comparative Law Review*, vol. 18, no. 2 (1995).

<sup>26</sup> For more information on the development of EU policy on illicit firearms trafficking in the EU, see Duquet and Goris (note 24), pp. 48–59.

<sup>27</sup> Because of the specific *modus operandi* of the 2004 Madrid and 2005 London terrorist attacks, there was a strong emphasis on explosives, but firearms also received some attention.

<sup>28</sup> Council of the European Union, ‘Draft European Action Plan to combat illegal trafficking in so called “heavy” firearms which could be used or are used in criminal activities’, Brussels, 29 Nov. 2010. ‘Heavy’ firearms are not defined in this paper, but a number of examples were given: ‘assault rifles, sub-machine guns and rockets launchers’.

<sup>29</sup> European Commission, Communication from the Commission to the Council and the European Parliament. Firearms and the internal

as providing the basis for a comprehensive ‘Firearms Package’ by 2015.

#### *The 2015 Agenda on Security*

Illicit firearms trafficking was included in the 2015 Agenda on Security (EAS) developed by the European Commission.<sup>30</sup> The EAS was adopted as a response to the identification of new and complex threats that have emerged and have highlighted the need for further synergies and closer cooperation at the European and national levels. It states that many contemporary security concerns originate from instability in the EU’s immediate neighbourhood, and that threats are becoming more varied and more international, as well as increasingly cross-border and cross-sectorial in nature. The 2015 EAS highlighted that illicit firearms trafficking within the EU also has a critical external dimension since much of the illicitly held firearms in the EU have been imported from neighbouring countries. The EAS therefore noted that an action plan should be fully implemented on the illicit trafficking of firearms between the EU and the south-east Europe region for the years 2015–19.<sup>31</sup> Importantly, the EAS also noted that, if evaluated positively, such an operational action plan should be replicated with other neighbouring countries, in particular countries in the Middle East and North Africa.<sup>32</sup>

#### *2015 Action Plan*

The terrorist attacks in Paris in November 2015 strongly accelerated EU policy initiatives on illicit firearms trafficking. A few days after the Paris attacks, the European Commission announced a multifaceted package of measures aimed at raising the threshold requirements for acquiring firearms in the EU, improving the tracking of legally held firearms, strengthening cooperation among EU member states and ensuring that deactivated firearms are rendered inoperable. The Council welcomed these measures. Since then, the European Commission has adopted

security of the EU: protecting citizens and disrupting illegal trafficking, COM(2013) 716 final.

<sup>30</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Agenda on Security, Strasbourg, 28 April 2015, COM(2015) 185 final.

<sup>31</sup> This action plan was endorsed in December 2014 by both the Council and the Western Balkan partners at the EU–Western Balkans Ministerial Forum on Justice and Home Affairs in Belgrade.

<sup>32</sup> European Commission, European Agenda on Security, Updated 12 Feb. 2019.

an implementing regulation on common standards for the deactivation of firearms and the Council and the European Parliament have adopted a significant amendment to the 1991 European Firearms Directive. In December 2015 the European Commission also adopted an Action Plan against illicit trafficking in and use of firearms and explosives (the ‘2015 Action Plan’), which covers the operational dimension of the European Commission firearms package.<sup>33</sup> The 2015 Action Plan was presented as an implementation of the EAS. It contains various measures to counter illicit firearms trafficking and the misuse of firearms and explosives. The 2015 Action Plan has four broad priorities: (a) restricting access to illegal firearms and explosives; (b) enhancing operational cooperation; (c) improving the collection and sharing of operational information through the optimal use of existing tools; and (d) stronger cooperation with third countries.<sup>34</sup>

#### **Towards an integrated approach: Development of the 2018 EU SALW Strategy**

Various analyses highlighted the need to update the 2005 SALW Strategy following the EU’s transformation as a result of the entry into force of the Lisbon Treaty. The multilateral frameworks on SALW controls have developed and the security environment related to SALW—especially in the EU neighbourhood—has changed significantly. In addition, there is now a better understanding of the dynamics of SALW proliferation following in-depth in-country research, and new risks and opportunities have emerged with recent developments in SALW technology and design.<sup>35</sup>

The 2005 SALW Strategy had also been criticized over the years. While it aimed to be a ‘comprehensive and coherent approach’, the document was largely framed within the framework of the CFSP as a response to problems and threats outside the EU. The issue of firearms and SALW were not considered security problems for the EU. In addition, the

document paid little attention to the ways in which arms exports from EU member states might affect illicit proliferation of such weapons.<sup>36</sup>

In contrast to the 2005 SALW Strategy, which was developed within the framework of the Council and without the involvement of the European Commission, the 2018 SALW Strategy has been developed by several European entities. It notes that the recent terrorist attacks in Europe (2012–18) are illustrative of a crime-terror nexus, especially with regard to firearms. It also stresses that illicit firearms have a clear impact on the internal security of the EU by fuelling organized criminal activities and providing terrorists with the instruments to commit lethal attacks on European soil. The increased attention paid to internal security can even be observed in the title of the 2018 SALW Strategy, with its emphasis on ‘protecting citizens’.

The 2018 SALW Strategy is largely based on a Joint Communication of the European Commission and the High Representative of the Union for Foreign and Security Policy to the European Parliament and the Council. The operational leads for revising the 2005 SALW Strategy were the European External Action Service (EEAS) and the European Commission. This Joint Communication was based on an internal Council document that was developed by a dedicated ad hoc SALW Strategy Task Force that was established within the framework of the Working Party on Non-Proliferation (CONOP) in January 2017.<sup>37</sup> This Task Force consisted of experts from interested EU member states and was chaired by the EEAS. European Commission experts were also closely involved informally and draft versions were shared with delegates from CONOP and the EU Working Party on Conventional Arms Exports (COARM). In addition, the EEAS organized two informal inter-service meetings with relevant European Commission entities and with Europol.<sup>38</sup> During this revision process the recommendations of a number of publications on the specific topic by specialized research organizations and the findings of a number of recent studies and

<sup>33</sup> Communication from the Commission to the European Parliament and the Council, Implementing the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives, European Commission, Brussels, 2 Dec. 2015, COM(2015) 624 final.

<sup>34</sup> For an overview of the different measures in this Action Plan, see Duquet and Goris (note 24), pp. 57–59.

<sup>35</sup> Anthony, I. and Grip, L., ‘An assessment of the validity and possible shortfalls of the European Union’s 2005 SALW Strategy in view of the changing strategic landscape’, EU Non-Proliferation Consortium, *Non-Proliferation Brief*, no. 6 (2015); and Bromley and Verbruggen (note 3).

<sup>36</sup> Poitevin, C., ‘European Union initiatives to control small arms and light weapons: towards a more coordinated approach’, EU Non-Proliferation Consortium, *Non-Proliferation Papers*, no. 33 (2013); Anthony and Grip (note 35); and Bromley and Verbruggen (note 3).

<sup>37</sup> CONOP coordinates action and dialogue on non-proliferation issues with third countries.

<sup>38</sup> Relevant European Commission entities included DG Migration and Home Affairs, DG Justice and Consumers, DG Taxation and Customs Union, DG International Cooperation and Development, DG Internal Market, Industry, Entrepreneurship and SMEs.

strategic analyses, such as Project EFFECT, Project SAFTE and Europol's Serious and Organized Crime Threat Assessment (SOCTA), were used to feed into the new Strategy.<sup>39</sup> Non-governmental stakeholders were consulted during this process; for example, in March 2017 an EU-funded seminar on developments in SALW technology and design was organized by the Stockholm International Peace Research Institute on behalf of the EU Non-Proliferation Consortium.<sup>40</sup> Non-governmental stakeholders were also consulted at both the Sixth and Seventh Consultative Meetings of the EU Non-Proliferation (and Disarmament) Consortium (in June 2017 and September 2018 respectively).<sup>41</sup>

After adoption of the Joint Communication on 13 June 2018, the Council invited input into this document from the EU member states. In the following six months only minor adaptations were made and the Council adopted the new EU SALW Strategy on 19 November 2018. Interestingly, the 2018 SALW Strategy differs from many other recent EU strategies, which usually consist of two separate documents—a Joint Communication and Council decisions that welcome the Joint Communication but highlight certain aspects. In contrast, the 2018 SALW Strategy is a single consolidated document that has been agreed on by the various EU entities and sets out the priorities for dealing with illicit SALW proliferation in the EU as a whole. This was done deliberately and is part of an integrated approach to countering illicit SALW proliferation. With the 2018 SALW Strategy, the EU and its EU member states commit themselves to coordinate their actions and initiatives to combat illicit firearms and SALW proliferation, to exploit synergies in this regard and to prevent duplication of effort.

The 2018 SALW Strategy aims for a comprehensive approach and contains various measures to support different aspects of curbing SALW proliferation.

<sup>39</sup> European Commission, Migration and Home Affairs, 'EFFECT Project: European Union initiative aimed at tackling gun crime in Europe', 1 Apr. 2015; Flemish Peace Institute, Project SAFTE, Firearms and terrorism in Europe; and Europol, 'Serious and organised crime threat assessment (SOCTA)', 2017.

<sup>40</sup> EU Non-Proliferation Consortium, 'Developments in SALW technology and design: Implications for countering diversion', 7 Mar. 2017;

<sup>41</sup> EU Non-Proliferation and Disarmament Consortium, 'Sixth Consultative Meeting of the EU Non-proliferation Consortium', 14 June 2017; and EU Non-proliferation and Disarmament Consortium, 'Seventh Consultative Meeting of the EU Non-proliferation and Disarmament Consortium', 4–5 Sept. 2018. Since 2018 the EU Non-Proliferation Consortium has been renamed the EU Non-Proliferation and Disarmament Consortium.

The different actions foreseen by the strategy are grouped under four pillars: (a) strengthening the normative framework; (b) implementation of norms in different life cycle phases of firearms/SALW; (c) compliance through monitoring and enforcement, and (d) international cooperation and assistance. The EEAS and the European Commission will produce annual progress reports on the implementation of the strategy. The sections below discuss the various actions in the 2018 SALW Strategy.

### III. STRENGTHENING THE NORMATIVE FRAMEWORK

A multilateral approach to arms control and non-proliferation efforts is one of the guiding principles of the 2016 EU Global Strategy.<sup>42</sup> This is no surprise since multilateral normative frameworks have been an important aspect of EU actions on SALW proliferation since the 1990s. The 2005 SALW Strategy, for example, explicitly stated that it would 'foster effective multilateralism so as to forge mechanisms, whether international, regional or within the EU and its member states, for countering the supply and destabilising spread of SALW and their ammunition'. In the 2018 SALW Strategy the EU commits itself to continue to support the implementation of international normative frameworks on regulating the arms trade and combating illicit SALW proliferation.

#### The ATT, the UN Firearms Protocol and the UN PoA on SALW

The EU has strongly supported the development of the Arms Trade Treaty (ATT).<sup>43</sup> The ATT is the first global legally binding instrument for regulating the international trade in conventional arms, including SALW.<sup>44</sup> While all EU member states have ratified the ATT, other major arms exporting countries, such as China, Russia and the United States have not. The 2018 SALW Strategy explicitly states that the EU will continue to support the universalization and

<sup>42</sup> European Union, *Shared Vision, Common Action: A Stronger Europe: A Global Strategy for the European Union's Foreign and Security Policy* (European Commission: Brussels, June 2016).

<sup>43</sup> Depauw, S., 'The European Union's involvement in negotiating an Arms Trade Treaty', EU Non-Proliferation Consortium, *Non-Proliferation Papers*, no. 23 (Dec. 2012).

<sup>44</sup> For more information on the ATT see Bromley, M. and Brockmann, K., 'The Arms Trade Treaty', *SIPRI Yearbook 2018* (Oxford University Press: Oxford, 2018), pp. 405–12.

implementation of this treaty, but does not specify how it will go about doing so.

Another legally binding international instrument aimed at curbing the illicit arms trade is the UN Firearms Protocol.<sup>45</sup> The 2018 SALW Strategy states that the EU will continue to support the implementation of the Protocol and its review mechanism, and to strengthen the capacity of partner countries and subregions to implement effective firearms controls in line with the protocol.

The 2018 SALW Strategy reiterates that the EU will continue its support for the effective implementation of the UN PoA on SALW. This support will include actions on the different phases and aspects of the full life cycle of firearms, such as the collection and destruction of surplus weapons, PSSM and capacity building for: (a) arms export control; (b) marking, record keeping and tracing of weapons; and (c) law enforcement for combating illicit SALW proliferation. In addition, the EU will support implementation of the UN PoA by supporting embargo monitoring and the tracing of diverted weapons.

### UN International Tracing Instrument

The 2018 SALW Strategy no longer calls for a legally binding international tracing instrument, but instead states that the EU will support the full implementation of the politically binding International Tracing Instrument (ITI) that was adopted in 2005 by the UN General Assembly.<sup>46</sup> The new strategy also mentions that the EU and its member states will propose an annex to the ITI in the light of new technologies and developments in SALW design, such as modular architecture and polymer frames (see below).

The actions foreseen in the 2018 SALW Strategy on strengthening the normative framework for curbing illicit firearms, however, are not limited to politically supporting international instruments to

better regulate the legal trade in firearms and combat the illicit trafficking of these weapons, or assisting other countries with their implementation of these international instruments. In a subsection on 'Stronger EU norms', the Council announces it will consider new decisions to strengthen the EU's own normative framework by improving the traceability of SALW, through end-use documentation on SALW export controls and information-exchange on diversion (see below).

### Other instruments

In addition to the above-mentioned international normative frameworks on regulating the arms trade and combating illicit SALW proliferation, the 2018 SALW Strategy reiterates that the EU will continue to include a standard SALW control clause in all partnerships and trade agreements with other countries. Since the adoption of a set of Council decisions on the inclusion of such a clause in 2008, the EU has agreed or discussed this with at least 33 countries.<sup>47</sup>

In the 2018 SALW Strategy the EU commits itself to providing international technical support by helping states and regions to implement national and regional indicators to achieve UN Sustainable Development Goal 16.4, on significantly reducing illicit arms flows by 2030. In this regard, the EU will also continue to proactively engage with the global firearms programme of the UN Office on Drugs and Crime (UNODC) on global data collection and analysis of firearms trafficking. In this way, the EU also aims to improve the intelligence picture on illicit firearms trafficking worldwide and to support data collection efforts in third countries.

<sup>45</sup> The European Commission negotiated and signed the UN Firearms Protocol on behalf of the EU in 2002. In response to Article 10 of the Protocol, which requires each state party to have an effective licensing or authorization system for the export, import and transit of firearms, the EU adopted Regulation 258/2012, which regulates the international trade in 'civilian firearms', in 2012. The EU ratified the Protocol in 2014.

<sup>46</sup> For more information on the ITI see United Nations, General Assembly, Report of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, A/60/88, 27 June 2005.

<sup>47</sup> Bromley and Verbruggen (note 3); Grip, L., 'The European Union's weapons of mass destruction non-proliferation clause: A 10-year assessment', EU Non-Proliferation Consortium, *Non-Proliferation Papers* no. 40 (2014).

#### IV. IMPLEMENTATION OF NORMS IN THE DIFFERENT LIFE CYCLE PHASES OF FIREARMS AND SALW

An important starting point of the 2018 SALW Strategy is that effectively combating the illicit proliferation of firearms, SALW and their ammunition requires action to address all phases of the life cycle of firearms and SALW. This is in line with 2013 European Commission Communication on firearms and the internal security of the EU, which states that:

the lifecycle of a weapon begins with its manufacture and ends with its destruction. At any of the intervening stages of sale, possession, trade, storage and deactivation the weapon is susceptible to diversion into criminal hands. Stronger action targeting the most vulnerable areas in the lifecycle of the firearm, from production through to destruction, would facilitate both legal trade in the internal market and law enforcement cooperation in identifying and disrupting organised criminal groups.<sup>48</sup>

The 2018 SALW Strategy specifies action in four specific domains of the life cycle of firearms and SALW: the manufacture, export, storage and disposal of such weapons.

##### Controls on firearms and SALW manufacturing

###### *Illicit manufacture and craft production*

Firearms and SALW can be illegally manufactured in several ways. One method is so-called craft production, which generally refers to weapons and ammunition that are manufactured largely by hand, for example by blacksmiths, in relatively small quantities. They range from rudimentary small arms, such as pistols and shotguns, to more advanced assault rifles and even light weapons such as man-portable rockets and grenade launchers.<sup>49</sup> Although the quality of these weapons differs significantly, they are widespread in certain

regions and often used in crime and armed conflicts.<sup>50</sup> Craft produced firearms are not very common in Europe but law enforcement agencies have observed increased trafficking of firearm components, which are generally ordered online from countries with fewer legal restrictions and tend to be shipped to the buyers by regular postal or fast-parcel services. This type of trafficking is quite attractive because assembling these components into a firearm does not require much expertise and these components can be procured cheaply and with relatively little risks of detection.<sup>51</sup>

###### *Reactivation and illicit conversion*

The most significant security concern for European law enforcement agencies in recent years with regard to firearms manufacturing is the illicit reactivation of deactivated firearms and the illicit conversion of acoustic expansion weapons, blank-firing guns and Flobert guns.<sup>52</sup> Only basic engineering skills and commonly used tools are required to reactivate or convert these weapons. Several steps have been taken at the EU level to counter these illicit activities within Europe, but easy-to-convert blank firing guns have also proliferated outside Europe and in conflict areas in Africa and the Middle East.<sup>53</sup>

Explicit inclusion of the issue of the illicit manufacture, assembly, conversion and reactivation of firearms and SALW is a positive development, but the specific actions outlined in the 2018 SALW Strategy to counter these phenomena are fairly limited. The strategy states that the EU will continue to support the full implementation of the ITI for better marking and record-keeping (see above) and the European Commission will closely monitor the implementation of its Implementing Act, which lays down technical specifications for alarm and signal weapons and for the application of the Firearms Directive within the EU. While the latter action will make it more difficult for easy-to-convert blank firing guns to circulate legally in the EU, it will probably not contribute much to combating the proliferation of such weapons outside of the EU since these weapons are not generally produced by EU member states. Unfortunately, the 2018 SALW

<sup>48</sup> European Commission, Communication from the Commission to the Council and the European Parliament, Firearms and the internal security of the EU: protecting citizens and disrupting illegal trafficking, Brussels, 21 Oct. 2013.

<sup>49</sup> Berman, E. G., *Craft Production of Small Arms* (Small Arms Survey: Geneva, 2011).

<sup>50</sup> Hays, G. and Jenzen-Jones, N. R. *Beyond State Control: Improvised and Craft-produced Small Arms and Light Weapons* (Small Arms Survey: Geneva, 2018).

<sup>51</sup> Duquet and Goris (note 24), pp. 82–83.

<sup>52</sup> For more information on Flobert guns see Florquin, N. and King, B., *From Legal to Lethal: Converted Firearms in Europe* (Small Arms Survey: Geneva, 2018), p. 23.

<sup>53</sup> Florquin and King (note 51).

Strategy does not mention the need to conduct bilateral consultations with third countries that produce and/or export these easy-to-convert or easy-to-reactivate weapons.

#### *Additive manufacturing and new technologies*

The 2018 SALW Strategy also warns of the opportunities that new technologies such as additive manufacturing (AM), also referred to as ‘3D printing’ provide for the uncontrolled manufacture of firearms and SALW. Although AM is not expected to become an important source of weapons in the short term, law enforcement agencies such as Europol have warned that technological progress will make AM more widely available in the future and will offer new opportunities for illicit arms production and trade.<sup>54</sup> Recent research on the arms proliferation risks resulting from emerging technologies indicates that a holistic approach is needed that engages all the relevant stakeholders.<sup>55</sup> It calls inter alia for the adaptation of control parameters for lasers that could be used in high performance metal AM machines and for additive manufacturing production equipment for explosives, as well as the facilitation of exchanges of national practice and information sharing, and increased outreach to relevant companies, universities and research institutes. Unfortunately, none of these suggestions are explicitly included in the 2018 SALW Strategy.

New technologies, however, do not only challenge SALW controls, but can also play a positive role in, for example, marking, record-keeping, tracing and storage, as well as securing the transport and use of these weapons and their ammunition.<sup>56</sup> Taking this into account, the 2018 SALW Strategy states that the EU will support research and development in the field of reliable and cost-effective technology to secure SALW and their ammunition and mitigate the risk of diversion.

<sup>54</sup> Europol, *Exploring Tomorrow's Organised Crime* (Europol: The Hague, 2015), p. 41.

<sup>55</sup> Brockmann, K. and Kelley, R., *The Challenge of Emerging Technologies to Non-proliferation Efforts: Controlling Additive Manufacturing and Intangible Transfers of Technology* (SIPRI: Stockholm, 2018).

<sup>56</sup> For more information see Schroeder, M., ‘New technologies and small arms control: Preventing unauthorized acquisition and use’, eds B. King and G. McDonald, *Behind the Curve: New Technologies, New Control Challenges* (Small Arms Survey: Geneva, Feb. 2005), pp. 75–93.

## **Controls on the export of firearms and their ammunition**

### *Licensed exports*

EU member states are significant producers and exporters of firearms and SALW.<sup>57</sup> In 2015, 17 EU member states exported at least \$10 million (€9 million) worth of SALW.<sup>58</sup> This includes parts, accessories and ammunition. The annual COARM reports confirm that the export of firearms and SALW to third countries is not limited to a small number of EU member states. An analysis of these reports indicates that between 2013 and 2017, EU member states licensed firearms exports worth €13.2 billion, and 13 EU member states reported firearms export licences worth more than €100 million in this period (see table 1).<sup>59</sup> Not surprisingly, the most important destination region for these firearms was North America. Significant firearms exports from EU member states were also destined to the Middle East (€262 million in 2017), sub-Saharan Africa (€82 million), South East Asia (€70 million), Central America and the Caribbean (€52 million), South America (€34 million), South Asia (€22 million) and North Africa (€15 million).<sup>60</sup>

The 2005 SALW Strategy called for a harmonized application of the 1998 EU Code of Conduct on Arms Exports and a consensus in SALW exporting countries on only exporting these weapons to governments in accordance with restrictive and appropriate regional and international assessment criteria. The 2005 SALW Strategy, however, provided little guidance on how to achieve this. Despite almost three decades of attempts to converge these policies, the national arms export control policies of EU member states still diverge significantly and EU member states continue to organize their export control procedures differently.<sup>61</sup> Procedures are characterized by strong differences in their interpretation and assessment of the common criteria with regard to specific countries of concern.<sup>62</sup>

<sup>57</sup> Holtom, P. and Pavesi, I., *Trade Update 2018: sub-Saharan Africa in Focus* (Small Arms Survey: Geneva, 2018).

<sup>58</sup> Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Finland, France, Germany, Hungary, Italy, Poland, Portugal, Slovakia, Spain, Sweden and United Kingdom.

<sup>59</sup> European Union External Action Service, ‘Arms export control: Arms Trade Treaty’, Reports, 5 Mar. 2018.

<sup>60</sup> European Union External Action Service (note 58).

<sup>61</sup> Cops, Duquet and Gourdin (note 6).

<sup>62</sup> Erickson, J., ‘Market imperative meets normative power: human rights and European arms transfers’, *European Journal of International Relations*, vol. 19, no. 2, (2011), pp. 209–34.

**Table 1.1.** Licensed export of Military List 1 products by major EU member state exporters, 2013–17

Note: Figures are in €m., at current prices.

Member State	2013	2014	2015	2016	2017	2013–17
Austria	388.3	397.3	505.8	1 701.3	1 254.7	4 247.5
Croatia	505.5	418.7	268.9	365.0	398.5	1 956.7
United Kingdom	434.3	444.5	378.4	351.6	336.6	1 950.4
Belgium	281.2	473.2	556.4	218.6	266.2	1 795.5
Germany	285.9	189.8	149.2	255.2	215.5	1 095.5
Bulgaria	30.7	44.8	79.3	87.1	89.7	331.6
Italy	46.2	77.3	57.2	47.9	102.0	330.7
Spain	35.9	72.4	39.7	47.6	115.5	311.0
Poland	30.0	52.7	32.5	45.0	65.6	225.9
Hungary	23.8	37.9	55.1	46.8	46.7	210.4
France	45.2	24.2	94.6	19.7	19.5	203.2
Romania	25.8	38.3	30.5	27.7	26.1	148.5
Czechia	29.9	25.2	15.6	13.7	15.9	100.3

Source: European Union External Action Service, 'Arms export control: Arms Trade Treaty', Reports, 5 Mar. 2018.

These differences in application of the common assessment criteria became very clear in the light of the EU arms export control policies applied to various states in the Middle East and North Africa following the Arab Spring in 2011; and the states involved in the armed conflicts in Syria and Yemen.<sup>63</sup>

The 2016 EU Global Strategy committed the EU to strengthening its common rules governing member states' policies on exports of military equipment and technologies.<sup>64</sup> To improve controls on the export of firearms and their ammunition, the 2018 SALW Strategy calls for the full implementation of Common Position 2003/468/CFSP on arms brokering, as well as promoting Common Position 2008/944/CFSP on arms exports and Regulation 258/2012 on international transfers of civilian firearms in the EU neighbourhood. To enhance risk assessments by EU member states in arms export control procedures, the EU wants to improve detection and the exchange of information on cases of diversion, for example by increasing the capacity of the online COARM database, by cutting supplies to identified diverters by taking into account the diversion record of intended recipients and intermediaries, and by considering a Council decision on common end-use certificates for

<sup>63</sup> Duquet, N., *Business as Usual? Assessing the Impact of the Arab Spring on European Arms Export Controls* (Flemish Peace Institute: Brussels, 2014); European Parliament, 'The further development of the Common Position 944/2008/CFSP on arms exports control', Study requested by the SEDE subcommittee, Brussels, 17 July 2018.

<sup>64</sup> European Union (note 41).

licensed SALW exports. The 2018 SALW Strategy also aims to strengthen Regulation 258/2012 on international transfers of civilian firearms by stating that the European Commission calls on EU member states to fully implement the European Commission's recommendation of 17 April 2018 on immediate steps to improve the security of export, import and transit measures for firearms, their parts and essential components, and ammunition.

#### *Illicit proliferation of EU manufactured weapons*

Several studies have demonstrated how the export of firearms, SALW and their ammunition from EU member states has contributed to the illicit proliferation of these weapons in conflict-affected or conflict-prone regions. An in-depth report on the weapons of Islamic State (IS) in Iraq and Syria and their supply chain, for example, demonstrated how this terrorist organization has been able to acquire SALW and ammunition recently legally exported to third countries by several EU member states.<sup>65</sup> In violation of existing end-user agreements, these weapons were then retransferred to Syrian opposition forces fighting against the regime of President Bashar al-Assad. The weapons were then rapidly captured by IS forces and deployed by the group against international coalition forces. Several European law enforcement agencies

<sup>65</sup> Conflict Armament Research, *Weapons of Islamic State: A Three-year Investigation in Iraq and Syria* (Conflict Armament Research: London, 2017).

fear that some of the SALW, including European manufactured and exported weapons, currently circulating in the Middle East and North Africa might be trafficked back into the EU.<sup>66</sup> The 2018 SALW Strategy acknowledges that armed conflicts in the Middle East and North Africa continue to be fuelled inter alia by authorized exports of SALW that are subsequently diverted to unauthorized end-users. Concrete actions in the strategy to strengthen the EU common position and the national arms export control policies of EU member states, however, are rather limited.

The 2018 SALW Strategy includes actions that can reduce the risks of potential diversion and misuse of EU-exported SALW. It contains various measures to upgrade the export control policies of EU member states. These measures focus on; (a) strengthening international normative frameworks; (b) enhancing risk assessments in export control procedures; (c) improving the intelligence picture and the monitoring of diversion risks; and (d) enhancing international information exchange. Yet, the concrete steps in the 2018 SALW Strategy are mainly confined to improving export control procedures by strengthening information sharing in order to inform national risk assessments rather than taking any actions that would oblige member states to alter their national practices. While the 2005 SALW Strategy aimed to seek consensus on only exporting SALW to governments in accordance with restrictive assessment criteria, for example, this is not explicitly mentioned in the 2018 SALW Strategy and seems to have been abandoned by the Council. In addition, several of the actions foreseen are expressed in rather tentative terms. The EEAS explains this position by highlighting the ongoing review process of Common Position 2008/944/CFSP and the need to wait for the results.<sup>67</sup> In 2015 the Council tasked COARM with reviewing Common Position 2008/944/CFSP 10 years after its adoption.<sup>68</sup> Some observers doubt whether this review process will lead to any substantial changes in the arms export control policies of EU member states. EU member states already reviewed the common position in 2012.

<sup>66</sup> Duquet and Goris (note 24).

<sup>67</sup> Communication with EEAS, 20 Dec. 2018.

<sup>68</sup> Council of the European Union, Council conclusions of 20 July 2015 relating to the review of the Common Position 2008/944/CFSP on arms exports and the implementation of the Arms Trade Treaty, 10900/15, COARM 174; Bromley, M., 'The review of the common position on arms exports: prospects for strengthened controls', EU Non-Proliferation Consortium, *Non-Proliferation Papers*, no. 7 (2012),.

While European made and exported weapons were found to be used to repress calls for greater democracy the previous review process illustrated a lack of political will to embrace significant reform and no substantial changes were agreed on.<sup>69</sup>

#### *Secure stockpile management and responsible disposal of SALW and their ammunition*

Poor stockpile security of SALW and ammunition, especially in countries or regions affected by armed conflict or weak governance, is an import avenue by which these weapons are diverted into illicit possession and markets through theft and illegal transfers.<sup>70</sup> Adequate PSSM of SALW and ammunition is therefore instrumental to curbing the illicit proliferation of these weapons. The 2018 SALW Strategy stresses the need for measures to reduce 'surplus weapons', preferably through their definitive destruction.

The strategy states that the EU will promote the implementation of international standards and good practices that have been developed within the framework of the Modular Small-arms-control Implementation Compendium (MOSAIC) and the International Ammunition Technical Guidelines (IATG).<sup>71</sup> On a more practical note, the EU and its member states will continue to assist third countries to improve their PSSM of state-held weapons by strengthening relevant national legislative and administrative frameworks (especially with regard to marking and record-keeping) and to promote and assist in the responsible disposal of surplus, seized and otherwise retrieved SALW and ammunition. In addition, the European Commission, together with the High Representative and EU member states, will promote EU firearms deactivation standards in third countries.

<sup>69</sup> Vranckx, A., Slijper, F. and Isbister, R. *Lessons from MENA: Appraising EU Transfers of Military and Security Equipment to the Middle East and North Africa: A contribution to the review of the EU Common Position* (Academia Press: Gent, 2011); Cops, D., *Strengthening EU Arms Export Controls Through Increased Information Exchange* (Flemish Peace Institute: Brussels, 2018).

<sup>70</sup> Saferworld, 'Module 9: Stockpile management of weapons and weapons safety'.

<sup>71</sup> UNODA, *International Ammunition Technical Guidelines*, 2011. Until recently MOSAIC was known as the International Small Arms Control Standards (ISACS).

## V. COMPLIANCE THROUGH MONITORING AND ENFORCEMENT

The actions in the 2018 SALW Strategy on compliance with existing regulations can be divided into two subgroups: actions related to monitoring illicit SALW flows in conflict-affected areas and actions aimed at strengthening operational cooperation within the EU.<sup>72</sup>

### Monitoring illicit SALW flows in conflict-affected areas

With the aim of identifying supply routes and diversion methods, the EU has supported several initiatives that monitor illicit SALW flows in conflict zones outside the EU in recent years. An important aspect here is the funding of the iTrace project run by Conflict Armament Research (CAR), which documents the weapons used in active armed conflicts and tracks their sources back through the chains of supply.<sup>73</sup> The 2018 SALW Strategy confirms the EU's ambition to continue funding for such research efforts and adds that the EU will support national capacity building in conflict-affected areas with regard to tracing the origins of illicit SALW proliferation. This specific support for local capacity building in conflict-affected or conflict-prone areas is a positive aspect of the 2018 SALW Strategy in the light of the desire to improve the intelligence picture on diversion risks during the life cycle of firearms and SALW.

### Arms embargoes

The 2018 SALW Strategy also stresses the importance of monitoring existing arms embargoes.<sup>74</sup> It states that the Council will explore modalities to improve the monitoring and enforcement of EU arms embargoes and will consider ways to improve access to the relevant findings on arms diversion by UN Expert Panels. Another interesting development is the highlighting of the potential added value of using Common Security and Defense Policy (CSDP) missions and operations to support awareness-raising, training

and life cycle management of SALW. Where relevant, and taking into account the local context, the Council will give CSDP missions such a role, based on lessons learned from previous CSDP engagements which have included SALW-related activities.

### iTrace

The EU also aims to improve the arms export risk assessments of its EU member states as well as existing end-use procedures through this monitoring and intelligence gathering. The iTrace project, for example, also has the specific objective of directly supporting arms export control authorities and arms control policymakers in EU member states. It provides them with instant advice on risk assessment and counter-diversion strategies through secure desktop and mobile dashboard applications that deliver instant notifications of post-export diversion. Upon request, iTrace project staff can issue post-shipment verification.

### Information sharing

For monitoring and curbing illicit arms flows within the EU, the 2018 SALW Strategy stresses the importance of developing a good intelligence picture, keeping up to date with evolving security needs and improving operational cooperation within the EU. To develop a full intelligence picture the strategy stresses the importance of improved information sharing and enhanced data collection and analysis. The strategy also mentions that the European Commission will continue to support and promote research and actions against firearms trafficking and related crime through existing funding instruments such as the Internal Security Fund.<sup>75</sup> The actions planned on strengthening international cooperation are focused on improving cross border cooperation between judicial and law enforcement authorities, encouraging EU member states to exchange more information on illicit firearms trafficking with Europol and providing training on arms trafficking to law enforcement officials through the EU Agency for Law Enforcement Training (CEPOL). In addition, the 2018 SALW Strategy states that all EU member states will ensure cooperation in the policy cycle on fighting organized and serious international crime, in which illicit firearms trafficking has been considered a priority since 2014 (see above).

<sup>72</sup> The actions on monitoring illicit SALW flows in conflict affected areas were incorrectly placed in the section on international and regional cooperation.

<sup>73</sup> iTrace was established under the 2005 EU SALW Strategy by Council Decision 2013/698/CFSP. Its mission was renewed in 2015 by Council Decision 2015/1908/CFSP and in 2017 by Council Decision 2017/2283/CFSP. More information on Conflict Armament Research (CAR) can be found at CAR 'About Us'.

<sup>74</sup> See Bromley and Wezeman (note 4) and the SIPRI Arms Embargo Database.

<sup>75</sup> DG Migration and Home Affairs, 'Internal Security Fund—Police'.

## International cooperation and assistance

In line with the 2016 EU Global Strategy, international cooperation and assistance are key elements of the 2018 SALW Strategy.<sup>76</sup> For more than a decade, the EU has been a significant donor in the area of SALW-control cooperation and assistance to other countries and regional organizations, through its Council decisions and instruments such as the Instrument contributing to Stability and Peace (IcSP).<sup>77</sup> In its section on international cooperation and assistance, the 2018 SALW Strategy lists actions at the international and the regional levels. Actions to improve cooperation at the international level focus on support and coordination with international organizations such as the World Customs Organization (WCO), UNODC and Interpol (and iARMS in particular).<sup>78</sup> As mentioned above, the EU will continue to support the implementation and promotion of relevant international normative frameworks and instruments.

### Gender sensitivity

One novelty is that the 2018 SALW Strategy includes gender sensitivity among its guiding principles. It states that gender and diversity aspects will be incorporated into SALW-control projects and actions. In a follow-up, in December 2018 the Council adopted a project to support gender mainstreamed policies, programmes and actions in the fight against small arms trafficking and misuse, in line with the Women, Peace and Security agenda.<sup>79</sup>

### Priority trafficking regions

While the 2005 EU SALW Strategy primarily focused on arms proliferation efforts in Eastern and south-east Europe and sub-Saharan Africa, the 2018 SALW Strategy is guided by the principle of ‘taking responsibility in relation to priority regions, especially those likely to pose a threat to the EU’s security and most likely to benefit from EU action’.<sup>80</sup> In its 2017 SOCTA, Europol warns that various conflict zones at the periphery of the EU have the potential to emerge as important sources

of the firearms trafficked into the EU.<sup>81</sup> The general focus of SALW actions at the regional level is the strengthening of law enforcement capabilities in order more effectively to combat illicit firearms trafficking networks in partner countries, through enhanced information-sharing and operational cooperation between national law enforcement agencies—especially among countries along major trafficking routes to and from the EU.

### Western Balkans and the Eastern Neighbourhood

Not surprisingly, most attention is given to the Western Balkans, which is the prime source region for firearms trafficked into the EU. The firearms smuggled into the EU are often surplus weapons, firearms stolen from government stockpiles or weapons that in one way or another ended up in the hands of a wide range of non-state actors during the conflict in the former Yugoslavia in the 1990s. The cross-border smuggling from the Western Balkans usually takes place by road, and these weapons are generally destined for criminal markets across Europe.<sup>82</sup> To counter this cross-border smuggling, the EU has committed to continue its support for efforts to reduce illicit firearms possession and surplus stocks of SALW and ammunition in the region; and to counter diversion and arms trafficking by increasing awareness, strengthening law enforcement capacities, improving border controls and enhancing marking, record-keeping and the tracing of SALW. These actions are primarily carried out in partnership with UNDP SEESAC. The 2018 SALW Strategy also addresses its support for the ‘Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of SALW and their ammunition in the Western Balkans by 2024’.<sup>83</sup>

Importantly, Council Decision 2018/1788 on EU support for the Roadmap on combating illicit arms trafficking in the Western Balkans also explicitly mentions that the EU will support countering illicit arms trafficking in Belarus, Moldova and Ukraine. The 2018 SALW Strategy notes that current instability in Eastern Europe has increased illicit firearms

<sup>76</sup> European Union (note 41).

<sup>77</sup> For further information see DG International Cooperation and Development, ‘The Instrument contributing to Stability and Peace (IcSP)’.

<sup>78</sup> For more information see Interpol Illicit Arms Records and tracing Management System (iARMS) *Illicit arms records and tracing management system – iARMS* (iARMS: Lyon, Jan. 2017).

<sup>79</sup> Council Decision (CFSP) 2018/2011 of 17 December 2018.

<sup>80</sup> Council of the European Union (note 1), p. 9.

<sup>81</sup> Europol, *SOCTA, Serious and Organised Crime Threat Assessment: Crime in the Digital Age* (Europol: The Hague, 2017).

<sup>82</sup> Duquet and Goris (note 24).

<sup>83</sup> Council Decision (CFSP) 2018/1788 of 19 November 2018 in support of the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC) for the implementation of the Regional Roadmap on combating illicit arms trafficking in the Western Balkans, *Official Journal of the European Union*, 20 Nov. 2018, L293/11.

trafficking in various countries in the region. The actions mentioned in the Strategy with regard to countries in the Eastern Neighbourhood, however, are mainly focused on curbing the illicit proliferation of firearms and SALW in Ukraine, which Europol and various national law enforcement agencies consider a significant security threat to the EU. Millions of firearms are currently illegally held in Ukraine. While most of the arms trafficking in Ukraine currently occurs within its borders, many observers fear that these weapons will increasingly be smuggled into the EU.<sup>84</sup>

The EU therefore recognized that the current arms proliferation in Ukraine represents a significant long-term security threat to both Ukraine and the EU. Bilateral cooperation with Ukraine on illicit firearms proliferation and trafficking is therefore seen as of mutual interest. More concretely, the 2018 SALW Strategy includes: (a) increased awareness-raising of the issue of illicit SALW proliferation in Ukraine; (b) the establishment of channels of communication between EU and Ukrainian experts; (c) the sharing of best practices and expertise; (d) the development of a permanent technical roundtable with Ukraine to address the issue; (e) the identification of a contact point to enhance operational cooperation; and (f) the mapping of training needs and other support measures to strengthen Ukraine's capacities in the field. The 2018 SALW Strategy is less detailed on cooperation with other countries in the Eastern Neighbourhood and only mentions that the EU will pursue bilateral engagements and systematically integrate the issue of illicit SALW flows into security dialogues on these.

#### *The Middle East, North Africa and the Americas*

With regard to the Middle East and North Africa, the 2018 SALW Strategy focuses on capacity building, for example on PSSM, surplus destruction and tracing SALW. The EU will also continue to enhance cooperation with the Middle East and North Africa on fighting the illicit trafficking of firearms, inter alia through the Euromed Police IV initiative.<sup>85</sup> It will continue to support the African Union and other relevant regional economic communities in their activities aimed at combating illicit firearms

trafficking. Finally, the 2018 SALW Strategy mentions that in order to contribute to reducing armed violence and criminality in the Americas, the EU will look for synergies with relevant countries and regional organizations for combating the illicit proliferation and trafficking of SALW in that region. In line with the strategy, the European Council has adopted a decision in support of SALW control in the member states of the League of Arab States.<sup>86</sup> It has also adopted a similar decision on Latin America and the Caribbean.<sup>87</sup>

## VI. CONCLUSIONS

The 2018 SALW Strategy contains many positive elements and can be said to add significant value to previous EU actions and initiatives. The strategy takes into account the changing security environment and connects this to concrete measures to combat illicit firearms and SALW proliferation. In line with the 2015 European Agenda on Security developed by the European Commission and the 2016 EU Global Strategy developed by the Council, the 2018 SALW Strategy explicitly takes account of both external and internal security aspects connected to illicit arms trafficking. A clear example is the prioritization of cooperation with regions and countries that are likely to pose a future threat to the EU's internal security, such as Ukraine. Although steps were taken to broaden its application during its lifetime, the 2005 SALW Strategy was mainly framed as a policy response to problems and threats outside the EU.

Unlike the 2005 SALW Strategy, the 2018 SALW Strategy takes a truly integrated approach to combating illicit firearms and SALW proliferation. The specifics of the institutional framework of the EU mean that several of its entities have been driving actions in different domains, with the Council focusing on actions to combat SALW proliferation as part of its CFSP and the European Commission focusing on the firearms linkages with the internal market and internal security. The 2018 SALW Strategy, however, was developed as a joint collaboration among the different

<sup>84</sup> Buscemi, F., et al. 'Illicit firearms proliferation in the EU periphery: the case of Ukraine', ed N. Duquet, *Triggering Terror: Illicit Gun Markets and Firearms Acquisition of Terrorist Networks in Europe* (Flemish Peace Institute: Brussels, 2018).

<sup>85</sup> For more information see Euromed Police, 'About'.

<sup>86</sup> Council Decision (CFSP) 2018/1789 of 19 Nov. 2018 in support of combating the illicit trade in and proliferation of small arms and light weapons in the Member States of the League of Arab States.

<sup>87</sup> Council Decision (CFSP) 2018/2010 of 17 Dec. 2018 in support of countering illicit proliferation and trafficking of small arms, light weapons (SALW) and ammunition and their impact in Latin America and the Caribbean in the framework of the EU Strategy against Illicit Firearms, Small Arms and Light Weapons and their Ammunition 'Securing Arms, Protecting Citizens'.

relevant EU entities and the EU member states. This approach clearly supports the aim of the strategy to guide integrated, collective and coordinated European action, while at the same time preventing duplication of effort as far as possible. The 2018 SALW Strategy is characterized by a comprehensive approach with several measures to support various aspects of the diversion of firearms and SALW during the different phases of their life cycles. This appears to be a mature and realistic approach to combating the proliferation of generally durable goods that are characterized by various diversion risks.

Two crucial elements of the EU approach to combating the proliferation of illicit firearms and SALW are the development and promotion of international normative frameworks and the support for international cooperation. The 2018 SALW Strategy does not call for the development of new frameworks, but instead focuses on assisting with the *implementation* of existing frameworks, instruments and programmes. This is a sound, pragmatic approach and is strongly connected to a long history of international cooperation initiatives funded by EU entities and EU member states. In the 2005 SALW Strategy, international and regional cooperation was mainly focused on the Western Balkans. This important source of weapons trafficked into the EU remains a key region in the 2018 SALW Strategy, but other regions, such as the Eastern Neighbourhood, also receive significant attention.

Since the adoption of the 2005 SALW Strategy, the EU has supported various initiatives to combat the illicit proliferation of firearms, SALW and their ammunition through at least 36 Council decisions.<sup>88</sup> To more effectively develop fit-for-purpose operational actions on combating the illicit proliferation of firearms and SALW in different parts of the world, the EU must carry out a detailed assessment of previous EU-funded actions and efforts in this domain in order to identify strengths and weaknesses. The 2018 SALW Strategy foresees annual progress reports on its implementation and an evaluation of previous projects. Ideally, such an impact assessment of previous projects should have been carried out before the adoption of the new strategy, to ensure the integration of lessons learned.

Tackling the diversion risks associated with the legal supply of firearms, SALW and their ammunition is of crucial importance to combating their illicit

proliferation. The EU is an important global producer and exporter of firearms, SALW and their ammunition. A significant share of these exports is destined for conflict-affected and conflict-prone regions. These exports have fuelled the illicit proliferation of such weapons across the globe for several decades. In addition, some weapons that were recently legally exported have ended up in the hands of armed groups and terrorist actors. The 2005 SALW Strategy received significant criticism for its perceived neglect of improving the standard of the arms export control policies of EU member states. The 2018 SALW Strategy explicitly aims to promote accountability and responsibility with regard to the legal arms trade and contains various measures to upgrade the export control policies of EU member states. While these measures clearly have important value, the 2018 SALW Strategy does not contain concrete measures and actions to promote a more restrictive arms export policy to conflict-affected regions and countries. In the strategy, the EU considers Common Position 2008/944/CFSP on arms exports primarily to be a best practice that should be promoted to other parts of the world and not a work-in-progress that still needs to be refined. In recent years, individual EU member states have developed various innovative instruments aimed at improving end-use controls, such as post-shipment controls.<sup>89</sup> The current review process of the common position offers an opportunity for significant reform of EU member states' export control policies to derive better end-use controls, greater convergence and more restrictive rules on SALW exports. The EU and its member states should grasp this opportunity to complement the 2018 SALW Strategy and develop a truly comprehensive approach to combating the illicit proliferation of firearms, SALW and their ammunition.

<sup>88</sup> Bromley and Verbruggen (note 3).

<sup>89</sup> Camello, M., 'Contrôles post-exportation: les pratiques européennes et leurs principaux défis' [Post-export controls: good practices and challenges] (GRIP: Brussels, 2019).

**ABBREVIATIONS**

ATT	Arms Trade Treaty
CAR	Conflict Armament Research
CEPOL	EU Agency for Law Enforcement Training
CFSP	Common Foreign and Security Policy
COARM	EU Working Party on Conventional Arms Exports
CONOP	EU Working Party on Non-Proliferation
CSDP	Common Security and Defense Policy
EAS	Agenda on Security
EEAS	European External Action Service
IATG	International Ammunition Technical Guidelines
IcSP	Instrument contributing to Stability and Peace
IS	Islamic State
ITI	International Tracing Instrument
MOSAIC	Modular Small-arms-control Implementation Compendium
PoA	Programme of Action
PSSM	Physical security and stockpile management
SALW	Small arms and light weapons
SEESAC	South East and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons
SOCTA	Serious and Organized Crime Threat Assessment
UNODC	UN Office on Drugs and Crime
WCO	World Customs Organization

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## A EUROPEAN NETWORK

In July 2010 the Council of the European Union decided to support the creation of a network bringing together foreign policy institutions and research centers from across the EU to encourage political and security-related dialogue and the long-term discussion of measures to combat the proliferation of weapons of mass destruction (WMD) and their delivery systems. The Council of the European Union entrusted the technical implementation of this Decision to the EU Non-Proliferation Consortium. In 2018, in line with the recommendations formulated by the European Parliament the names and the mandate of the network and the Consortium have been adjusted to include the word 'disarmament'.

## STRUCTURE

The EU Non-Proliferation and Disarmament Consortium is managed jointly by six institutes: La Fondation pour la recherche stratégique (FRS), the Peace Research Institute Frankfurt (HSFK/ PRIF), the International Affairs Institute in Rome (IAI), the International Institute for Strategic Studies (IISS), the Stockholm International Peace Research Institute (SIPRI) and the Vienna Center for Disarmament and Non-Proliferation (VCDNP). The Consortium, originally comprised of four institutes, began its work in January 2011 and forms the core of a wider network of European non-proliferation and disarmament think tanks and research centers which are closely associated with the activities of the Consortium.

## MISSION

The main aim of the network of independent non-proliferation and disarmament think tanks is to encourage discussion of measures to combat the proliferation of weapons of mass destruction and their delivery systems within civil society, particularly among experts, researchers and academics in the EU and third countries. The scope of activities shall also cover issues related to conventional weapons, including small arms and light weapons (SALW).

[www.nonproliferation.eu](http://www.nonproliferation.eu)

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*Promoting the European network of independent non-proliferation and disarmament think tanks*

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