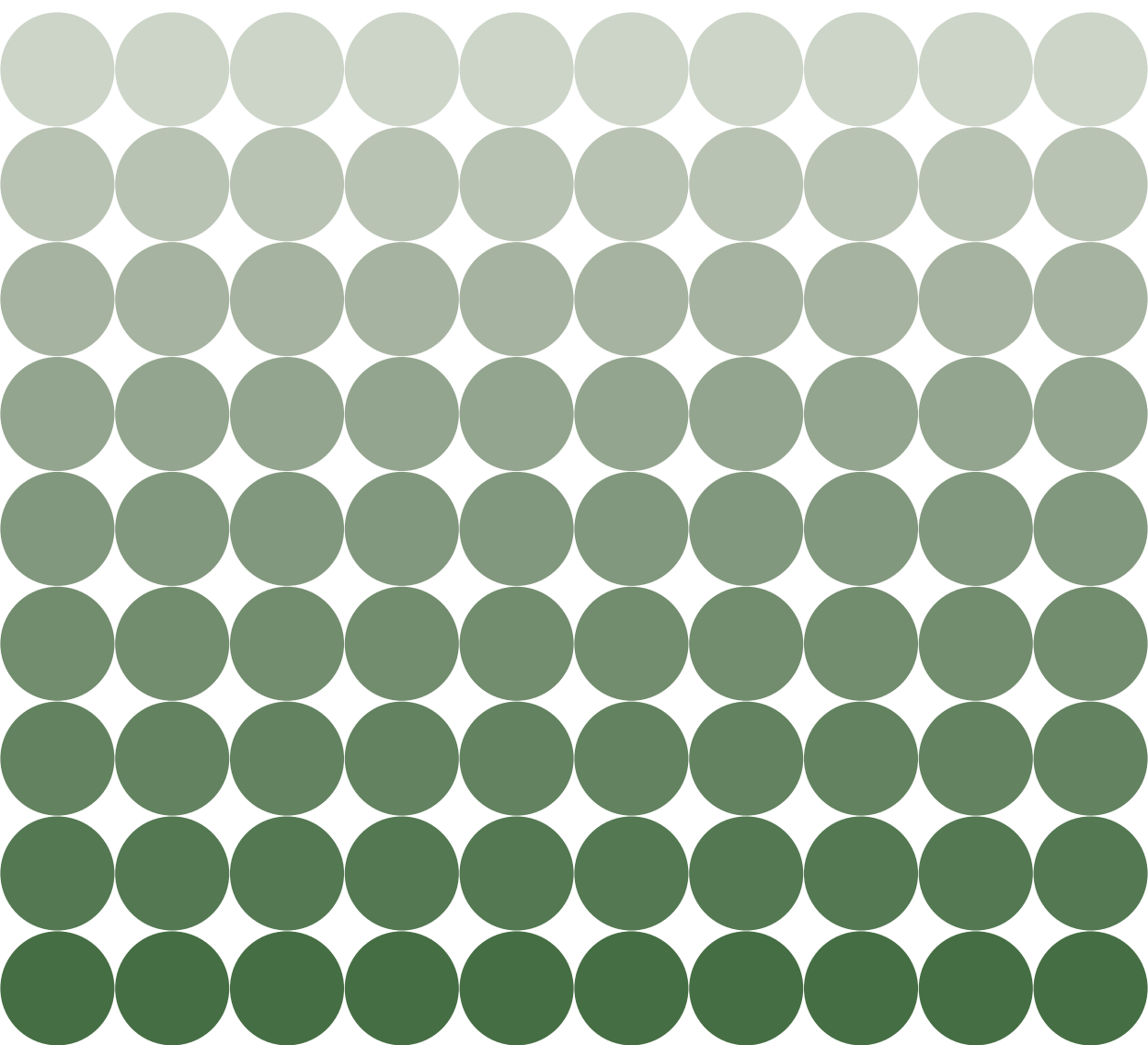


# **AIR TRANSPORT AND DESTABILIZING COMMODITY FLOWS**

**HUGH GRIFFITHS AND MARK BROMLEY**



## **STOCKHOLM INTERNATIONAL PEACE RESEARCH INSTITUTE**

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# Air Transport and Destabilizing Commodity Flows

SIPRI Policy Paper No. 24

HUGH GRIFFITHS AND MARK BROMLEY



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# Preface

The global financial crisis requires us to do more with less. Reflecting this new reality, this SIPRI Policy Paper presents ways that existing European Union (EU) mechanisms and empirically proven programmes can be adapted and applied with minimal cost and effort to address some of the most pressing security threats facing the world today.

This Policy Paper shows how these existing mechanisms and programmes can be used to tackle destabilizing or illicit commodity flows via air transport. These flows include small arms and light weapons, cocaine, tobacco and valuable raw materials. Since the end of the cold war, trade in these goods has funded and accentuated conflicts in Angola, Colombia, the Democratic Republic of the Congo, Guinea-Bissau, Liberia, Sierra Leone, Somalia and Sudan.

This report unequivocally establishes the role that air transport has played in providing the means for weapons to be delivered and resources extracted. As such, it is the first study to examine the role of air transport across the full spectrum of destabilizing or wholly illicit commodity flows.

This pioneering analysis provides policy options based around monitoring and controlling the air cargo carriers that have been named in United Nations and other arms trafficking-related reports. These options draw on synergies involving humanitarian aid, development, disarmament, non-proliferation, intelligence gathering, security sector reform and transportation. They combine SIPRI's traditional expertise with databases, transparency and open-source intelligence with a focus on EU-oriented solutions to common security threats.

Thanks are due to the Swedish Ministry for Foreign Affairs for its generous support for the research of the Countering Illicit Trafficking–Mechanism Assessment Project (CIT-MAP), on which this report is based. Thanks are also due to all the EU institution and member state officials who provided insights through policy discussions during interviews, workshops and briefings over the past 12 months. Special thanks are also due to the civil aviation personnel, air safety inspectors and air traffic control staff who provided invaluable technical expertise.

SIPRI is grateful for the comments received from Hans Risser, of the UN Development Programme, as well as the thoughtful input of SIPRI Research Coordinator Dr Ian Anthony and colleagues Dr Paul Holtom and Ruben De Koning. Special mention should also be made for the invaluable advice and support provided by the SIPRI editorial department and in particular Joey Fox for her tact and patience. Thanks are also due to Lukas Jeuck, Johnny Janssen and Daniel Lowendahl for their dedicated assistance with background research and statistical analyses.

Dr Bates Gill  
Director, SIPRI  
April 2009

## Summary

Air transportation has played a key role in fuelling the war economies that have devastated much of Africa in recent decades. It is instrumental in the transfer of small arms and light weapons (SALW) as well as in the extraction and transfer of precious minerals, metals and hydrocarbons. Air transportation actors are also important facilitators of illicit flows of illegal narcotics and tobacco destined for European, North American and Middle Eastern markets. At the same time, those air cargo carriers that have been reportedly involved in these commodity flows that have been so destabilizing are also enmeshed in humanitarian aid, peace support, stability operations and defence logistics supply chains of United Nations agencies, European Union (EU) and North Atlantic Treaty Organization (NATO) member states and non-governmental organizations (NGOs).

Transportation represents the ‘choke point’ for destabilizing or illicit commodity flows. Air and maritime transport actors are far easier to trace than arms brokers, drug cartels or resource smugglers as the former must legitimately register their aircraft, vessels and associated companies. As such, transporters are the only non-state actors involved in destabilizing or illicit commodity flows required to operate overtly. This characteristic makes them possible to track via databases, flight and maritime records and field research and subject to control. The EU, through its institutions, legislation, member states and European Security and Defence Policy (ESDP) is uniquely placed to influence the behaviour of these actors.

Unlike the global arms trade, UN mechanisms and standards to regulate aviation and maritime transportation are already in place and are increasingly enforced by supranational organizations such as the EU. Existing EU air safety mechanisms have already effectively targeted a wide range of companies named as involved in SALW flows by banning them from EU airspace. Such companies are thus prevented from accessing the world’s largest regulated market.

As the world’s largest humanitarian aid and development donor, EU institutions, member states, NGOs and other partners can reinforce these ‘market denial’ trends by adding ethical transportation clauses to humanitarian aid, peace support, stability operations and defence logistics supply chain contracts. These clauses can preclude involvement with air transport actors associated with destabilizing or illicit flows.

ESDP missions in Africa and Eastern Europe can effectively support evolving EU information-sharing efforts through the insertion of pre-departure and in-country training modules and related components that sensitize civilian and military ESDP personnel to non-governmental air and maritime transportation issues. Such measures combined with Internet-based platforms and databases may also be used to address a lack of awareness and information coordination regarding air cargo companies within the humanitarian aid, peacekeeping and



defence contractor communities in order to reduce UN agency, NGO or commercial usage.

The application of relatively inexpensive yet empirically proven open-source, data-centred project models combined with field research can also provide EU and member state policymakers with the type of coordinated information systems necessary to systematically monitor air transport actors engaged in destabilizing or illicit commodity flows in Africa, Eastern Europe, the Middle East, South America and Central Asia.

## **Recommendations**

1. The EU and member states should deny humanitarian aid, peace support, stability operations and defence logistics supply chain contracts to air transport companies engaged in destabilizing or illicit commodity flows, in particular the transfer of SALW.

2. The EU should support the efforts of African partners to improve air safety through the provision of ‘dual-use’ transport development capacity—building projects that specifically target unsafe air cargo companies engaged in destabilizing commodity flows.

3. ESDP mission planning and operational structures should take into account the key role of air transport companies in many ESDP mission areas and provide the requisite sensitization, awareness and reporting training.

4. The EU’s air safety mechanism should be refined and resourced to take account of the evasion techniques used by unsafe air cargo companies seeking to access EU markets.

# Abbreviations

AOC	Air operating certificate
CAA	Civil aviation authority
CFSP	Common Foreign and Security Policy
CIA	Central Intelligence Agency
CIT-MAP	Countering Illicit Trafficking–Mechanism Assessment Project
COARM	Working Party on Export Controls
CODUN	Working Party for Global Disarmament and Arms Control
DEA	Drug Enforcement Administration
DG DEV	Directorate-General for Development
DG RELEX	Directorate-General for External Relations
DG TREN	Directorate-General for Transport and Energy
DOD	Department of Defense
DRC	Democratic Republic of the Congo
ESDP	European Security and Defence Policy
EU	European Union
FAA	Federal Aviation Administration
ICAO	International Civil Aviation Organization
IFS	Instrument for Stability
MAOC-N	Maritime Analysis and Operations Centre–Narcotics
MEP	Members of European Parliament
NADDIS	Narcotics and Dangerous Drugs Information System
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organizations
SAFA	Safety Assessment of Foreign Aircraft
SALW	Small arms and light weapons
SitCen	Situation Centre
SLA	Service level agreements
UAE	United Arab Emirates
UN	United Nations
WMD	Weapons of mass destruction

# 1. Introduction

Air transportation has played a key role in fuelling the war economies that have devastated much of Africa in recent decades. It is instrumental in the transfer of small arms and light weapons (SALW) as well as in the extraction and transfer of precious minerals, metals and hydrocarbons. Air transportation actors are also important facilitators of illicit flows of illegal narcotics and tobacco destined for European, North American and Middle Eastern markets. At the same time, those air cargo carriers that have been reportedly involved in these commodity flows that have been so destabilizing are also enmeshed in humanitarian aid, peace support, stability operations and defence logistics supply chains of United Nations agencies, European Union (EU) and North Atlantic Treaty Organization (NATO) member states and non-governmental organizations (NGOs).<sup>1</sup>

The relevance of air cargo carriers to the development, security and humanitarian aid policy of the EU and EU member states cannot be overstated. The majority of the EU's development and humanitarian aid funds is spent in Africa, and more European Security and Defence Policy (ESDP) missions and UN peace-keeping contingents are operating there than anywhere else in the world.<sup>2</sup> Many of these operations are geared towards mitigating or reducing the effects of inter- and intrastate conflicts, destabilizing commodity flows and failing states. Much of the conflict in Africa has been exacerbated or sustained through political economies of conflict, otherwise known as 'war economies', which revolve around the 'marketing of local resources and procurement of arms and supplies', otherwise known as 'conflict-sensitive commodities'.<sup>3</sup>

Transportation represents the 'choke point' for destabilizing or illicit commodity flows. Air and maritime transport actors are far easier to trace than arms brokers, drug dealers or resource smugglers as the former must legitimately register their aircraft, vessels and associated companies, which makes them possible to track via open-source or subscription-based databases and via government or transport agency records. As such, they are the only non-state actors involved in destabilizing or illicit commodity flows who are required to operate overtly. Transportation actors are not only the easiest category to monitor, they are also the only group subject to transnational regulations. Unlike the global arms trade, UN mechanisms and standards to regulate aviation and maritime

<sup>1</sup> Air transportation actors include air cargo carriers, freight forwarding agents and other commercial companies that charter, lease, hire, purchase or crew civilian aircraft in order to transport commodities. 'Air cargo carrier' denotes a commercial company authorized to operate aircraft through the issuance of an air operator certificate (AOC).

<sup>2</sup> European Parliament, 6.4.3 Humanitarian aid, European Parliament fact sheets, 2004, <[http://www.europarl.europa.eu/facts\\_2004/6\\_4\\_3\\_en.htm](http://www.europarl.europa.eu/facts_2004/6_4_3_en.htm)>; 'Focus on Africa: addressing development and the challenges of communicable diseases', European Union fact sheet, June 2005, <<http://www.eurunion.org/partner/summit/Summit0506/AfricaSumFactsh.pdf>>; Vines, A. and Middleton, R., *Options for the EU to Support the African Peace and Security Architecture* (European Parliament: Brussels, Feb. 2008), p. 13; and SIPRI Multilateral Peace Operations Database, <<http://conflict.sipri.org>>.

<sup>3</sup> Duffield, M., 'Globalization, transborder trade, and war economies', eds M. Berdal and D. M. Malone, *Greed and Grievance Economic Agendas in Civil Wars* (Lynne Rienner: Boulder, CO, 2000), p. 3.

transportation are already in place and are increasingly enforced by supranational organizations such as the EU.

This Policy Paper is the first study to examine the role of air transport actors in the full spectrum of destabilizing or illicit commodity flows associated with war economies. It offers EU institutions and member states specific policy options for better monitoring and controlling these actors. As the options are based on existing instruments with documented records of success, the existing instruments become ‘dual-use’ mechanisms—saving money and time as well as reducing the bureaucratic burden. By targeting transportation actors engaged in a range of activities, the solutions offered here are relevant to policymakers concerned with disarmament, development, transnational and transregional organized crime, transportation, humanitarian aid, peacekeeping, stability operations, security sector reform and logistics. As one of the world’s largest markets and the biggest economic development and humanitarian aid donor, the EU is uniquely positioned to influence the activities of these air cargo carriers, including and beyond relatively simple behaviour modification tools based on financial incentives and disincentives.<sup>4</sup>

As this Policy Paper demonstrates, a focus on transportation, in tandem with the development of EU institution and member state mechanisms, may be crucial to curbing destabilizing or illicit commodity flows to conflict zones in Africa. Together SALW, other ‘war economy’ commodities and humanitarian aid- and peacekeeping-related goods and services form a nexus linked through the continuum of air transport. Chapters 2–4 document the role of air transport in each of these markets separately, as prising apart these interlocking markets broadens and deepens the understanding of the dynamic as a whole. These three chapters provide policymakers with the first comprehensive assessment of the importance of air cargo carriers as both agents of conflict and suppliers of humanitarian aid.

Chapter 2 establishes the key role that air transport plays in the destabilizing or illicit transfer of SALW to Africa. While much of the information is familiar, the novel presentation of air cargo carrier-typologies not only documents the role of air cargo carriers as agents of conflict in Africa, but also illustrates profiling as a potential tool of analysis in itself. Appendix A highlights flight routes, plane types, operating bases and registration states.

Chapter 3 examines the role played by air cargo carriers in servicing the extractive industries and war economies in Angola, the Democratic Republic of the Congo, Liberia, Sierra Leone, Somalia and Sudan. It also documents the role of air cargo carriers in the destabilizing transfer of other commodities, specifically illegal narcotics and tobacco in Central America, West Africa, the Balkans and the Middle East.

<sup>4</sup> European Commission, ‘EU–Africa relations: development and relations with African, Caribbean and Pacific states’, <[http://ec.europa.eu/development/geographical/regionscountries/euafrika\\_en.cfm](http://ec.europa.eu/development/geographical/regionscountries/euafrika_en.cfm)>; European Commission, ‘Trade and development: making sure trade benefits the poorest’, <[http://ec.europa.eu/trade/issues/global/development/index\\_en.htm](http://ec.europa.eu/trade/issues/global/development/index_en.htm)>; and Bensky, J., ‘EU: world’s biggest market’, *Florida Shipper*, 20 Aug. 2007. On the details of the policy options outlined here see chapter 7.

Chapter 4 details the participation of air cargo carriers named in UN Security Council and other arms trafficking-related reports in the humanitarian aid, peace support, stability operations and defence logistics supply chains.

Chapter 5 focuses on the EU's growing recognition of the importance of air cargo carriers as SALW transporters and war economy facilitators. Chapter 6 summarizes the results of SIPRI's earlier study on the impact of EU air safety bans and their enforcement mechanisms on the activities of air cargo carriers that have been named in UN and other arms trafficking-related reports. The air safety measures have disrupted the activities of these air cargo carriers to an extent unseen since the emergence of private-sector airborne arms trafficking as a conflict-enabling phenomenon at the end of the cold war. The chapter builds on the earlier study by outlining the adaptive strategies pursued by air cargo carriers since their decertification as a result of EU air safety measures.

Chapter 7 presents the conclusions and recommendations for stemming destabilizing or illicit commodity flows to conflict zones in Africa. These include a range of policy options that would make use of existing instruments and systems readily available to the EU. Appendix B provides background on tried and tested air intelligence and analysis programmes operated by the US Drug Enforcement Agency (DEA).

## 2. The role of air cargo carriers in destabilizing or illicit SALW flows

This chapter establishes the key role that air transport plays in the destabilizing or illicit transfer for small arms and light weapons, primarily to Africa. It assesses the scope and nature of the transport networks and details the plane types, registration states and ownership of air cargo companies for the purpose of establishing air cargo carrier-typologies. An appendix details the flight patterns of certain companies, including commonly used operating bases and refuelling and servicing nodes. This information provides policymakers with indications of where best to channel resources for monitoring and control.

Of all the conflict-sensitive commodities transported by air cargo carriers, the largest number of monitored shipments have consisted of transfers of SALW. Numerous organizations and bodies, including the Organization for Security and Co-operation in Europe (OSCE), the Wassenaar Arrangement, the UN and the EU have identified the central role played by air cargo operators in destabilizing transfers of SALW.<sup>5</sup> Indeed, EU member state officials estimate that 80 per cent of all illicit SALW shipments are delivered by air.<sup>6</sup> The UN and other organizations have documented destabilizing SALW transfers by air to all of Africa's main regional conflicts, each of which have involved at least one embargoed destination.<sup>7</sup>

With the exception of Somalia, all of Africa's most serious ongoing conflicts take place some distance from coastal zones, making maritime SALW delivery nearly impossible. Even in the case of Somalia, where piracy, porous sea borders and a long, unguarded coastline facilitate the delivery of SALW by sea, the UN has reported the transfer of SALW to Mogadishu and other areas by air.<sup>8</sup> In the regional conflicts centred around the eastern DRC, the Darfur region of Sudan, southern Sudan, northern Uganda, the Central African Republic, eastern Chad and other Sahel states, the lack of rail links, banditry and competing zones of authority often preclude timely SALW delivery by land. The low population densities of many of these landlocked Saharan and sub-Saharan states further reduce

<sup>5</sup> See OSCE, 'OSCE Chairman calls for strong move to tackle illicit trafficking via air', Press release, 4 Dec. 2006; Wassenaar Arrangement, 'Best practices to prevent destabilising transfers of small arms and light weapons (SALW) through air transport', Wassenaar Plenary Session, Dec. 2007; and Council of the EU, First Progress Report on the implementation of the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and Their Ammunition, 10538/06, Brussels, 14 June 2006, p. 7. See also Griffiths, H. and Wilkinson, A., *Guns, Planes, Ships: Identification and Disruption of Clandestine Arms Transfers* (UNDP/SEESAC: Belgrade, Aug. 2007), p. 9.

<sup>6</sup> French Ministry of Foreign and European Affairs, 'La lutte contre les transferts destabilisants d'armes legeres et de petit caliber (ALPC) par voie aeriennne' [The fight against destabilizing transfers of SALW through air transport], Presentation, COARM Seminar, Paris, 20 Nov. 2008.

<sup>7</sup> Fruchart, D. et al., *United Nations Arms Embargoes: Their Impact on Arms Flows and Target Behaviour* (SIPRI/Uppsala University: Stockholm, 2007).

<sup>8</sup> United Nations, Security Council, Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1676 (2006), S/2006/913, 22 Nov. 2006, p. 16.

the likelihood of all-weather road transportation networks, making air transport the only viable delivery option for SALW.

### **Intercontinental and intracontinental deliveries**

SALW transfers by air to African states can be divided into two broad categories: intercontinental deliveries (mainly from Eurasia or the Arabian peninsula) and intracontinental deliveries (between or within African states). These transfers cover the full spectrum of legality, ranging from wholly licit to destabilizing to wholly illicit. Longer-range intercontinental deliveries have been documented as generally using larger aircraft, mainly the Ilyushin 76 and the Antonov 12 but also McDonnell Douglas DC8 and DC10, Boeing 707 and Lockheed L-1101 Tristar aircraft. Shorter-range intracontinental deliveries have been documented as using these larger aircraft, but they tend to favour the Antonov 24, Antonov 26, Antonov 32, various LET models and a variety of smaller twin prop aircraft.<sup>9</sup>

The key nodes in the intercontinental SALW delivery supply chain include point of origin and manufacture or stockpile states. A survey of open-source reporting indicates that the majority of externally supplied SALW transported via air to Africa originate in producer and stockpile states including Albania, Belarus, Bosnia and Herzegovina, Bulgaria, China, Iran, Israel, Moldova, Montenegro, Romania, Russia, Serbia, Slovakia and Ukraine.<sup>10</sup> Many of these states also feature prominently in the flight patterns of air cargo carriers that appear in UN and other arms trafficking-related reports. This is partly because some of the flights in question have involved the shipment of SALW. However, in addition to stockpiling large quantities of SALW, states such as Belarus, Russia and Ukraine also provide commercially inexpensive refuelling, repair or service nodes from which air cargo carriers may legitimately base themselves—and they are doing so in ever increasing numbers. This trend has accelerated in recent years as the European Commission moves to support the enforcement of air safety standards in new EU members and neighbouring states.<sup>11</sup>

Intercontinental deliveries often involve arms brokers, operating in conjunction with a domestically licensed arms vendor, to ship weaponry or ammunition to destinations in Africa using either one of two tactics: point of departure diversion or post-delivery onward diversion. In point of departure diversion, the aircraft will divert, en route, to a destination other than that stated in the arms export licence documentation and the filed flight plan in order to deliver SALW. In post-delivery onward diversion, the aircraft may either (a) play no role in the diversion process and simply deliver the SALW to the destination named in the export licence documentation, from where the SALW will be picked up and

<sup>9</sup> Many of the conclusions drawn in this chapter are based on the authors' survey of Security Council Sanctions Committee and other arms trafficking-related reports. The analysis used the naming or photographing of an air cargo carrier in these reputable open sources as an indication of destabilizing and humanitarian commodity transport cross-over. It should be noted that a carrier's naming in a report serves as an indicator only and does not imply involvement in illegal acts.

<sup>10</sup> Authors' survey (note 9).

<sup>11</sup> On the enforcement of air safety standards in new EU members and neighbouring states see chapter 5.

redelivered, or (b) follow the intended flight plan, land in the ostensible delivery state but then depart that state in order to transfer the SALW to a destination or end-user not stated in the arms export licence documentation and the filed flight plan.<sup>12</sup>

In addition to intercontinental delivery, UN Sanctions Committee Groups of Experts have detected multiple SALW movements within and between certain African states. For example, intrastate movements of SALW from Khartoum to conflict zones in Darfur and from Kinshasa to conflict zones in eastern DRC have been observed.<sup>13</sup> Shipments of SALW from countries neighbouring those engaged in conflicts have also been observed. For example, SALW shipments from Angola, Sudan and Zimbabwe to the DRC and, more recently, SALW shipments from the DRC to Zimbabwe have been observed.<sup>14</sup> Military equipment and weaponry have been transported via air to and from Yamoussoukro, Côte d'Ivoire, to neighbouring states.<sup>15</sup> Similarly, the UN has documented large quantities of weaponry shipped via air to Liberia from nearby countries such as Burkina Faso.<sup>16</sup>

Similarly, outside of Africa, intracontinental deliveries of SALW took place within Europe. Airborne transfers of arms from Eastern Europe to states under UN embargo during the conflict in Croatia (1991–95) and Bosnia and Herzegovina (1992–95) were documented, including deliveries of large quantities of arms and ammunitions by Iranian air cargo carriers to Zagreb and the island of Krk in Croatia between 1992 and 1995.<sup>17</sup>

### **Typologies of companies engaged in arms transfers to Africa**

UN or other reports on arms trafficking name 186 air cargo carriers and air transport agents as being involved in airborne SALW transfers to and within Africa over the past 10 years.<sup>18</sup> A survey of the aircraft involved showed that these air cargo carriers have been registered in a diverse range of African, East European

<sup>12</sup> On the case of Aerocom in Nigeria and Liberia see United Nations, Security Council, Report of the Panel of Experts appointed pursuant to paragraph 25 of Security Council resolution 1478 (2003) concerning Liberia, S/2003/937, 28 Oct. 2003, pp. 23–24.

<sup>13</sup> United Nations, Security Council, Report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan prepared in accordance with paragraph 2 of resolution 1713 (2006), S/2007/584, 3 Oct. 2007, paras 110–115; and United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of Congo, S/2008/773, 12 Dec. 2008, p. 39.

<sup>14</sup> United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of Congo, S/2008/43, 13 Feb. 2008, p. 17; United Nations, Security Council, Letter dated 25 January 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council, S/2005/30, 25 Jan. 2005, p. 34; Peleman, J., 'The logistics of sanctions busting: the airborne component', eds J. Cilliers and C. Dietrich, *Angola's War Economy: The Role of Oil and Diamonds* (Institute for Security Studies: Pretoria, Nov. 2000), p. 302; and United Nations, S/2008/773 (note 13), p. 34.

<sup>15</sup> United Nations, Security Council, Report of the Group of Experts submitted pursuant to paragraph 7 of Security Council resolution 1584 (2005) concerning Cote d'Ivoire, S/2005/699, 7 Nov. 2005, pp. 40–41.

<sup>16</sup> United Nations, Security Council, Letter dated 31 December 1999 from the Chairman of the Security Council Committee Established Pursuant to Resolution 1132 (1997) concerning Sierra Leone addressed to the President of the Security Council, S/1999/1300, 31 Dec. 1999, p. 4.

<sup>17</sup> Wiebes, C., *Intelligence and the War in Bosnia 1992–1995* (Lit Verlag: Münster, 2003), p. 175.

<sup>18</sup> Authors' survey (note 9).



or Central Asian states and often had an operating base in the United Arab Emirates (UAE).<sup>19</sup> This reflects a broad spectrum of business enterprises which may, in turn, be divided into five broad typologies derived from issues such as the country in which they are based, their ownership structure, their connections with politico-military elites and the type of licit commercial activities in which they are engaged.

*Type 1. Intercontinental commercial carriers with close ties to African governments*

The first type of air cargo company named in UN and other arms trafficking-related reports is intercontinental air cargo carriers based in Africa that are officially commercial but maintain close ties to the armed forces of the country in which they are registered. These companies fly within and between Africa, the Middle East and Central Asia. Such carriers have repeatedly transported SALW illicitly on behalf of state institutions and militias, using bases, call signs and equipment belonging to the registered armed forces under the command of the ministry of defence. Such carriers consistently violate UN arms embargoes in one particular country and are generally based in states subject in part or whole to a UN arms embargo.

One example of this type is Badr Airlines, based in the UAE and Sudan. Since 2006, UN Security Council Sanction Committee investigations and reports have documented repeated violations of the UN sanctions on the Darfur region of Sudan by Badr Airlines.<sup>20</sup> A UN Security Council report of 3 November 2006 contains a photograph of a Badr Airlines' Ilyushin 76 with Toyota pickup trucks mounted with light machine guns that the aircraft had offloaded at El Fasher airport in Darfur on 31 July 2006.<sup>21</sup> The UN panel noted that such 'daylight transfers of military personnel and equipment using commercial air cargo companies are blatant violations of the arms embargo'.<sup>22</sup> In the course of violating the UN arms embargo, Badr Airlines carried out 21 flights using Sudanese military radio call signs during the period 1 November 2006–13 April 2007. In October 2007 the UN recommended that a complete ban be placed on Badr's operations and that all its offices be closed for repeated embargo violations.<sup>23</sup>

Other examples of this type include Azza Air Transport, Trans-Attico, Juba Air Cargo, Ababeel Aviation and United Arabian Airlines. These companies are all registered in Sudan, with satellite offices in the UAE. Although participating in

<sup>19</sup> The 186 air cargo carriers and air transport agents that have been named in UN or other arms trafficking-related reports over the past years have been registered or based in the following countries: Angola, Belarus, Bulgaria, Burundi, Bosnia and Herzegovina, Central African Republic, DRC, Egypt, Equatorial Guinea, Eritrea, France, Iran, Kazakhstan, Kenya, Kyrgyzstan, Liberia, Libya, Moldova, Russia, Rwanda, Sao Tome and Principe, Serbia, Sierra Leone, South Africa, Sudan, Swaziland, Uganda, Ukraine, UAE, UK, USA and Zimbabwe.

<sup>20</sup> United Nations, S/2007/584 (note 13), p. 37.

<sup>21</sup> United Nations, Security Council, Report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan prepared in accordance with paragraph 2 of resolution 1713 (2006), S/2006/795, 3 Oct. 2006, p. 27.

<sup>22</sup> United Nations, S/2006/795 (note 21), p. 27.

<sup>23</sup> United Nations, S/2007/584 (note 13), p. 37. On Badr Airlines' involvement in humanitarian aid supply chains see chapter 4.

resource extraction (oil), other forms of infrastructure development and humanitarian aid delivery markets, these commercial air cargo carriers appear to be integrated into Sudanese armed forces delivery networks. Their aircraft operate from the Sudanese military and air force facilities at Khartoum International Airport and regularly use Sudanese military call signs.<sup>24</sup> Their managers or directors are current or former members of government institutions, typically the armed forces, the presidency or the civil aviation authority and they have all been documented by the UN as repeatedly violating the UN arms embargo on Darfur.<sup>25</sup>

*Type 2. Intracontinental carriers, part-owned or controlled by regional African power brokers*

Another type of air cargo company named in UN and other arms trafficking-related reports is intracontinental carriers based in Africa that are officially commercial, but are part-owned or controlled by regional African power brokers and their politico-military associates. In contrast to type 1, these air cargo carriers operate solely within African airspace. The importance of these commercial air cargo carriers as transporters in local and regional political economies ensures that ownership of these entities often ‘highlights contours of political competition or alliances better than formal agreements or individual titles’.<sup>26</sup>

For example, such a pattern of management and ownership can be discerned in the DRC. Hewa Bora Airlines, Trans Air Cargo and Gomair have been identified as transporting arms, military equipment or soldiers into eastern DRC for the armed forces of the DRC.<sup>27</sup> Hewa Bora was formed by the former president of the DRC, Laurent Kabila.<sup>28</sup> Ownership of Gomair has been attributed to regional power brokers in the eastern DRC, but ownership of the aircraft has been noted as passing to the ‘Congo Government’.<sup>29</sup> Another airline, Wimbi Dira, transported hundreds of soldiers in 2005.<sup>30</sup> Wimbi Dira is part-owned by Laurent Kabila’s son, the current President of the DRC, Joseph Kabila and Charles de Schrijver.<sup>31</sup> According to the UN, Charles de Schrijver and another associate own Enterprise World Airways.<sup>32</sup> Other companies that fit the type 2 include: Bluebird Aviation of Somalia, part-owned by Osman Hassan Ali Atto, a financier of the Somali

<sup>24</sup> United Nations, S/2007/584 (note 13), para. 101.

<sup>25</sup> See e.g. the case of Major General Ahmed Hag El Kheder, a former general in the Sudanese Air Force and senior airworthiness inspector for the Sudanese Civil Aviation Authority, former member of the steering committee of Azza Aviation. Sudan National Commission of Investigation to investigate fatal helicopter crash of 30 July 2005 involving Vice President John Garang of Sudan, <[http://www.sudancommission.org/index.php?option=com\\_content&task=view&id=29&Itemid=9](http://www.sudancommission.org/index.php?option=com_content&task=view&id=29&Itemid=9)>.

<sup>26</sup> Reno, W., ‘Sovereignty and personal rule in Zaire’, *African Studies Quarterly*, vol. 1, no. 3 (1997), p. 2.

<sup>27</sup> United Nations, S/2008/773 (note 13), p. 39. Although Hewa Bora Airlines does not officially conduct intercontinental flights, the aircraft making such flights are in fact leased from other companies. Interview with EU official, 16 Oct. 2008.

<sup>28</sup> AeroTransport Data Bank, <<http://www.aertransport.org>>.

<sup>29</sup> AeroTransport Data Bank (note 28).

<sup>30</sup> United Nations, Security Council, Letter dated 26 January 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council, S/2006/53, 27 Jan. 2006, Annex, p. 34.

<sup>31</sup> AeroTransport Data Bank (note 28).

<sup>32</sup> United Nations, S/2006/53 (note 30), p. 39.

General Muhammad Farrah Aidede's United Somali Congress; Scibe Airlift of the DRC, controlled by Jean-Pierre Bemba, the former vice-president of the DRC, and the late Mobutu Sese Seko, the former Zairian president; and Co-Za Airlines of the DRC, also part-owned by Bemba.<sup>33</sup>

*Type 3. Intercontinental carriers with close ties with Central and East European state arms manufacturers or ministries of defence*

A third type of air cargo company named in UN and other arms trafficking-related reports is intercontinental carriers based in Central and Eastern Europe that are either government-owned or commercial enterprises. In either case they are closely associated with local arms manufacturers or ministries of defence. One example is Ukrainian Cargo Airways (UCA). The company is owned by the Ukrainian Ministry of Defence and has been involved in the transportation of weapons, ammunition and troops for a variety of states for more than 10 years. UCA is cited in reports by Human Rights Watch, the International Crisis Group (ICG) and Amnesty International as involved or suspected of involvement in destabilizing shipments of small arms to Angola on behalf of Iranian interests; to Tanzania, where an aircraft was reportedly temporarily seized following the discovery of an undeclared weapons cargo; and to the DRC, where the ICG states that UCA was shipping arms to Ugandan forces in 1999.<sup>34</sup>

*Type 4. Intercontinental, commercial carriers with close ties to organized criminal activities*

A fourth type of air cargo company named in UN and other arms trafficking-related reports is intercontinental, commercial carriers with close ties to organized crime networks. While some air cargo carriers may violate a UN arms embargo because they are registered in a state whose authorities order or con-

<sup>33</sup> United Nations, Security Council, Report of the Panel of Experts on Somalia pursuant to Security Council resolution 1474 (2003), S/2003/1035, 4 Nov. 2003, para. 118; and AeroTransport Data Bank (note 28).

<sup>34</sup> Human Rights Watch (HRW), *Ripe for Reform: Stemming Slovakia's Arms Trade with Human Rights Abusers*, vol. 16, no. 2(D) (HRW: New York, Feb. 2004), <<http://www.hrw.org/reports/2004/slovakia0204/3.htm>>, pp. 29–35; International Crisis Group (ICG), *Africa's Seven Nation War*, Africa Report no. 4 (ICG: Brussels, 21 May 1999), <<http://www.crisisgroup.org/home/index.cfm?id=1643&l=1>>, p. 23; and Amnesty International (AI), *Dead on Time: Arms Transportation, Brokering and the Threat to Human Rights* (AI: London, 10 May 2006), pp. 52–53.

done the violation, other air cargo carriers become involved in destabilizing shipments irrespective of the state in which they are registered. This is due to the specific business activities of individuals that occupy senior management positions within the company. Individuals include well-known figures such as Viktor Bout and lesser known individuals such as Tomislav Damnjanovic, a Serbian national, formerly resident in Serbia, Cyprus and the UAE.

Damnjanovic worked with individuals and entities in Bulgaria, the Caribbean, Cyprus, Greece, Israel, Morocco, Serbia, Switzerland and African states on destabilizing or illicit flows of conflict-sensitive commodities such as SALW and cigarettes.<sup>37</sup> Damnjanovic's business activities mirror a pattern set by Bout: upon detection by UN Sanctions Committees and other agencies, individuals such as Bout and Damnjanovic frequently reregister a company under a different name or obtain air operating certificates in other countries or via a different company.

While the media focuses on such individuals, this individualization tends to cloud the transnational nature of a structure which is more significant than any one person: these individuals tend to follow decentralized business practices that take advantage of processes associated with globalization—such as trade barrier deregulation, privatization, tax-free zones and currency deregulation—that allow for greater asset and financial flow diffusion.<sup>38</sup> The individuals may direct clients via a telesales service in a third country or use aircraft belonging to other companies.<sup>39</sup> Type 4 air cargo carriers and brokers generally evade detection or prosecution for illicit activities through the use of offshore business registries and shell companies.<sup>40</sup> Assets are typically owned by holding companies in particular states or territories in the Caribbean, North America and Western Europe that provide a degree of anonymity regarding ownership and capital flows. Aircraft are often registered in resource-rich states where the rule of law is weak or in business zones in Africa, Central Asia and the Middle East where civil aviation oversight is less rigid.<sup>41</sup> Actual ownership remains opaque as these operating techniques allow the individuals and business networks responsible for such entities to rapidly close down the operations of one particular company if it comes to the attention of international investigators, such as UN Sanctions Committee Groups of Experts.

#### *Type 5. Intercontinental facilitators*

A fifth type of air cargo carriers named in UN and other arms trafficking-related reports is commercial companies that mainly focus on licit markets but neverthe-

<sup>37</sup> Documented arms deliveries to Africa by Damnjanovic include Libya (1996), Liberia (2002), Rwanda (2004, 2005), Equatorial Guinea (2005), and the DRC (2007); and Griffiths and Wilkinson (note 5).

<sup>38</sup> See Griffiths and Wilkinson (note 5).

<sup>39</sup> See the cases of Jet Line International, Aerocom and Artic Group in Griffiths and Wilkinson (note 5), pp. 61–68.

<sup>40</sup> Air charter companies or 'brokers' do not operate aircraft under their own AOC but rather charter aircraft or broker flights on behalf of clients. Brokers can often maintain a greater degree of anonymity since it is not clear from flight plan information who has chartered the aircraft. See Griffiths, H. and Bromley, M., 'Stemming destabilizing arms transfers: the impact of European Union air safety bans', SIPRI Insights on Peace and Security no. 2008/3, Oct. 2008, <<http://books.sipri.org/files/insight/SIPRIInsight0803.pdf>>.

<sup>41</sup> Griffiths and Wilkinson (note 5).

less appear linked to serial arms embargo violators through self-declared partnerships or the swapping of personnel, aircraft or offices in the form of shared asset operating history. Such companies are documented less frequently in UN or other arms trafficking-related reports but have been occasionally reported as providing military goods or services to actors involved in conflict in Africa. Examples of this typology include Avient, a company registered in Zimbabwe with associated operations in France and a self-declared business relationship to United Arabian Airways of Sudan.<sup>42</sup> United Arabian Airways has been recommended for an aviation ban by the UN for reported involvement in repeated arms embargo violation flights to Darfur.<sup>43</sup>

<sup>42</sup> 'Avient are the exclusive sales office for United Arabian Airlines' DC8 and all enquiries for this aircraft should be directed to Avient where they will receive a highly competitive quotation'. 'Extra Specialised Lift', Avient website, <<http://www.avient.aero/headlines.htm>>.

<sup>43</sup> United Nations, S/2007/584 (note 13), p. 7.

### 3. The role of air cargo carriers in war economies

War economies are political economies that typically involve both state and non-state actors—specifically, private business sector actors and armed groups—that seek to initiate or perpetuate conflict for economic as well as political gain. The economic drivers of these conflicts tend to centre around the control of natural resources and the territory required to extract and transport them.<sup>44</sup> The use of state-based security forces, the military, customs and intelligence officials to conduct extra-legal activity features prominently in war economies.<sup>45</sup>

Despite operating in isolated areas, war economies are sustained and developed through interaction with global markets. It has been noted that

contemporary patterns and modalities of instability not only occur within states but across states and regions. These wider connections reflect the characteristics of modern-day war economies. They are rarely self-sufficient or autarkic after the fashion of traditional nation-state-based war economies. On the contrary, though controlling local assets, they are heavily reliant on all forms of external support and supplies. Maintaining the political entities associated with post-nation-state conflict usually requires transregional linkages. At the same time, the marketing of local resources and procurement of arms and supplies are based on access to global markets and, very often, transcontinental smuggling or grey commercial networks. In many respects, contemporary war economies reproduce the networked structures associated with globalization more generally.<sup>46</sup>

This structural reproduction is aided by the fact that export chains related to war economies are usually not entirely illegal: transactions along the way may involve licensed traders, legal concessions and legal transportation. Simultaneously, these economies include clandestine business practices such as avoiding taxes, evading economic embargoes, manipulating currency, violating trade regulations, smuggling, and illegitimately exploiting raw material resources—practices that typically involve air cargo carriers that have been named in UN Security Council and other arms trafficking-related reports.<sup>47</sup> It has been observed that ‘most modern war economies are highly dependent on all forms of external support and trade networks—that is, for the marketing of resources or services in order to secure arms, fuel, equipment, spare parts, munitions, clothing, food aid, funding, and so on’.<sup>48</sup>

<sup>44</sup> De Koning, R., ‘Resource–conflict links in Sierra Leone and the Democratic Republic of the Congo’, SIPRI Insights on Peace and Security no. 2008/2, Oct. 2008, <[http://books.sipri.org/product\\_info?c\\_product\\_id=364](http://books.sipri.org/product_info?c_product_id=364)>.

<sup>45</sup> Griffiths, H., ‘A political economy of ethnic conflict: ethno-nationalism and organized crime’, *Civil Wars*, vol. 2, no. 2.2 (summer 1999), p. 67.

<sup>46</sup> Duffield (note 3).

<sup>47</sup> Blair S. et al., ‘Forging a viable peace: developing a legitimate political economy’, eds J. Covey, M. Dziedzic and L. Hawley, *The Quest for Viable Peace: International Intervention and Strategies for Conflict Transformation* (United States Institute for Peace: Washington, DC, 2005).

<sup>48</sup> Duffield (note 3).

This chapter highlights aspects of the war economies which prevailed or continue in Angola, Colombia, the DRC, Liberia, Sierra Leone, Somalia and Sudan which are inextricably linked to and facilitated by air transport actors. In addition, the chapter covers the role of air transport in extended cocaine supply routes. These include traditional routes through the Caribbean and Central America, as well as newer transit points in West Africa and the Sahel.

### **Air cargo carriers as facilitators of war economies in Africa**

Although air cargo carriers are one of the principal transporters for licit consumer imports in western, central and sub-Saharan Africa, many of these same air cargo carriers are also involved in war economy export chains—either through the transport of small arms and light weapons and the valuable raw materials themselves or the servicing of extractive industries through the movement of fuel, spare parts and other equipment—and have been named in UN Security Council and other arms trafficking-related reports. They play a central role in these war economies due to a reliance on air transport for the transfer of certain essential commodities over difficult or dangerous land routes. The air transportation links, the frequency of flights and the air cargo companies granted the rights to such routes also reflect broader trading relationships between groups and networks that are often separated by national borders. Despite the presence of such barriers, air transportation links between groups in different states can be stronger than those within a particular state.<sup>49</sup>

#### *Air cargo carriers and the war economy in Angola, 1992–2002*

Air cargo carriers were closely associated with the transport of SALW, diamonds and mining equipment in the diamond-based war economy that dominated areas of Angola for two decades.<sup>50</sup> In the period 1994–97, the National Union for the Total Independence of Angola (União Nacional para a Independência Total de Angola, UNITA) is estimated to have exported \$1.9 billion worth of diamonds. During this time the illicit trade in diamonds and arms took place unhindered from monitored airstrips where, according to private sector actors, the UN was often present.<sup>51</sup> According to the UN, ‘an Interpol analysis of probable UNITA airstrips places each one close to a UNITA mining area, suggesting continuing close links between UNITA’s logistics and diamond trading’.<sup>52</sup> A UN report noted ‘air transport as the main avenue for re-supplying UNITA forces’ which was supported by other reports noting how air cargo carriers facilitated the war econ-

<sup>49</sup> E.g. the southern Kasai Province of the DRC. Putzel, J., Lindemann, S. and Schouten, C., *Drivers of Change in the Democratic Republic of Congo: The Rise and Decline of the State and Challenges for Reconstruction*, Working Paper no. 26 (series 2) (Crisis States Research Centre, London School of Economics: London, Jan. 2008), p. 38.

<sup>50</sup> United Nations, Security Council, Final report of the Monitoring Mechanism on Angola Sanctions, S/2000/1225, 21 Dec. 2000, para. 146; and Peleman (note 14), p. 297.

<sup>51</sup> Dietrich, C., *Hard Currency: the Criminalized Diamond Economy of the Democratic Republic of Congo and its Neighbours*, Occasional Paper no. 4 (Diamonds and Human Security Project: Ottawa, 2002), p. 29.

<sup>52</sup> United Nations, S/2000/1225 (note 50), para. 169.

omies in territory under UNITA control through the delivery of fuel oil and other commodities essential to the operation of UNITA's electricity generators, military and transport vehicles as well as food, beer and medical equipment.<sup>53</sup>

*Air cargo carriers and the war economy of the Democratic Republic of the Congo, 1997–present*

Air cargo companies have played a key role in extractive processes and export transactions associated with the DRC's wealth of precious mineral reserves for more than 15 years. The DRC's reserves include one-third of the world's cobalt and one-tenth of its copper, diamonds, coltan, cassiterite (tin ore) and gold. The scale of these reserves and disputes over land ownership provide for the potential for conflict for years to come. In all of the conflicts to date, air cargo carriers have played an important role. Areas of the DRC where conflicts centred around control of diamond mining and extraction processes have been described as 'network wars' and have involved air cargo carriers.<sup>54</sup> In the DRC, air cargo carriers have been used to transport large quantities of cassiterite from mining areas under the control of a particular military group and have been documented as responsible for transporting up to 80 per cent of cassiterite from conflict zones and other rural areas in eastern DRC.<sup>55</sup> In 2008, according to export data from the DRC Government certifier, known as the Diamond and Precious Metals Evaluation Centre, this would represent a traded volume of over 150 tonnes with an export value of over \$150 million.<sup>56</sup>

Air cargo carriers have also been frequently used to transport the mineral coltan from outlying areas in eastern DRC and from the main towns such as Bukavu to international markets.<sup>57</sup> Air cargo carriers have been reported as being specifically created to transport coltan from the DRC to Kenya and Rwanda.<sup>58</sup> Arms dealers have been reported as having leased an Ilyushin cargo aircraft to militia leaders to transport coltan from the DRC.<sup>59</sup> Other air cargo carriers named

<sup>53</sup> United Nations, S/2000/1225 (note 50), para. 112; see also Vines, A., *Angola Unravels: The Rise and Fall of the Lusaka Peace Process* (Human Rights Watch: New York, 1999), chapter 9.

<sup>54</sup> Raeymaekers, T., *Network War: An Introduction to Congo's Privatised War Economy*, IPIS Report (International Peace Information Service: Antwerp, Oct. 2002). See also Fruchart, D., 'United Nations arms embargoes: their impact on arms flows and target behaviour—Case study: Democratic Republic of the Congo, 2003–2006', SIPRI, Stockholm, 2007, <[http://books.sipri.org/product\\_info?c\\_product\\_id=356](http://books.sipri.org/product_info?c_product_id=356)>.

<sup>55</sup> Global Witness, *Under-mining Peace—Tin: The Explosive Trade in Cassiterite in Eastern DRC* (Global Witness: Washington, DC, June 2005), p. 16; and Garrett, N., *Walikale—Artisanal Cassiterite Mining and Trade in North Kivu: Implications for Poverty Reduction and Security* (Communities and Small-Scale Mining: Washington, DC, 1 June 2008), p. 32.

<sup>56</sup> Mupelele, L., 'CEEC presentation au représentant special du SG de L'ONU' [CEEC presentation to the special representative of the United Nations Secretary General], Presentation, Jan. 2009.

<sup>57</sup> Jackson, S., *Fortunes of War: The Coltan Trade in the Kivus*, Humanitarian Policy Group Background Paper (Overseas Development Institute: London, Feb. 2003), p. 11.

<sup>58</sup> Moyroud, C. and Katunga, J., 'Coltan exploration in eastern Democratic Republic of the Congo (DRC)', eds J. Lind and K. Sturman, *Scarcity and Surfeit: The Ecology of Africa's Conflicts* (Institute for Security Studies: Pretoria, 2002), p. 176.

<sup>59</sup> United Nations, Security Council, Report of the Panel of Experts on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, S/2001/357, 12 Apr. 2001, para. 91.



in UN reports as transporting coltan were reported to be also conducting business on behalf of militia leaders.<sup>60</sup>

UN reports also state that air cargo carriers have transported gold from conflict zones, as well as diamond traders who play a key role in artisanal diamond transactions in the DRC.<sup>61</sup> Air cargo carriers have also serviced security and acquisition operations through the transportation of soldiers and military equipment.<sup>62</sup> In some areas under rebel military control, Soviet-era cargo aircraft have made up to 24 flights per day from tarmac roads serving as improvised airstrips.<sup>63</sup>

*Air cargo carriers and the war economy in Liberia, 1996–2003*

During the various conflicts affecting Liberia during much of the 1980s and 1990s, the war economy encompassed ‘all activities relating to the illegal extraction, taxation and export of Liberia’s natural resources, particularly timber, rubber, diamonds and gold’.<sup>64</sup> The importance of the income generated by these activities for Liberian President Charles Taylor and his associates were recognized by the UN when it placed a trade embargo on diamonds and timber emanating from Liberia.<sup>65</sup> While timber concessions were granted to businessmen with links to maritime shipping companies, key diamond traders in Liberia—sanctioned by President Taylor—operated air cargo carriers in conjunction with business partners such as Victor Bout.<sup>66</sup> A US Government report states that air cargo operators who were linked to arms supply and raw material extraction operations in Angola, the DRC and Rwanda were paid in Liberia in ‘diamonds and other valuable commodities’.<sup>67</sup> Diamond trade networks in Liberia were involved in air cargo and other commercial transport operations. The UN documented how the Liberian Bureau of Maritime Affairs and its agent, the Liberian International Shipping and Corporate Registry, ‘had been used for cover and funds for arms and transportation in violation of UN sanctions’.<sup>68</sup> The UN noted that diamond dealer and air cargo carrier operator Sanjivan Ruprah, who ‘had been a deputy commissioner of maritime affairs’, was tasked by Taylor to

<sup>60</sup> United Nations, Security Council, Addendum to the report of the Panel of Experts on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, S/2001/1072, 13 Nov. 2001, para. 20; and Cuvelier, J. and Raeymaekers, T., *European Companies and the Coltan Trade: An Update (part 2)*, IPIS Report (International Peace Information Service: Antwerp, Sep. 2002), <<http://www.ipisresearch.be/natural-resources.php>>, p. 20.

<sup>61</sup> United Nations, S/2001/1072 (note 60), para. 31.

<sup>62</sup> United Nations, S/2005/30 (note 14), p. 35.

<sup>63</sup> Polgreen, L., ‘Congo’s riches, looted by renegade troops’, *New York Times*, 15 Nov. 2008.

<sup>64</sup> Atkinson, P., *The War Economy in Liberia: A Political Analysis, Relief and Rehabilitation Network paper* (Overseas Development Institute: London, 1997), p. 5. See also Holtom, P., ‘United Nations arms embargoes: their impact on arms flows and target behaviour—Case study: Liberia, 1992–2006’, SIPRI, Stockholm, 2007, <[http://books.sipri.org/product\\_info?c\\_product\\_id=356](http://books.sipri.org/product_info?c_product_id=356)>.

<sup>65</sup> Vines, A., ‘Monitoring UN sanctions in Africa: the role of the panels of experts’, ed. T. Findlay, *Verification Yearbook 2003* (Vertic: London, 2003), p. 248.

<sup>66</sup> UN Security Council, Report of the Panel of Experts pursuant to Security Council resolution 1343 (2001), paragraph 19, concerning Liberia, S/2001/1015, 26 Oct. 2001, Enclosure, p. 58.

<sup>67</sup> US Department of the Treasury, Office of Public Affairs, ‘Treasury designates Viktor Bout’s international arms trafficking network’, News Release JS-2406, Washington, DC, 26 Apr. 2005.

<sup>68</sup> United Nations, Security Council, Report of the Panel of Experts appointed pursuant to Security Council resolution 1395 (2002), paragraph 4, in relation to Liberia, S/2002/470, 19 Apr. 2002, p. 33.

're-organize' Liberia's civil aircraft registry, which was used by at least 12 air cargo carriers named in UN Security Council reports.<sup>69</sup>

*Air cargo carriers and the war economy in Sierra Leone, 1996–2000*

Between 1991 and 2001, Sierra Leone was the site of a network war that pitted the rebel group the Revolutionary United Front (RUF) against the Sierra Leone Government, tribal groups and the private military company Executive Outcomes.<sup>70</sup> Under President Taylor, Liberia was a major sponsor of the RUF in Sierra Leone, supplying arms and ammunition via air in order to ensure continued RUF control over diamond mines. The diamond–SALW trading nexus in Liberia was intimately linked to diamond mines in Sierra Leone, which provided a far higher annual yield in terms of uncut diamonds than Liberia. Air cargo carriers played a central role in this nexus.

According to a UN Security Council report, 'the role of aircraft in the RUF's supply chain is vital'.<sup>71</sup> The network that developed has been described as a new form of warfare where 'the real value of the state... is that it controls the legitimisation of illicit trade operating on the periphery of the air cargo industry'.<sup>72</sup> Air cargo carriers and associated individuals such as Sanjivan Ruprah involved in the diamond trade were key facilitators of this war economy.<sup>73</sup> In addition, it has been claimed that during the civil war airport security officials at Freetown's Lungi Airport were notoriously inept and corrupt, making it easy for smugglers to export diamonds derived from RUF territories.<sup>74</sup>

*Air cargo carriers and the war economy in Somalia, 1999–present*

In Somalia commodities play a less capital-intensive role in the war economy, which is instead structured around the need to control key import, export, distribution and transit nodes such as maritime ports, airports, bridges, road junctions and markets.<sup>75</sup> Licit exports such as bananas or charcoal transiting these nodes may be 'taxed' by militia groups, which also control the points of access required by commercial actors and humanitarian organizations seeking to deliver aid or

<sup>69</sup> Cosgrove, E., 'Examining targeted sanctions: are travel bans effective?', eds P. Wallensteen and C. Staibano, *International Sanctions: Between Words and Wars in the Global System* (Frank Cass: New York, 2005).

<sup>70</sup> Montague, D., 'The business of war and the prospects for peace in Sierra Leone', *Brown Journal of World Affairs*, vol. 9, no. 1 (spring 2002), p. 230. See also Holtom, P., 'United Nations arms embargoes: their impact on arms flows and target behaviour—Case study: Sierra Leone, 1997–present', SIPRI, Stockholm, 2007, <[http://books.sipri.org/product\\_info?c\\_product\\_id=356](http://books.sipri.org/product_info?c_product_id=356)>.

<sup>71</sup> United Nations, Security Council, Report of the Panel of Experts appointed pursuant to Security Council resolution 1306 (2000), paragraph 19, in relation to Sierra Leone, S/2000/1195, 20 Dec. 2000, para. 198.

<sup>72</sup> Jackson, P., 'Are Africa's wars part of a fourth generation of warfare?', *Contemporary Security Policy*, vol. 28, no. 2 (Aug. 2007), p. 8.

<sup>73</sup> United Nations, S/2002/470 (note 67), p. 36.

<sup>74</sup> Gberie, L., *War and Peace in Sierra Leone: Diamonds, Corruption and the Lebanese Connection*, Occasional Paper no. 6 (Diamonds and Human Security Project: Ottawa, 2002), p. 9.

<sup>75</sup> A transit node is used for refuelling or an unscheduled, forced or emergency landing. Arrival and departure nodes are those airports listed in the flight plans.

goods.<sup>76</sup> After SALW, the most valuable and widespread war economy commodity is the narcotic *khat*.<sup>77</sup> Militia leaders control the import of *khat* and use revenue generated from its sale to finance SALW purchases.<sup>78</sup> Air cargo carriers play a key role in the import and distribution of this product, which is consumed by many militia members.<sup>79</sup> A UN Security Council report states that air cargo carriers transporting *khat* to Somalia are part owned by warlords and are also involved in poly-trafficking which include deliveries of SALW.<sup>80</sup> The UN also states that air cargo carriers involved in *khat* and illicit SALW transfers to Somalia had earlier been contracted by Ugandan forces operating in the DRC.<sup>81</sup>

*Air cargo carriers and the war economy in Sudan, 1998–present*

The ongoing conflicts in Sudan have been partly caused and sustained by competition for control of oilfields.<sup>82</sup> The discovery of oil in the Darfur region and its concessions linked to particular foreign companies in partnership with relatives of members of the government have focused attention on the links between oil contracts, arms flows, conflict and displacement in Sudan.<sup>83</sup> In southern Sudan and Darfur, government forces and rebels have ‘utilized private sector actors as vehicles to earn the needed revenue and establish the required international connections to access military arms and continue fighting’.<sup>84</sup> These private sector actors have included both foreign and domestic air cargo carriers to service the Sudanese oil industry via airfields such as those at Heglig.<sup>85</sup> Indeed, the oil industry in central and southern Sudan is serviced by some of the same air cargo actors named in UN Security Council reports for violating arms embargoes in Darfur.<sup>86</sup> According to Amnesty International and Human Rights Watch reports, air cargo Antonovs flying from the oil company airfield at Heglig have also been used to bomb villages in southern Sudan.<sup>87</sup>

<sup>76</sup> Grosse-Kettler, S., *External Actors in Stateless Somalia: A War Economy and its Promoters*, Paper no. 39 (Bonn International Centre for Conversion: Bonn, 2004).

<sup>77</sup> United Nations, S/2003/1035 (note 33), para. 118.

<sup>78</sup> Labrousse, A. and Laniel, L. (eds), ‘The geopolitical stakes of *khat* in Kenya’, *The World Geopolitics of Drugs 1998/1999* (Kluwer: Dordrecht, 2001), pp. 241–84.

<sup>79</sup> Grosse-Kettler (note 76).

<sup>80</sup> Poly-trafficking is the trafficking of two or more illicit commodities. Griffiths and Wilkinson (note 5), p. 102.

<sup>81</sup> United Nations, S/2003/1035 (note 33), para. 135.

<sup>82</sup> United Nations Environment Programme (UNEP), *Sudan: Post Conflict Environmental Assessment* (UNEP: Nairobi, 2007), <<http://www.unep.org/sudan/>>, pp. 10, 80. See also Wezeman, P. D., ‘United Nations arms embargoes: their impact on arms flows and target behaviour—Case study: Darfur, Sudan, 2004–2006’, SIPRI, Stockholm, 2007, <[http://books.sipri.org/product\\_info?c\\_product\\_id=356](http://books.sipri.org/product_info?c_product_id=356)>.

<sup>83</sup> Faucon, B., ‘Sudan, partners ready Darfur oil exploration plan—official’, *Dow Jones*, 9 July 2008; and Herbst, M., ‘Oil for China, guns for Darfur’, *BusinessWeek*, 14 Mar. 2008.

<sup>84</sup> Patey, L. A., ‘State rules: oil companies and armed conflict in Sudan’, *Third World Quarterly*, vol. 28, no. 5 (2007).

<sup>85</sup> Information compiled from Air Safety Network (ASN) air accident database, <<http://aviation-safety.net/database/>>.

<sup>86</sup> Ababeel Aviation is reported as signing a working agreement to transport the White Nile Petroleum Company’s petroleum products. The company is also reported as violating the UN arms embargo on Darfur. Kebasso, G., ‘Airline to venture in Southern Sudan’, *Airline News*, 25 May 2006; and United Nations, S/2007/584 (note 13), para. 110.

<sup>87</sup> Human Rights Watch, ‘Sudan, oil and human rights’, *AfricaFocus Bulletin*, 28 Nov. 2003, p. 404.

### Air cargo carrier involvement in drug trafficking networks

In addition to SALW and the various war economy commodities described above, air cargo carriers are also used for other illicit flow networks, including the movement of unauthorized or counterfeit currency and cocaine. These transfers also serve to prolong conflicts and increase instability.<sup>88</sup> While the operating patterns of these carriers may differ from those engaged in war economy transfers in Africa that have been detailed above, there are also similarities which have often been overlooked in policymaking circles. More importantly, lessons learned from the various attempts to tackle drug trafficking networks may provide potential models for the prevention of destabilizing transfers of SALW and other conflict commodities by air. In particular, systems developed by the US DEA may provide useful models for how information on air cargo carriers engaged in illicit or destabilizing commodity flows can be collected and shared among relevant agencies and stakeholders.

On 16 October 2001 a Boeing 707 was seized on arrival in the United Kingdom by British customs following the delivery of more than 230 kilograms of cocaine, worth £22 million (\$30 million).<sup>89</sup> The pilot of the aircraft had owned a series of air cargo carriers, including Phoenix Aviation, and had been documented by the UN as being involved in a significant number of destabilizing SALW transfers to Africa over the preceding 20 years.<sup>90</sup> In 2003 the authorities of Belize impounded an Antonov 12 for cocaine transportation which was owned by Aerocom, a Moldovan air cargo carrier documented by the UN as being involved in a number of illicit SALW flights to Africa.<sup>91</sup> In both these cases, the aircraft had apparently departed from their usual Europe–Africa routes to ship cocaine from the Caribbean. West Africa has now become a key transit region for air shipments of cocaine to Europe from South America.<sup>92</sup> The scale of transfers is such that the latitudinal corridor between South America and West Africa is now referred to as ‘Interstate 10’ by counter-narcotics officers.<sup>93</sup>

Countries which have emerged as developing trans-shipment points for air shipments of cocaine include Guinea-Bissau, Guinea, Mauritania, Morocco and Sierra Leone. According to a UN report, cocaine represents the ‘single biggest threat’ to Sierra Leone, a country recovering from a wartime political economy dominated by illicit diamonds and SALW. On 10 July 2007, Venezuelan author-

<sup>88</sup> Peleman (note 14), p. 315.

<sup>89</sup> Bennetto, J., “‘Bungling Biggles’ jailed for smuggling £22m of cocaine’, *The Independent*, 6 Dec. 2002.

<sup>90</sup> Honigsbaum M., Barnett, A. and Johnson-Thomas, B., ‘British pilot flies arms to Sudan’, *The Observer*, 14 Mar. 1999.

<sup>91</sup> AeroTransport Data Bank (note 28); and Aircraft Registration Database Lookup, <<http://www.airframes.org>>.

<sup>92</sup> The EU Council has identified West Africa as a key priority for the fight against drug trafficking. Council of the EU, Council conclusions on drug trafficking along the cocaine route, 15483/07, Brussels, 20 Nov. 2007; and Council of the EU, Cooperation with West Africa in the field of drugs—Conclusions, 15656/07, Brussels, 12 Dec. 2007.

<sup>93</sup> Kraul, C., ‘West Africa gets help fighting South American drug traffickers’, *Los Angeles Times*, 13 Feb. 2009.

ities seized 2500 kg from a plane destined for Sierra Leone.<sup>94</sup> Nearly a year later, on 12 July 2008, authorities at Lungui Airport in Sierra Leone seized a plane containing 700 kg of South American cocaine worth an estimated \$35 million.<sup>95</sup> In September 2006, the authorities in Guinea-Bissau announced the seizure of 674 kg of cocaine which had been delivered via air, and in April 2007, authorities in Guinea-Bissau seized a 635 kg consignment of cocaine which had been flown into a military airstrip.<sup>96</sup> The growth of this phenomenon led the chief of the general staff of the Guinea-Bissau armed forces to announce the deployment of anti-aircraft artillery in that state's archipelago and the seizure of aviation fuel by the armed forces.<sup>97</sup>

Twin prop aircraft typically depart from Colombia or Venezuela flying at an altitude of 2000 metres and land at airstrips in central Guinea before the cargo is escorted via road to other sites or the capital, Conakry.<sup>98</sup> The EU police agency Europol has reported that aircraft are also being used to drop cocaine in international waters for pickup by vessels to deliver to the European mainland.<sup>99</sup> West African cocaine seizures have increased considerably in recent years. The amount seized in the first nine months of 2007 was over 60 times higher than in the first nine months of 2002.<sup>100</sup> Given the lack of resources at the disposal of West African states, particularly the absence of radar, surveillance and interceptor aircraft, it is estimated that the seizures capture only a small proportion of the total air shipments.<sup>101</sup>

In Colombia, air transport has been identified as playing a central role in the movement of cocaine—Colombia's principal war commodity—and other war economy commodities both domestically and to transit points and external markets in Africa, Central and North America. A US official has identified individuals operating air cargo carriers linked to transnational organized crime networks as supplying SALW to non-state actors.<sup>102</sup> These include attempts to ship SALW to Colombia by Viktor Bout, identified in court documents and by the US DEA as involved in the attempted supply of weapons to US-designated terrorist groups such as the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC). Earlier SALW deliveries to non-state

<sup>94</sup> Destrebecq, D., *Cocaine Trafficking in Western Africa*, Situation Report (United Nations Office on Drugs and Crime: Vienna, Oct. 2007), p. 16.

<sup>95</sup> Long, H., 'Record cocaine haul in Sierra Leone', Reuters, 14 July 2008; and Pratt, R., 'Sierra Leone: Kemoh Sesay "aware" of cocaine plane', *Concord Times* (Freetown), 22 Jan. 2009.

<sup>96</sup> UN Office on Drugs and Crime (UNODC), *Cocaine Trafficking in West Africa: The Threat to Stability and Development (with special reference to Guinea-Bissau)* (UNODC: Vienna, Dec. 2007), p. 15; Destrebecq (note 94), p. 14.

<sup>97</sup> UN Office on Drugs and Crime (UNODC) (note 96), p. 13.

<sup>98</sup> UN Integrated Regional Information Network (IRIN), 'Guinea: drug trade potentially more dangerous than Guinea-Bissau', 10 Oct. 2008, <<http://www.irinnews.org/report.aspx?ReportId=80865>>.

<sup>99</sup> Europol, *Project COLA: European Union Cocaine Situation Report 2007* (Europol: The Hague, 5 Sep. 2007), p. 4.

<sup>100</sup> de Andres, A. P., *West Africa Under Attack: Drugs, Organized Crime and Terrorism and the New Threats to Global Security*, UNISCI Discussion Papers no. 16 (Research Unit on International Security and Cooperation: Madrid, Jan. 2008), p. 213.

<sup>101</sup> de Andres (note 100).

<sup>102</sup> Braun, M. A., Assistant Administrator, Chief of Operations, US Drug Enforcement Administration, Interview with the author, Pentagon City, Washington, DC, 16 July 2008.

actors deriving revenue from narcotics flows in South America by air cargo carrier have also been documented.<sup>103</sup> In addition to supplying arms, air cargo carriers also play a role in servicing more traditional extractive industries such as those involving minerals and oil.<sup>104</sup>

The circumstances surrounding air cargo operations that involve illicit narcotics appear to share a number of other similarities with illicit SALW movement. The aircraft associated with illicit narcotics flows appear to have more mechanical problems, crashes or other safety-related incidents than licit cargo flights.<sup>105</sup> They also appear to violate air safety standards and other national aviation laws and international standards in a manner similar to SALW traffickers.<sup>106</sup> As with air cargo carriers from Africa, Central Asia, Eastern Europe and the Middle East, aviation companies in Central and South America involved in cocaine trafficking may operate or be registered in permissive environments with little CAA oversight. In at least one case involving an air cargo carrier trafficking cocaine, the company itself was established by members of the Panamanian CAA.<sup>107</sup> In a pattern similar to that found in African states, the air cargo carrier's owners included members of the ruling elite.<sup>108</sup> In Central America, phoney radio call-signs are used and night-time flights are an indication of the potentially illicit nature of the flight.

#### *Type of aircraft involvement in drug trafficking networks*

The aircraft that have been interdicted or detected as transferring cocaine from South America to Africa, North America or Europe have generally been of a smaller type than those aircraft typically used by air cargo carriers in Africa transporting SALW or other war economy commodities. Aircraft typically used to transport cocaine from South America to West Africa include twin prop aircraft such as the Cessna 441, the King Air E90 and the Cessna Conquest II.<sup>109</sup> Aircraft typically used to transport cocaine from South to North America include the Aero Commander, the Convair 580, Cessnas, King Airs as well as executive jets such as the Gulfstream with the seats removed.<sup>110</sup> In general, smaller, twin prop

<sup>103</sup> In Mar. 1999 a Ukrainian-registered Ilyushin 76 was contracted to air-drop large quantities of SALW obtained in Jordan to the FARC in Colombia. Associated Press, 'Peru's ex-spy master faces verdict in international arms trafficking case', *International Herald Tribune*, 20 Sep. 2006.

<sup>104</sup> Rempel, W. and Pyes, C., 'Ukraine supplying planes to Colombia drug traffickers', *Los Angeles Times*, 20 Feb. 1996.

<sup>105</sup> Most incidents involving aircraft carrying narcotics are recorded because a plane crashes or some other form of mechanical failure occurs, which either delays departure, alters route or leads to unauthorized landing. Since there is no independent variable to measure the total number of narcotics flights, this evidence can only be presented in anecdotal form.

<sup>106</sup> Pyes, C. and Rempel, W., 'Plans for cargo service turn into fly-by-night operation', *Los Angeles Times*, 20 Feb. 1996.

<sup>107</sup> Air Transport Database (ADTB), <<http://www.aertransport.org>>.

<sup>108</sup> Pyes and Rempel (note 106).

<sup>109</sup> Brown, T., 'FBI probes purchases of US aircraft by drug lords', Reuters, 4 Feb. 2008.

<sup>110</sup> A Gulfstream G1159 carrying approximately 3.3 metric tonnes of cocaine crashed in Tixkokob, Mexico, on 24 Sep. 2007. 'Cocaine-laden plane crashes in Mexico jungle', Reuters, 24 Sep. 2007.



aircraft fitted with extra fuel tanks, tinted windows and robust locks typically fit a narcotics trafficking profile.<sup>111</sup>

However, larger aircraft comparable with those used by air cargo carriers operating in Africa have been involved in recent drug smuggling activities and significant seizures. In 2006 a Boeing DC-9 originating from Venezuela was seized in Mexico with 5.6 tonnes of cocaine, 'one of the largest in recent history in Mexico'.<sup>112</sup> The systematic use of larger aircraft was first documented over 25 years ago: SETCO Aviation, described in a 1983 US Customs Investigative Report as a 'corporation formed by American businessmen who are dealing with [convicted cartel leader] Juan Matta Ballesteros are smuggling narcotics into the United States'.<sup>113</sup> SETCO utilized a fleet of standard C-47 cargo aircraft.<sup>114</sup> According to US Customs and the CIA, it shipped cocaine to the US, as well as weapons and humanitarian aid from the USA.<sup>115</sup> According to a US Department of Defense (DOD) counter-narcotics cable, SETCO aircraft transported narcotics concealed under dried fish through Honduras.<sup>116</sup> In a 1994 report on trafficking aircraft, the US Central Intelligence Agency (CIA) predicted that 'smugglers would turn away from traditional drug-running planes and try to gain access to Russian-made aircraft like the AN [Antonov]-32'.<sup>117</sup> At least 15 Antonov-32B aircraft, described as the 'ultimate smugglers' plane' by the US DEA, were identified by the US Government as sold to Colombia and Panama between 1993 and 1996.<sup>118</sup> These aircraft were operated by a Panamanian air cargo carrier linked to narcotics traffickers.<sup>119</sup> These aircraft were subject to a criminal investigation by Ukraine's security service which linked the aircraft and Ukrainian pilots to alleged drug smuggling and money laundering between Panama and Colombia.<sup>120</sup> The Antonov's manufacturer representative in Colombia was identified by the US DEA as an intermediary in purchasing the aircraft that went to traffickers.<sup>121</sup> In addition to the Antonov-32s, a significant number of French-manufactured Caravelle jetliners were utilized by the Cali cartel during the 1990s. In one incident in 1994 a Caravelle jetliner was seized at an isolated airstrip in the northern

<sup>111</sup> See *Anton Gregory Zukas, Petitioner v. United States of America*, Brief for the United States, no. 88-291, Oct. 1988, <<http://www.usdoj.gov/osg/briefs/1988/sg880371.txt>>.

<sup>112</sup> Crespo, A., 'Mexican authorities seize 5.5 tons of cocaine on plane coming from Venezuela', *cnn.com*, 12 Apr. 2006, <[http://edition.cnn.com/2006/US/04/12/wednesday/index.html?section=cnn\\_latest](http://edition.cnn.com/2006/US/04/12/wednesday/index.html?section=cnn_latest)>; and US Department of State, Bureau of International Narcotics and Law Enforcement Affairs, US Government Assistance, International Narcotics Control Strategy Report, Mar. 2007, <<http://www.state.gov/p/inl/rls/nrcrpt/2007/vol1/html/80853.htm>>.

<sup>113</sup> US Central Intelligence Agency (CIA), Office of the Inspector General and Investigations staff, 'Pilots, Companies and Other Individuals Working for Companies Used to Support the Contra Program', *Volume II: The Contra Story*, 8 Oct. 1998, <<https://www.cia.gov/library/reports/general-reports-1/cocaine/contrastory/pilots.html#6>>.

<sup>114</sup> AeroTransport Data Bank (note 28).

<sup>115</sup> Central Intelligence Agency (note 113).

<sup>116</sup> Central Intelligence Agency (note 113).

<sup>117</sup> Richter, P., 'Ukraine vows to probe plane-drug ties', *Los Angeles Times*, 22 Feb. 1996.

<sup>118</sup> Richter (note 117).

<sup>119</sup> Pyes and Rempel (note 106).

<sup>120</sup> Kempster, N., 'Ukraine leader to face questions on drug ties', *Los Angeles Times*, 21 Feb. 1996.

<sup>121</sup> Richter (note 117).

Mexican state of Zacatecas with 10 tonnes of cocaine worth approximately \$200 million.<sup>122</sup>

### **Air cargo carrier involvement in other smuggling activities**

In addition to transporting conflict-sensitive commodities in Africa and South America, air cargo carriers have been documented as playing a key role in the supply of commodities traded as part of political economies which emerged during conflict in the former Yugoslavia from 1992 to 2001. Transnational organized crime networks based in southern Italy and Switzerland worked through multinational tobacco companies to ship large quantities of duty-free cigarettes to the Balkans, which were then smuggled into the EU and Middle East.<sup>123</sup> The Anti-Fraud Unit of the European Commission documented the involvement of an Ilyushin 76 aircraft in these activities, which were part of a much wider operation according to court documents lodged by the European Commission and EU member states.<sup>124</sup> This smuggling operation was facilitated by the political leaderships of a number of Balkan states, which also involved leading individuals from paramilitary groups and state security services.<sup>125</sup> Documents submitted by the EU to US courts state that air cargo carriers transported cigarettes as part of a smuggling and money-laundering operation involving Cyprus-based companies operated by Iraqi businessmen that channelled cigarettes to Saddam Hussein's regime in Iraq and designated groups such as the Kurdistan Worker's Party via circuitous routes, one variant of which involving Puerto Rico, the EU, Cyprus, Lebanon and Turkey.<sup>126</sup>

Iraq and Iran remain important targets for cigarette smuggling networks, and as recently as 2006, air cargo carriers involved in destabilizing SALW shipments were bidding on offers to transfer significant quantities of cigarettes to airports in Kurdistan outside central government revenue control.<sup>127</sup> In addition to the Balkan and Middle Eastern cigarette smuggling operations, the European Commission and EU member states' complaint to US courts also specified the involve-

<sup>122</sup> 'Jury ties Mexican to drug funds—former official found to have taken millions', *Boston Globe*, 16 Mar. 1997.

<sup>123</sup> Griffiths, H., 'Smoking guns: European cigarette smuggling in the 1990s', *Global Crime*, vol. 6, no. 2 (May 2004).

<sup>124</sup> European Commission, 'Fight against fraud', Annual Report 1997, COM(98) 276 final, Brussels, 6 May 1998.

<sup>125</sup> Griffiths, H. and Igric G., 'Djukanovic smuggling claims persist', Balkan Crisis Report, Institute of War and Peace Reporting, 23 July 2003, <[http://www.iwpr.net/?p=bcr&s=f&o=156582&pc\\_state=henibcr200307](http://www.iwpr.net/?p=bcr&s=f&o=156582&pc_state=henibcr200307)>.

<sup>126</sup> 'For example, in June 1991, the RJR DEFENDANTS sold and delivered directly to Abdel Damirji seven full air-cargo shipments consisting of approximately 17,000 master cases of RJR cigarettes.' US District Court, Eastern District of New York, *The European Community acting on its own behalf and on behalf of the member states it has power to represent complaint RJR Nabisco, Inc et al.*, pp. 64, 74; and Shelly, L. and Melzer, S., 'The nexus of organized crime and terrorism: two case studies in cigarette smuggling', *International Journal of Comparative and Applied Criminal Justice*, vol. 32, no.1 (spring 2008), p. 8.

<sup>127</sup> World Health Organization, *The Cigarette 'Transit' Road to the Islamic Republic of Iran and Iraq: Illicit Tobacco Trade in the Middle East*, 2nd edn, WHO-EM/TFI/048/E (World Health Organization: Cairo, 2008); and Air cargo company executives, Interviews and email correspondence with the author, Sarajevo, May 2006.



ment of Colombian cocaine cartels participating in cigarette smuggling and money-laundering operations centred around Spain.<sup>128</sup>

Linkages to such illicit flows and war economies in the Balkans, the Middle East, South and Central America demonstrate that air cargo carriers can play a crucial facilitator role in a variety of other fragile regions, states or conflict zones. This demonstrates their relevance to clandestine trade flows outside Africa.

The following chapter shows how despite such documented involvement in conflict-sensitive commodity flows across a range of states and continents, such actors are often subcontracted into humanitarian aid, peace support and stability operations designed to ameliorate some of the very wars fuelled by their destabilizing deliveries.

<sup>128</sup> US District Court (note 126), pp. 45–47.

## 4. The role of air cargo carriers in humanitarian aid and peacekeeping operations

A number of governmental, intergovernmental and NGO officials recognize that air cargo carriers named in UN Security Council and other arms trafficking-related reports have accessed and continue to access significant humanitarian aid, peace support, stability operation and defence logistics supply chain contracts. However, other than sporadic media reports, there have been few open-source references to the problem in policy-oriented documentation.<sup>129</sup> These markets have been comprehensively penetrated by arms traffickers: at least 90 per cent of intercontinental air cargo carriers named in UN Security Council and other arms trafficking-related reports have also supplied UN agency, EU and NATO member state government departments, NGO and private contractors in Africa, Europe and the Middle East.<sup>130</sup> Air traffic control records indicate that air cargo carriers involved in humanitarian aid contracts and documented by the UN as involved in destabilizing commodity flows are also integrated into licit markets supplying a variety of legal, consumer goods to African states while transporting foodstuffs and other raw materials to Europe and the Middle East.<sup>131</sup>

The analysis used here provides qualitative indicators of this phenomenon through country-, organization- and air carrier-specific case studies, some of which are summarized in this Policy Paper. The quantitative measurement used compares the total number of air cargo carriers repeatedly documented in open sources as having operated on behalf of humanitarian aid, peace support and stability operations in Africa and the Middle East with a list of air cargo carriers collated from UN and other arms trafficking-related reports. A number of air cargo companies that have been involved in humanitarian aid, peace support, stability operations or defence logistics contracting chains are also documented as having been involved in illicit narcotic, arms or tobacco flows associated with transnational organized crime networks based in Eastern Europe and the Middle East—these are type-3 operators (see chapter 2). Other air cargo carriers named in UN Security Council and other arms trafficking-related reports and involved in humanitarian aid are owned or associated with East European state arms manufacturers or ministries of defence that play a role in the supply of arms to African conflict markets—these are type-4 operators (see chapter 2).

<sup>129</sup> Cross, P., Flew, C. and McLean, A., 'Evidence and analysis: tackling the availability and misuse of small arms in Africa', Paper prepared for the Commission for Africa, Saferworld, Sep. 2004, <[http://www.commissionforafrica.org/english/report/background/cross\\_et\\_al\\_background.pdf](http://www.commissionforafrica.org/english/report/background/cross_et_al_background.pdf)>, p. 12.

<sup>130</sup> Authors' survey (note 9). This figure arises from a desk-top survey of air cargo carriers documented as involved in non-scheduled, ad-hoc charter services to and within Africa and the Middle East on behalf of UN agencies, NATO and EU member state governments, NGOs and defence contractors.

<sup>131</sup> Air traffic control and international civil aviation officials, Interviews with the author, Sep. 2005–Dec. 2008.

### **Air cargo carriers connected to humanitarian aid**

Various UN agencies, EU and NATO member state government departments, humanitarian NGOs and defence contractors have used these types of air cargo carriers for single and multiple delivery operations over periods ranging from less than 48 hours to 10 years.<sup>132</sup> UN missions have continued to contract aviation services from companies that have been named in UN Security Council reports for wholly illicit arms movement and have been recommended by the UN for a complete aviation ban. For example, UN peacekeeping missions in Sudan have continued to use aircraft operated by Badr Airlines even after the UN Security Council recommended an aviation ban be imposed on the carrier in response to arms embargo violations. Badr Airlines partners with other organizations—including African Logistic Support Service—to provide logistics services to a range of Sudanese Government and UN agencies.<sup>133</sup> Trans-Attico is another Sudanese-registered air cargo carrier integrated into humanitarian aid logistics supply chains that is a serial arms embargo violator.<sup>134</sup> Trans-Attico is part of the JAMA group, a larger business concern comprising other Sudanese air cargo carriers which include Juba Air Cargo, Ababeel Aviation and Air West.<sup>135</sup> The UN Children's Fund (UNICEF) and the International Medical Corps (IMC) used the services of Juba Air Cargo after the operator had been documented by the UN as violating the arms embargo.<sup>136</sup> Juba Air Cargo states that their clients have included a significant number of other major humanitarian actors over the years, including three UN organizations, while Ababeel Aviation, reported as having violated the UN arms embargo on Darfur, states that it holds contracts with UN agencies such as the World Health Organization (WHO).<sup>137</sup>

Individuals documented as involved in transnational organized crime networks have also penetrated licit markets. For example, under Tomislav Damnjanovic, Kosmas Air flew humanitarian aid missions from Austria, the Czech Republic, Denmark, Estonia, the Netherlands, Spain and Switzerland to destinations in South East Asia in 2005.<sup>138</sup> After he was removed from Kosmas Air, Damnjanovic established Air Tomisko. Both of these companies specialized in

<sup>132</sup> AeroTransport Data Bank (note 28).

<sup>133</sup> ALS states that its clients include the Sudanese Government and police, the UN Mission in Sudan (UNMIS), Danish Camp Supply, the African Union (AU), the International Organization for Migration (IOM) and the UN Office for the Coordination of Humanitarian Affairs (UNOCHA). ALS Service website, <<http://www.als-sd.com/recentclients.html>>.

<sup>134</sup> Logistics Information Platform, Relief Flight Schedule, United Nations Joint Logistics Centre data, <[http://www.logcluster.org/sudan/coordination/unjlc-bulletins/.../unjlc\\_sdn\\_bulletin-14\\_annex-a\\_summary-of-nfs-flight-chart\\_040617.xls](http://www.logcluster.org/sudan/coordination/unjlc-bulletins/.../unjlc_sdn_bulletin-14_annex-a_summary-of-nfs-flight-chart_040617.xls)>. See United Nations, S/2007/584 (note 13), pp. 7, 38–39.

<sup>135</sup> AeroTransport Data Bank (note 28).

<sup>136</sup> United Nations Joint Logistics Centre, South Sudan Logistics Coordination Meeting, Minutes, 17 Sep. 2008.

<sup>137</sup> The clients listed by Juba Air Cargo include: the UN Development Programme (UNDP), the UN Office of Project Services (UNOPS), the UN Food and Agriculture Organization (FAO), the International Committee of the Red Cross (ICRC), Concern Worldwide, Action Contre la Faim and the Swedish Free Mission (SFM) Sudan. Juba Air Cargo website, <<http://jubacargo.net/Clients.htm>>. Ababeel Aviation is reported as holding contracts with the WHO to deliver food and medicine. Kebasso (note 86).

<sup>138</sup> See the Kosmas Air website, <<http://www.kosmasair.co.yu/>>.

SALW transport for a variety of NATO member states and US defence contractors. Kosmas Air in 2004 and 2005 made 70 flights to Iraq from the Balkans, the Baltic states and Central Europe carrying arms and ammunition destined for the new Iraqi security forces.<sup>139</sup> In addition, during the period 2004–2006 Damjanovic shipped weapons and military equipment on behalf of US contractors including General Dynamics, KBR and Taos Industries.<sup>140</sup> Damjanovic also claimed to have moved large quantities of US currency to pay Iraqi Government employees and coalition-contracted officials in various parts of the country.<sup>141</sup> In addition to Kosmas Air and Air Tomisko, Damjanovic also worked with Aero-com, Aerolift, Bright Aviation Services, GST Aero and Jet Line International—which are all documented as involved in humanitarian aid, peace support, stability operations or defence logistics supply chains operating on behalf of EU and NATO member state government departments and NGOs and are all named in UN and other arms trafficking-related reports.<sup>142</sup>

US private military companies have hired air cargo carriers and aircraft to transport African peacekeepers and humanitarian aid which have also been documented in UN reports as involved in the trafficking of arms to militias which the US government have designated ‘global terrorists’.<sup>143</sup> This apparent lack of due diligence extends to DynCorp, a ‘military and intelligence contractor’ specializing in aviation logistics and security services on behalf of the US Government.<sup>144</sup> In 2008 and 2009, DynCorp contracted Aerolift, a company documented in a 2006 UN Security Council Sanctions Committee report as illicitly supplying ‘assault rifles, hand grenades, mines, PKM machine guns, [light anti-tank weapons], surface to air missiles, multiple rocket launchers, different calibres anti-aircraft guns, anti-tank guns and heavy machine guns’ to al-Shabaab, an Islamist organization that controls much of southern Somalia.<sup>145</sup> The UN stated in 2006 that the recipient of the arms was Sheikh Mukhtar Roboow.<sup>146</sup> The US State Department alleges that Roboow provides ‘logistical support to Al-Qaida’.<sup>147</sup>

Other companies named in UN and other arms trafficking-related reports have also continued to work for a wide variety of UN agencies, and EU and NATO

<sup>139</sup> Air cargo executives, Interviews with the author, Belgrade, May 2006.

<sup>140</sup> Griffiths and Wilkinson (note 5), pp. vi–ix.

<sup>141</sup> Air cargo executives, Interviews with the author, Belgrade, May 2006.

<sup>142</sup> United Nations, S/2003/937 (note 12), pp. 28–29; United Nations, Security Council, Letter dated 18 July 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council, S/2006/525, 18 July 2006, Annex, p. 18; United Nations, S/2007/584 (note 13), para. 135; Amnesty International (note 34); United Nations, Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo, pursuant to Security Council resolution 1698 (2006), S/2007/423, 18 July 2007, p. 25; and United Nations, S/2006/913 (note 8), p. 16.

<sup>143</sup> US Department of State, ‘Designation of al-Shabaab as a Specially Designated Global Terrorist’, *Federal Register*, vol. 73, no. 53 (18 Mar. 2008).

<sup>144</sup> Stuijt, A., ‘US Dyncorp company confirms crash of its charity flight in Uganda’, *Digital Journal*, 9 Mar. 2009, <<http://www.digitaljournal.com/article/268835>>; and Dyncorp, <<http://www.dyn-intl.com/>>.

<sup>145</sup> United Nations, S/2006/913 (note 8), pp. 15–17; 58–60; and US Department of State (note 143).

<sup>146</sup> United Nations, S/2006/913 (note 8), p. 15.

<sup>147</sup> US Department of State, ‘Somalia: ensuring long-term peace and stability’, Bureau of Public Affairs, 17 Mar. 2008, <<http://www.state.gov/documents/organization/102435.pdf>>.

member state organizations, NGOs and private contractors. These carriers have also developed reciprocal arrangements with other cargo operators also named in UN reports. For example, according to a UN Security Council report, on 7 August 2003 an aircraft using an Astral Aviation call sign transported weapons to Liberia where they were seized by West African peacekeeping forces.<sup>148</sup> Astral Aviation states that since 2003 it has participated in nine disaster relief and humanitarian operations in, among other places, the DRC, Indonesia, Mozambique, Somalia, Sri Lanka and Sudan.<sup>149</sup> The company is on the UN Joint Logistic Centre (UNJLC) air cargo operators list and states that in addition to work for various UN and donor agencies, it has also carried out work on behalf of the African Union and leading NGOs.<sup>150</sup> Its list of partner air cargo operators contains a number of carriers named in UN or other arms trafficking-related reports, among them African International Airlines, Air Navette and Avient Airlines.<sup>151</sup> Two of their three partners also have ties to humanitarian aid: Avient Airlines states that its services have included 'humanitarian missions to conflict areas for the United Nations' and African International Airlines is documented as being contracted on behalf of EU and NATO member state government departments.<sup>152</sup>

UCA is a company with close ties with East European state arms manufacturers or ministries of defence which is also a provider of humanitarian aid for the UN. The UN currently wet-leases aircraft from UCA, which is cited as having been involved in destabilizing arms deliveries to armed forces party to conflicts in the DRC and Angola.<sup>153</sup> Nevertheless, UCA has remained one of the key UN aviation providers in the delivery of humanitarian goods and services: at least 17 UCA aircraft have been contracted for the UN for long-term leasing contracts for between six months and seven years, covering the period 1998–2008.<sup>154</sup> UCA has been

<sup>148</sup> United Nations, S/2003/937 (note 12), pp. 28–29. The peacekeeping forces were part of Economic Community of West African States (ECOWAS) Mission in Liberia (ECOMIL).

<sup>149</sup> Astral Aviation, 'Relief', <<http://www.astral-aviation.com/relief.php>>.

<sup>150</sup> United Nations Joint Logistics Centre, 'Air cargo operators', <[http://www.unjlc.org/sudan/suppliers/south\\_sudan/air\\_cargo](http://www.unjlc.org/sudan/suppliers/south_sudan/air_cargo)>. Astral Aviation states that its clients include Medecins Sans Frontieres, World Vision, ICRC, the International Federation of the Red Cross (IFRC), Medical Emergency Relief International (MERLIN), GOAL, CARE, the AU, Save the Children, etc. Astral Aviation website (note 149).

<sup>151</sup> Astral Aviation, 'Clients', <<http://www.astral-aviation.com/clients.php>>; Amnesty International (AI), 'UK gunrunners fuelling killings, mass rape and torture in Democratic Republic of Congo', AI news, <[http://www.amnesty.org.uk/news\\_details.asp?NewsID=16263](http://www.amnesty.org.uk/news_details.asp?NewsID=16263)>, 5 July 2005; United Nations, S/2006/525 (note 142), p. 26; United Nations, Security Council, Interim report of the Group of Experts on the Democratic Republic of the Congo, pursuant to Security Council resolution 1698 (2006), S/2007/40, 31 Jan. 2007, pp. 14–17; and United Nations, Security Council, Final report of the Panel of Experts on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, S/2002/1146, 16 Oct. 2002, para. 55.

<sup>152</sup> Avient, 'Avient: operations steadily growing', <<http://www.avient.aero/headlines.htm>>. The British Government's Department for International Development (DFID) has contracted a significant number of companies documented in UN and other arms trafficking-related reports including African International Airways to fly humanitarian aid to Haiti, 26–27 Sep. 2004. British Civil Aviation Authority, 'Exemptions issued under regulation 25(3)a of the aeroplane noise regulations 1999 from 1 January 2003', <[http://www.caa.co.uk/docs/589/erg\\_epia\\_exemptions\\_list\\_exceptional.pdf](http://www.caa.co.uk/docs/589/erg_epia_exemptions_list_exceptional.pdf)>.

<sup>153</sup> The 'wet lease' of an aircraft is a leasing arrangement which includes the hire of the crew in addition to the aircraft. The aircraft in this case flies under the lessor's AOC. International Crisis Group (note 34); and Human Rights Watch (note 34).

<sup>154</sup> AeroTransport Data Bank (note 28).

contracted to transport humanitarian supplies and equipment for numerous NGOs as well as EU and NATO member state government departments.

### **Safety concerns regarding air carriers involved in delivering humanitarian aid**

Many of the air cargo carriers documented as being involved in destabilizing or illicit commodity flows as well as in humanitarian aid supply chains have also been banned from EU airspace on safety grounds. Dozens of aircraft belonging to such carriers have crashed in Africa and the Middle East highlighting the fact that aircraft operated by these carriers tend to crash with far greater frequency than companies not documented as involved in such commodity flows.<sup>157</sup> Two recent examples of such crashes include Badr Airlines and Aerolift. On 29 September 2008 an Mi-8 helicopter operated by Badr Airlines for the African Union (AU)–UN Hybrid Operation in Darfur (UNAMID) crashed, killing four crew members.<sup>158</sup> On 9 March 2009 an Ilyushin 76 operated by Aerolift for DynCorp crashed in Uganda following take-off from Entebbe airport.<sup>159</sup> The crash killed 11 people, including three high-ranking Burundian peacekeepers from the AU Mission in Somalia (AMISON) who were travelling together with a reported cargo of humanitarian aid.

Aerolift has an extremely poor safety record: the fatal March crash came three weeks after another crash of an Aerolift Antonov 12 at Luxor in Egypt.<sup>160</sup> The

<sup>157</sup> See the CIT-MAP hull loss table, <[http://www.sipri.org/contents/armstrad/Air\\_Cargo\\_Operators/safety\\_violations.html#hull](http://www.sipri.org/contents/armstrad/Air_Cargo_Operators/safety_violations.html#hull)>. Griffiths and Bromley (note 40), p. 7.

<sup>158</sup> 'UNAMID helicopter crashes near displaced camp in South Darfur', *Sudan Tribune*, 30 Sep. 2008; See also Heavens, A., 'Peacekeepers probe deadly Darfur helicopter crash', Reuters, 29 Sep. 2008.

<sup>159</sup> Stuijt (note 144).

<sup>160</sup> Gill, S., 'Aerolift crashes two freighters within three weeks', Eye for Transport, Newsletter, 10 Mar. 2009, <<http://www.eyefortransport.com/content/aerolift-crashes-two-freighters-within-three-weeks>>. Of the 14 aircraft listed as operated by Aerolift at various stages of their life cycle, 6 are classified as 'destroyed', 2 as 'Ultimate Fate Obscure' while 7 are currently listed as 'active' with other air cargo carriers. Aero-Transport Data Bank (note 28); ATW Daily News, 'Aerolift An-12 crashes on takeoff from Luxor after refueling', 23 Feb. 2009, <<http://www.atwonline.com/news/story.html?storyID=15682>>; and Stuijt (note 144).

poor safety records and high number of crashes when using air cargo carriers documented by the UN as involved in arms trafficking highlight the serious consequences for the safety of personnel and the integrity of humanitarian aid, peace support, stability operations or defence logistics contracting supply chains.<sup>161</sup>

In most cases, those air cargo carriers featuring in UN and other arms trafficking-related reports are contracted into humanitarian aid, peace support, stability operations and defence logistics supply chains by ‘middlemen’—air charter and brokering companies, which issue tenders and subcontract on behalf of their clients. Government departments, UN agencies, NGOs and defence contractors tend to use a relatively small number of air charter companies, most of which are also listed in open sources as using the services of air cargo carriers documented in UN and other arms trafficking-related reports. Although comprehensive measures to deal with these problems have not as yet been adopted by multilateral or supranational organizations, as the following chapter notes, policymakers from a range of EU institutions and member states are becoming increasingly aware of the risks posed by certain air cargo carriers.

<sup>161</sup> Griffiths and Bromley (note 40), p. 7.

## 5. The European Union response

This chapter examines the growing recognition on the part of EU institutions and member states of the role of air cargo carriers in destabilizing transfers of small arms and light weapons and other conflict-sensitive goods. It outlines the various working groups, institutions, EU-funded research and publications that have focused explicitly on the subject as well as contributions from member states. It also documents the evolving efforts to gather and share information, such as watchlists, on these air transport actors. Finally, it draws attention to other related activities in the field of drug interdiction, which may contain lessons for the fight against destabilizing transfers of conflict-sensitive goods by air transport.

### The EU Small Arms and Light Weapons Strategy

Concern over destabilizing or illicit commodity flows has been the entry point for the EU's acknowledgement of the role of a significant number of air cargo carriers operating in Africa, Eastern Europe, the Middle East, Central Asia and South America. In its small arms framework policy document, the 2005 EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and Their Ammunition (EU SALW Strategy), the EU acknowledges the role played by air carriers in this area.<sup>162</sup> This makes the EU the only international body active in both disarmament and air transport regulation to acknowledge the role of air carriers in destabilizing SALW transfers and other conflict-sensitive commodity flows.

The EU SALW Strategy followed on from the EU's European Security Strategy and the EU Strategy against the Proliferation of Weapons of Mass Destruction (WMD), both of 2003.<sup>163</sup> The EU SALW Strategy aims to adopt 'an integrated approach and a comprehensive plan of action' to combat the illicit trade in SALW and their ammunition. One key element of the EU SALW Strategy is the explicit acknowledgement of the phenomena of 'war economies' and 'failing states' and the important role that illicit transfers of SALW and narcotics play. This acknowledgement provided the contextual background for the recognition of the

<sup>162</sup> Council of the EU, EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and Their Ammunition, 5319/06, Brussels, 13 Jan. 2006, p. 3. The EU SALW Strategy built on earlier policy documents in this area, including the joint actions on SALW of Dec. 1998 and July 2002 and the Council common position on arms brokering of June 2003. Council of the EU, Joint Action of 17 December 1998 adopted by the Council on the basis of Article J.3 of the Treaty on European Union on the European Union's contribution to combating the destabilizing accumulation and spread of small arms and light weapons, 1999/34/CFSP, *Official Journal of the European Union*, L9, 15 Jan. 1999; Council of the EU, Joint Action of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP, 2002/589/CFSP, *Official Journal of the European Union*, L191, 19 July 2002; and Council of the EU, Common Position of 23 June 2003 on the control of arms brokering, 2003/468/CFSP, *Official Journal of the European Union*, L156, 25 June 2003.

<sup>163</sup> Council of the EU, 'A secure Europe in a better world: European Security Strategy', Brussels, 12 Dec. 2003; and Council of the EU, 'EU Strategy against the Proliferation of Weapons of Mass Destruction', Brussels, 12 Dec. 2003.



role played by air cargo carriers in destabilizing SALW transfers. In particular, the EU SALW Strategy notes:

The ‘residual conflicts’ sustained by the illicit spread of SALW are blurring the dividing line between armed conflicts and criminality. Contemporary internal conflicts are based less on seeking military advantage than on the total collapse of States, collusion between warring parties or access for certain groups to natural resources and to trade in them, or to control drugs trafficking. They can no longer be viewed as brief interludes in the course of development. Numerous wars today are long-term phenomena.<sup>164</sup>

The EU SALW Strategy reference to ‘war economies’ drew on ongoing debates surrounding ‘new wars’ or ‘network war’ and linked these issues explicitly to SALW, providing the framework for a focus on transportation.<sup>165</sup> Indeed, unlike its UN equivalent, the EU SALW Strategy includes the transportation of weapons as an issue under consideration, specifically referencing ‘illicit brokers and [air cargo] carriers’ and ‘air borders’.<sup>166</sup> Thus the EU SALW Strategy provided the basis for later EU actions intended to address the issue of air cargo carriers involved in destabilizing transfers of SALW.<sup>167</sup>

The EU SALW Strategy implicitly acknowledges the need to monitor SALW movements in conflict zones and briefly outlines some ESDP operational components that could assist in this process when deployed in a crisis response or stability operation role in Africa. For example, the strategy recognizes the important role for ESDP missions in the context of reducing destabilizing SALW transfers with a crucial reference to airspace control.<sup>168</sup> It also makes specific reference to civilian crisis management operations to ‘enhance the EU’s capacity’ involving ‘training, advice, assistance and mentoring’.<sup>169</sup> The EU SALW Strategy also makes specific reference to developing the necessary information-sharing structures and calls for ‘greater horizontal coordination . . . and vertical interaction between expert groups and the PSC [Political and Security Committee]’.<sup>170</sup> The PSC is the most senior and influential permanent EU committee. It is charged with monitoring the EU’s Common Foreign and Security Policy (CFSP)

<sup>164</sup> Other references to war economies include ‘the aims pursued are often short-term in nature and geared towards profit, while the means employed resemble forms of “total warfare”. These new wars are conducted not by armies but by opportunistic armed factions, with no military discipline’. Council of the EU, 5319/06 (note 162), pp. 3–4.

<sup>165</sup> See Kaldor, M., *New and Old Wars: Organized Violence in a Global Era* (Polity Press: Cambridge, 1999); and Raeymaekers (note 54). European Union member state official, Interview with the author, Paris, 25 May 2008.

<sup>166</sup> The United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects A/CONF.192/15 (2001). Council of the EU, 5319/06 (note 162), pp. 11, 12, 13.

<sup>167</sup> European Union official, Interview with the author, Brussels, 8 Dec. 2008.

<sup>168</sup> ‘Step up the EU’s efforts to resolve regional conflicts, making use of all the instruments at its disposal, particularly in the CFSP and ESDP context. Include in the missions of military crisis management operations the establishment of border controls (or control of the air, land and sea space of the conflict zone) or disarmament.’ Council of the EU, 5319/06 (note 162), p. 14.

<sup>169</sup> Council of the EU, 5319/06 (note 162), p. 14.

<sup>170</sup> ‘The Council Secretariat will work closely with the Situation Centre to promote the collection and circulation of information and intelligence from the Member States.’ Council of the EU, 5319/06 (note 162), p. 15.

as well as political control and strategic direction of EU crisis management operations and is thus well-placed to steer ESDP mission SALW-related activities.<sup>171</sup>

The Council Secretariat, through the office of the Personal Representative of the High Representative for SALW and WMD issues, coordinates the implementation of the EU SALW Strategy. The main working group for addressing SALW issues within the framework of air transport is the Working Party for Global Disarmament and Arms Control (CODUN).<sup>172</sup> A number of EU member state CODUN representatives also represent their countries on other EU Working Groups where SALW are an issue, such as the Working Party on Export Controls (COARM). CODUN is the working group most closely associated with the strategy's implementation.<sup>173</sup>

A key reporting element in the EU SALW Strategy is the biannual progress report. Since the content of CODUN and COARM meetings are confidential, the progress reports, together with the programmes and projects of the European Commission, are the key open-source documentation for measuring and assessing the implementation and evolution of the EU SALW Strategy. The first EU progress report showed that within six months of adopting the EU SALW Strategy there was consensus within CODUN on the importance of air cargo carriers in this area, noting that 'most trafficking of illicit SALW is done by air transport'. The report also highlighted two initiatives designed to counter the negative effects of destabilizing SALW on conflict zones in Africa: one focused on air transport and aimed to use 'existing [European and national] legislation to identify ways to fight against the use of EU Member States air space and airports by air-companies for illicit purposes in relation to SALW transfers' and the other on 'fighting against the illicit trafficking of SALW in Africa'.<sup>174</sup>

The progress report mooted different projects that could be implemented via an EU joint action. These included 'arms collection, stockpiles management and security, technical assistance in legislation, [and] export controls' which would address different regions, including the Great Lakes and the Horn of Africa.<sup>175</sup> These projects would be based on the results of a 'concrete assessment' prepared by the EU Situation Centre (SitCen)—a nascent intelligence analysis service housed within the Council Secretariat. The SitCen assessment would focus on 'the situation concerning illicit trafficking of SALW in Africa in its various dimensions, including an analysis of UN embargoes'.<sup>176</sup> The third progress report noted that 'a concept paper containing suggestions for an EU initiative to hinder

<sup>171</sup> Europa Glossary, 'Political and Security Committee', <[http://europa.eu/scadplus/glossary/political\\_security\\_committee\\_en.htm](http://europa.eu/scadplus/glossary/political_security_committee_en.htm)>.

<sup>172</sup> CODUN is composed of representatives of the 27 member states, the European Commission and the Council Secretariat and normally meets on 5 or 6 occasions during each of the 6 month revolving presidencies of the EU Council. In addition to SALW, CODUN covers a range of issues including matters relating to the 1997 Anti-Personnel Mines Convention, the 1993 Chemical Weapons Convention and the 2008 Convention on Cluster Munitions, among others.

<sup>173</sup> European Union member state official, Interview with the author, Brussels, 8 Dec. 2008.

<sup>174</sup> Council of the EU, 10538/06 (note 5), p. 7.

<sup>175</sup> Council of the EU, 10538/06 (note 5), p. 7.

<sup>176</sup> Council of the EU, 10538/06 (note 5), p. 7.

illicit trafficking of SALW by air-transport' was presented at a 2007 CODUN meeting.<sup>177</sup>

The fourth progress report noted that 'Delegations have provided the Council Secretariat/Office of the PR with national points of contact' and referred to a list of air cargo carriers prepared by SitCen for distribution to member state representatives 'using appropriate communication channels'.<sup>178</sup> As SitCen has no relevant field intelligence-gathering capability, it relies on intelligence from member states. In 2007, member states provided this for subsequent collating and analysis to produce an EU list of air cargo carriers of concern. According to an EU official, a total of approximately 46 air cargo carriers, the majority of which coincide with open-source reporting, eventually featured on the final list that was circulated within the Council Secretariat as a classified document.<sup>179</sup>

The air carriers included on the list and information regarding its distribution are not publicly available. The list's confidentiality serves to prevent any company from taking legal action in relation to its inclusion in the document. Some EU officials have stated that, on distribution of the list, member states would be able to monitor their airspace and airports for named carriers and conduct rigorous checks prior to allowing carriers to depart.<sup>180</sup> However, other EU officials have stated that the SitCen list was not distributed widely.<sup>181</sup> Member states requested an updated list during the French Presidency of the EU. However, at the time of writing, SitCen had not produced an updated list.

### **The EU's recognition of the connection between air transport and SALW**

CODUN participants, the member states, the Commission and the Council Secretariat have acknowledged the role played by air cargo carriers in destabilizing SALW flows and recognized the need for improved mechanisms for information sharing. A focus on Community and ESDP instruments, missions and associated agencies may best further the process of monitoring and controlling air transport actors, as significant gaps remain—such as interdepartmental coordination and prioritization—at the national level in a number of member states. For example, proposals aimed at developing EU and local partner capacities in the field of specialized information-gathering and information-sharing techniques have yet to attain the required consensus for adoption at the EU level. It remains to be seen if agreement can be reached or whether other models might be applied.

Two meetings in late 2008 dealt with issues relating to air cargo carriers and destabilizing SALW transfers: in October 2008 the Madariaga Foundation of the

<sup>177</sup> Council of the EU, Third Progress Report on the implementation of the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and Their Ammunition (2007/I), 11025/07, Brussels, 19 June 2007, p. 8.

<sup>178</sup> Council of the EU, Fourth Progress Report on the implementation of the EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and Their Ammunition (2007/II), 15848/07, Brussels, 11 Dec. 2007, p. 6.

<sup>179</sup> European Union officials, Interviews with the author, Brussels, Dec. 2008/Jan. 2009.

<sup>180</sup> European Union official, Interview with the author, Brussels, Sep. 2008.

<sup>181</sup> European Union officials, Interview with the author, Brussels, Jan. 2009.

College of Europe and the Folke Bernadotte Academy organized a two-day workshop on SALW trafficking in conjunction with the EU, and in December 2008 CODUN held a meeting on SALW and their ammunition. Both meetings dealt with issues relating air cargo carriers and destabilizing SALW transfers. The October workshop produced a number of relevant recommendations. The report from the workshop notes that, ‘besides transferring SALW, air carriers in Africa had also been responsible for transporting armed groups and illegally mined minerals and that there was a general need for the aviation sector to be made more accountable’.<sup>182</sup> It also states that, ‘Member States need to develop improved, EU-level, mechanisms for sharing information on illicit trafficking of SALW’. The report includes long-term strategic recommendations for the EU’s programmes in Africa, in particular that ‘two of the eight strategic partnerships of the Africa–EU Joint Strategy, notably the Partnership on Peace and Security and the Partnership on Transport, should be joined up in order to create maximum synergy between the two sets of initiatives’.

The destabilizing role of certain air cargo carriers has also been acknowledged by the European Parliament. The European Parliament’s Alliance of Liberal Democrats in Europe called on the 2008 French EU Presidency to encourage further moves to help limit the destabilizing activities of air cargo carriers.<sup>183</sup> In addition, members of the European Parliament (MEPs) have posed parliamentary questions to the EU Council raising the issue of additional measures being taken against air cargo operators engaged in destabilizing SALW shipments.<sup>184</sup>

### **The role of the European Commission**

Officials from the European Commission have played a key role in the evolution of policies acknowledging the destabilizing role played by certain air cargo carriers. In 2005 Commission-sponsored research highlighted the role that SALW play in other forms of trafficking and clandestine extractive industries.<sup>185</sup> Since at least 2006 Commission officials working for the Directorate-General for External Relations (DG RELEX) and subsequently for the Directorate-General for Development (DG DEV) have commissioned research into SALW movements via air transport, raised the issue within the context of African partnership meetings, and discussed relevant text in policy and programming documents.

<sup>182</sup> Bromley, M., ‘Conflict prevention and the fight against illicit trafficking of SALW in Africa’, Madariaga Foundation, Dialogue forum report, 17 Oct. 2008, <<http://www.madariaga.org/events/events-2008/>>, p. 8.

<sup>183</sup> Alliance of Liberals and Democrats for Europe, Statement to the French Presidency of the European Union, 17 Oct. 2008, <<http://www.alde.eu/en/details/news/alde-calls-for-curbs-on-illegal-arms-trade/>>.

<sup>184</sup> ‘In the light of the recent SIPRI research on the impact of EU air safety bans on the activities of air cargo operators that are suspected of destabilizing arms transfers, does the Council think it is appropriate to consider launching an effort to amend or further tighten existing air safety regulations and increase maritime safety standards accordingly in order to curb transportation of illicit weapons by unsafe transporters?’ European Parliament, EU Code of conduct on arms exports—finding effective means of curtailing illicit arms transfers, Parliamentary questions, 12 Nov. 2008 <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+OQ+O-2008-0117+0+DOC+XML+V0//EN>>.

<sup>185</sup> International Alert, ‘Small arms and light weapons as part of an integrated European Union conflict prevention strategy’, Background paper prepared for the project European Action on Small Arms and Light Weapons and Explosive Remnants of War (UNIDIR: Geneva, 2005), p. 16.

Research undertaken by the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), supported by the Commission through the European Parliament, has provided training materials for South East and East European law enforcement, customs and intelligence agencies mandated to investigate clandestine SALW transfers via air.<sup>186</sup> Ad hoc cooperation and information sharing relating to the investigation and monitoring of air cargo carriers has been developed between Commission-funded initiatives such as SEESAC and ESDP missions. These include task and document sharing between SEESAC and the EU Border Assistance Mission (EUBAM) operating in Moldova and Ukraine.<sup>187</sup>

The nascent Instrument for Stability (IFS) is one of the Commission's main frameworks for addressing the issues of illicit commodity flows, crisis response and transnational organized crime.<sup>188</sup> The IFS is designed to combat multidimensional threats and is divided into short- and long-term components.<sup>189</sup> The long-term component of the IFS includes the fight against organized crime and trafficking, specifically drugs and SALW—issues that DG RELEX officials directly connect to air transport actors.<sup>190</sup> More specifically, the IFS Multi-annual Indicative Programme for 2009–11 notes that

the transportation sector represents a key 'bottleneck' in the illicit SALW transfer process, notably via air or sea. Companies involved are subject to well-established systems of registration and regulation, particularly in the air sector, but which are often poorly enforced in parts of the developing world. They represent however a potentially effective mechanism of control that could significantly hamper the flow of illicit SALW.<sup>191</sup>

The programme also notes that actions undertaken within the framework of the IFS could address 'improvements in the surveillance, monitoring and regulation of air and sea carriers' as well as efforts to 'develop and support projects with a proven record of impacting upon actors engaged in the illicit trade in SALW'.<sup>192</sup> The programme also notes that action could address the 'promoting, supporting and disseminating the results of research projects developing innovative approaches in the fight against SALW trafficking, including the application of air cargo and maritime safety regulations'.<sup>193</sup>

<sup>186</sup> South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), 'Guns, planes and ships'—identification and disruption of clandestine arms transfers, SEESAC activity report, AR/105, 24 Sep. 2007.

<sup>187</sup> South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons official, Interview with the author, Belgrade, May 2007.

<sup>188</sup> European Commission, *Europeaid, External cooperation programmes*, <[http://ec.europa.eu/Europeaid/where/worldwide/stability-instrument/index\\_en.htm](http://ec.europa.eu/Europeaid/where/worldwide/stability-instrument/index_en.htm)>.

<sup>189</sup> Griffiths, H., 'Trans-national organized crime: identifying and tackling a growing threat', *Peace & Conflict Monitor*, 17 Apr. 2007, <[http://www.monitor.upeace.org/innerpg.cfm?id\\_article=420](http://www.monitor.upeace.org/innerpg.cfm?id_article=420)>.

<sup>190</sup> European Commission (note 188); and European Union officials, Interviews with the author, Brussels, 12 Dec. 2008.

<sup>191</sup> European Commission, *The Instrument for Stability: Multi-Annual Indicative Programme 2009–2011*, C(2009)2941, 8 Apr. 2009, p. 16.

<sup>192</sup> European Commission (note 191), p. 45.

<sup>193</sup> European Commission (note 194), p. 46.

### **The role of EU member states and other international bodies**

In addition to EU institutions, specifically the European Parliament, EU member states have also recognized the potential threat posed by certain air cargo carriers. The government departments, associated agencies or officials of a number of EU member states, including Belgium, Finland, France, Germany, the Netherlands, Sweden and the UK, have previously acknowledged the role of air cargo carriers in destabilizing SALW flows. Some have attempted internal or inter-departmental action to monitor such actors and to reduce their involvement in humanitarian aid- or defence-related logistics contracts.<sup>194</sup>

The promotion of the French Government's initiative on air transport within the EU and other intergovernmental and multilateral organizations such as the OSCE, the UN and the Wassenaar Arrangement is the most notable. In addition to France, other EU member states have acted collectively within these organizations to reach a policy consensus on the destabilizing role of certain air cargo carriers. Belgium and France have pursued initiatives on air cargo carriers via the OSCE's Forum for Security Cooperation (FSC). The FSC has held a number of events linked to illicit trafficking in SALW, including a special meeting dedicated to the illicit trafficking of SALW via air in March 2007. This meeting followed on from a French non-paper 'on illicit air transport of SALW and their ammunition' delivered at the OSCE's January 2006 Economic Forum, which focused on secure transportation in the OSCE region.<sup>195</sup> EU member states were instrumental in pursuing the issue of SALW trafficking by air cargo carriers at both OSCE events and the EU delivered a statement in support.<sup>196</sup>

The OSCE has subsequently adopted a 'best practices' guide to the involvement of commercial air cargo carriers in the export of SALW in November 2008.<sup>197</sup> First agreed within the Wassenaar Arrangement in December 2007, this 'best practices' guide was introduced by EU member states, particularly France. The Wassenaar Arrangement and OSCE best practices note that 'air transport is one of the main channels for the illicit spread of SALW, particularly to destinations subject to a UN arms embargo or involved in armed conflict'.<sup>198</sup> The best practices focus on encouraging states to request more detailed information from exporters when they apply for licences for transfers that will involve the air transport of SALW. States are also encouraged to share information with other Wassenaar Arrangement states about air carriers that fail to comply with such requests or that are involved in transfers which might contribute to a 'destabilizing accumulation' of SALW.

<sup>194</sup> E.g. British Government official, Interview with the author, London, 23 Feb. 2009.

<sup>195</sup> OSCE, 'Secure transportation networks and transport development to enhance regional economic co-operation and stability', 14th Economic Forum of the OSCE, Vienna, 24–25 Jan. 2006.

<sup>196</sup> German EU Council Presidency, 'OSCE: statement by the European Union on the assumption of the Chairmanship of the Forum for Security Co-operation by the Republic of Cyprus', 17 Jan. 2007, <[http://www.eu2007.de/de/News/Statements\\_in\\_International\\_Organizations/January/chairmanshipCyprus.html](http://www.eu2007.de/de/News/Statements_in_International_Organizations/January/chairmanshipCyprus.html)>.

<sup>197</sup> OSCE, 'Introducing best practices to prevent destabilizing transfers of small arms and light weapons through air transport and on an associated questionnaire', FSC.DEC/11/08, 5 Nov. 2008.

<sup>198</sup> Wassenaar Arrangement (note 5).

## The EU's broader approach

In addition to acknowledging the role played by air transport actors in destabilizing SALW flows, the EU—via DG RELEX, community funding instruments, the Council Secretariat, ESDP missions, the member states and associated agencies—has also recognized the role of the same actors in other destabilizing flows, principally cocaine shipments to Europe from South America via West Africa. The recent acknowledgement of this problem has led to the creation of a number of EU-related mechanisms that may (a) contribute best practice elements to the EU's attempts to target destabilizing SALW transfers via air and (b) provide opportunities for synergies.<sup>199</sup>

In February 2008 the EU adopted a joint action establishing the EU mission in support of security sector reform in Guinea-Bissau (EU SSR Guinea-Bissau). Guinea-Bissau is a failing state, where senior military officials allegedly facilitate the trans-shipment of cocaine by Colombian organized crime networks.<sup>200</sup> EU SSR Guinea-Bissau could result in lower levels of corruption and greater accountability within the country's armed forces if the requisite support and resources are provided. The availability of airstrips for trans-shipment purposes might diminish if the requisite internal monitoring, sequencing and mentoring initiatives coupled with external cooperation programmes were put in place.

In addition to security sector reform in trans-shipment states, the European Commission is supporting the Maritime Analysis and Operations Centre–Narcotics (MAOC-N) based in Lisbon, the city which also hosts the European Maritime Safety Agency (EMSA) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). MAOC-N comprises customs, naval, intelligence and law enforcement representatives from France, Ireland, Italy, the Netherlands, Portugal, Spain and the UK. It is designed to combat drug smuggling into Europe from South America and West Africa. Other EU agencies such as Europol participate in MAOC-N, as does the US Joint Inter-Agency Task Force (JIATF) South.<sup>201</sup> While MAOC-N is primarily concerned with monitoring non-commercial maritime shipments, it is also responsible for monitoring transfers via air.<sup>202</sup> The European Commission has also provided financial support for a Mediterranean-focused initiative, CECLAD-M (from Centre de Coordination pour la Lutte Anti-drogue en Méditerranée, Centre for the Coordination of the Anti-drug Fight in the Mediterranean), described as an 'intelligence-led anti-narcotics law enforcement supported military platform'

<sup>199</sup> 'The same criminal networks and trafficking routes are often used to smuggle drugs and drug precursors, small arms and light weapons, and human beings'. European Commission (note 191), p. 14.

<sup>200</sup> EU Mission in support of security sector reform in Guinea-Bissau (EU SSR Guinea-Bissau), <<http://www.consilium.europa.eu/showPage.aspx?id=1413&lang=en>>; and Dabo, A., 'Guinea-Bissau probes state complicity in drug trade', Reuters, 1 June 2007. In Mar. 2009 soldiers assassinated the country's president. Balde, A., 'Soldiers assassinate Guinea-Bissau president', Associated Press, 2 Mar. 2009.

<sup>201</sup> On US Joint Inter-Agency Task Force South see <<http://www.jiatfs.southcom.mil/>>.

<sup>202</sup> British Home Office, 'Maritime centre launched to tackle drugs shipments to Europe', Press release, 30 Sep. 2007, <<http://press.homeoffice.gov.uk/press-releases/maritime-centre-launch?version=2>>.



that is 'aimed at intercepting drug trafficking, by sea and by air, from North and West Africa in the Western Mediterranean Sea'.<sup>203</sup>

Senior EU member state government officials support the EU-coordinated approach pursued by MAOC-N, a position which appears to be borne out by initial drug seizure statistics.<sup>204</sup> These statistics, together with an analysis of information and asset sharing in joint operations against traffickers, might provide the EU and its member states with useful indicators in terms of disrupting SALW and other destabilizing commodity flows.<sup>205</sup> However, a number of caveats should be added. The first is that MAOC-N seizures to date have focused on maritime vessels and not aircraft, making it more difficult to determine whether aspects of the model could be applied in some form to interdicting or reducing destabilizing commodity transfers via air. Second, vessels successfully intercepted as a result of MAOC-N activity are generally travelling towards their consumer markets—the ports and territorial waters of the EU and its neighbours. In contrast, air cargo carriers engaged in destabilizing SALW flows increasingly avoid EU airspace and can afford to do so because their consumer markets and trans-shipment points are primarily in Africa and the Middle East and not the EU.

Moreover, not all counter-narcotics operations that use military assets to target civilian air transport actors have been judged successful. Nevertheless, it is clear from the early stages of MAOC-N that it is possible for both EU member states and outside actors to overcome traditional barriers associated with information sharing to initiate successful multinational interdiction operations which may provide 'lessons learned' that can be partially applied elsewhere.<sup>206</sup>

The MAOC-N approach adopted by the EU in relation to cocaine flows has relevance for EU policymakers in terms of pursuing a more coordinated approach to monitoring air cargo carriers involved in destabilizing SALW transfers. However, the applicability of the model to the field of control is less apparent. Indeed, it seems unlikely that the EU will be able to intercept airborne SALW transfers in a similar manner to maritime shipments without running the risks of incurring the kind of tragedies associated with Air Bridge Denial.<sup>207</sup> The available empirical evidence suggests that the EU should evaluate the examples set by counter-narcotics programmes on a strict case-by-case basis. Moreover, the EU has a unique range of 'soft powers' at its disposal and, as the following chapter outlines, it is these regulations, instruments and associated agencies which have had the greatest impact on air transportation actors engaged in destabilizing SALW flows to date.

<sup>203</sup> European Commission, Directorate-General for Maritime Affairs and Fisheries, Mediterranean and Black Sea, 'non paper on maritime surveillance', 13 Oct. 2008, p. 6.

<sup>204</sup> Morris, S., 'Seven-nation anti-drugs patrol claims early success as 40 tonnes of cocaine are seized', *The Guardian*, 9 Feb. 2009.

<sup>205</sup> European Union official, Interview with the author, Brussels, 12 Dec. 2008.

<sup>206</sup> European Union official, Interview with the author, Brussels, 12 Dec. 2008.

<sup>207</sup> The Air Bridge Denial programme was a US military interdiction programme operated by the CIA which later involved DynCorp, a private military company, as well as the Peruvian military and intelligence service. The programme became embroiled in controversy following the shoot-down of US missionaries.



## 6. The impact of EU air safety bans

This chapter charts the unprecedented impact that EU air safety bans have had on air cargo carriers engaged in destabilizing small arms and light weapons transfers and other conflict-sensitive commodity flows. It highlights the utility of air safety enforcement as an anti-trafficking tool. It also demonstrates the potential of EU-wide transportation bans to work as an EU market access denial mechanism with the power to influence both companies and regulatory authorities in a diverse range of states, including the DRC, Kyrgyzstan, Moldova and Russia.<sup>208</sup>

### Assessing the impact of EU air safety bans

In recent years the EU has taken an active role in the coordination and enforcement of air safety standards among member states. In particular, the EU has created a system of coordinated air safety inspections, carried out by member states. These inspections are the basis of EU-wide flight bans, the so-called 'blacklist'.<sup>209</sup> Compiled by the Commission in agreement with member states, the blacklist can be applied to an individual air carrier, specific aircraft within an individual carrier's fleet or to an entire state's registry of carriers.<sup>210</sup>

In 2008 SIPRI researched the impact of EU air safety bans on the activities of air cargo operators that are suspected of being involved in destabilizing SALW transfers.<sup>211</sup> The results showed that the impact has been profound. A total of 186 air cargo carriers were identified as having been named in a UN or other arms trafficking-related reports between 1998 and 2008. Of these, 80 were identified as having also been barred from entering EU airspace as a result of being listed in European Community (EC) regulations or targeted as a result of EU-led technical inspection missions between March 2006 and June 2008.<sup>212</sup> Hence,

<sup>208</sup> These results were first documented in Griffiths and Bromley (note 40).

<sup>209</sup> The EU's air safety regulations and the criteria for community-wide bans are based on the 1944 Convention on International Civil Aviation, known as the Chicago Convention. Under the Chicago Convention, national civil aviation authorities (CAAs) are responsible for ensuring that aircraft registered within their jurisdiction adhere to certain safety standards as laid down by the International Civil Aviation Organization. Once these criteria are judged to have been met, the CAA is responsible for issuing the AOC, the basic document required for flight operations.

<sup>210</sup> The European Community (EC) is one of the 3 pillars of the EU created under the 1992 Maastricht Treaty. Once adopted, EC regulations become legally binding on member states, which must comply or face sanction. EC regulations are administered by the European Commission and are among the strongest forms of transnational law. They are described as being supranational. The EC works via the Commission's Directorate-General for Transport and Energy (DG TREN) and in consultation with the Air Safety Committee, which is comprised of experts from EU member states, to compile the blacklist.

<sup>211</sup> Griffiths and Bromley (note 40).

<sup>212</sup> This figure includes the 3 air cargo carriers decertified by Serbia but not named in EC air safety regulations and therefore not included in the data set's statistical results. Of these 80 air cargo carriers, information on 55 is primarily derived from UN Security Council reports, 3 from UNDP/SEESAC reports, 4 from Human Rights Watch reports, 13 from Amnesty International reports, 2 from Small Arms Survey reports, 1 from an International Peace Research Institute, Oslo (PRIO) report, 1 from an Associated Press report and 1 from an Oxfam report. In most cases 2 or more sources are available. See Griffiths and Bromley (note 40).

through the application of rigid air safety regulations, the EU has indirectly managed to identify 43 per cent of all the air carriers that have been named in a UN or other arms trafficking-related report between 1993 and 2008. The importance of these statistics increases when the volume of cargo operations and cargo operators is measured in relation to their passenger counterparts. Cargo flights represent only a small fraction of the total number of all flights: as little as 5 per cent in West European states such as the UK.<sup>213</sup> According to the AeroTransport Data Bank, a leading air transportation database, there are 3932 air passenger carriers currently operating and only around 500 air cargo carriers.<sup>214</sup>

While some carriers have continued to operate, the majority have either (a) had their air operating certificate (AOC) withdrawn by their national civil aviation authority (CAA), (b) had their operations curtailed or (c) gone out of business. Of the 80 air cargo carriers, 53 have been reported as formally decertified or liquidated. Four others have had their operations restricted. The underlying trends for the surviving 23 companies are generally negative: only 4 of the 23 air carriers not subject to decertification, liquidation or restriction have recorded an operational capacity increase after appearing in EC air safety regulations.<sup>215</sup> At least two of these four carriers receive some measure of state support and are not non-governmental in the generally accepted sense.<sup>216</sup> The remaining 19 carriers have seen their aircraft fleets reduced or remain static. The research also identified 29 air cargo operators with established links to the companies named in UN and other trafficking-related reports that have either been listed in EC air safety regulations or been targeted as a result of EU-led technical inspection missions. Thirteen of these carriers have been reported as formally decertified or liquidated. The 29 linked air cargo carriers also includes 6 carriers registered in Russia and Ukraine which have had their operations restricted.

These statistics are mitigated by the fact that a significant number of the air carriers banned from EU airspace under EC regulations appear to have ceased operations prior to being named in the blacklist.<sup>217</sup> This is in large part because the carriers were registered with a CAA in a state whose safety standards are deemed insufficient and subjected to a registry-wide ban. Nonetheless, at the time of the EC blacklisting, all these companies were still listed in the International Civil Aviation Organization (ICAO) designator list. According to one EU official this makes it likely that any aircraft operating on the basis of that desig-

<sup>213</sup> Safety Regulation Group, *CAP 681: Global Fatal Accident Review 1980–1996* (Civil Aviation Authority: West Sussex, Mar. 1998), p. 17.

<sup>214</sup> Alexandre Avrane, CEO AeroTransport Data Bank, Email correspondence with author, 3 Sep. 2008.

<sup>215</sup> This finding is based on documentation of a carrier's fleet composition in AeroTransport Data Bank (note 28).

<sup>216</sup> Air Koryo is considered to be a component of the Armed Forces of the Democratic People's Republic of Korea (DPRK or North Korea). Wimbi Dira has strong connections to figures within the government of the DRC.

<sup>217</sup> AeroTransport Data Bank (note 28). According to the collated data, up to 15 companies may have ceased operations. See the CIT-MAP Air Cargo Database, <<http://www.sipri.org/contents/armstrad/cit-map>>.

nator could gain permission to fly.<sup>218</sup> Hence, even in these cases, EC blacklisting has, at a minimum, led to the formal curtailment of aircraft, carriers or individuals who could otherwise undertake flights. Furthermore, of the air cargo carriers subject to EC blacklisting due to specific safety concerns relating to that air carrier, all were operational at the time the ban was issued and have previously been named in a UN Security Council or other arms trafficking-related report.

These findings suggest that the more targeted an EC air safety regulation is in terms of individual cargo carriers, the greater the chance that it will result in the ban of a carrier that is active at the time the ban was issued and which is suspected of involvement in destabilizing SALW transfers. In relative terms, EU air safety enforcement measures through bans and inspection missions have led to formal AOC removal and notification in at least 10 times as many cases as any UN asset freeze or listing by the US Department of the Treasury's Office of Foreign Assets Control (OFAC).<sup>219</sup> These developments point to possible means by which existing EC air safety regulations could be modified in order to sustain and enhance the impact they have already had on air cargo carriers with a suspected involvement in destabilizing or illicit SALW transfers.<sup>220</sup>

The enforcement of EC air safety regulations has had an impact on air cargo carriers that have been named in UN and other arms trafficking-related reports because of the linkages between air cargo carriers suspected of involvement in destabilizing or illicit commodity flows and the violation of international air safety norms. This makes them more likely to be affected by EU action in this area. Indeed, available evidence indicates that air carriers involved in destabilizing or illicit arms transfers consistently operate in violation of international air safety regulations. Examples of air safety violations that have been highlighted in relevant UN reports include the falsification of plane registrations, cargo manifests and flight plans and the shipping of munitions without the required dangerous goods licence.<sup>221</sup> Hence, targeting air carriers that violate air safety standards, or improving air safety standards in general, is likely to have a disproportionate impact on the activities of air carriers involved in destabilizing or illicit SALW transfers.<sup>222</sup>

<sup>218</sup> European Union official, Interview with the author, 6 Sep. 2008.

<sup>219</sup> The UN asset freeze list for the DRC comprises just 2 air cargo companies. The Liberian UN asset freeze list, adopted by the US OFAC and the EU via Commission Regulation (EC) No 2024/2005, lists 14 companies which, according to open-source databases and other records, appear to have operated aircraft. However, only 3 companies ceased operations when the various asset freezes were imposed or, subsequently, as a result of these actions. Commission Regulation (EC) No 2024/2005 of 12 December 2005 amending Council Regulation (EC) No 872/2004 concerning further restrictive measures in relation to Liberia, *Official Journal of the European Union*, L326, 13 Dec. 2005; AeroTransport Data Bank (note 28); United Nations, List of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of Security Council resolution 1596 (2005), as renewed by paragraphs 9, 11 and 14 of resolution 1807 (2008), <<http://www.un.org/sc/committees/1533/index.shtml>>; and US Department of the Treasury, Office of Foreign Assets Control (OFAC), Update of OFAC's list of Specially Designated Nationals, 26 Apr. 2005, <<http://www.ustreas.gov/offices/enforcement/ofac/actions/20050426.shtml>>.

<sup>220</sup> On the potential modifications to EC air regulations see chapter 7.

<sup>221</sup> Griffiths and Bromley (note 40).

<sup>222</sup> Griffiths and Bromley (note 40); and Griffiths, H., 'Use of EC air safety regulations to reduce the number of air cargo companies involved in arms trafficking', Presentation to EU Development Committee,

### Illustrating the impact of EU air safety bans

The following case studies illustrate the variety of after-effects that an air cargo carrier may experience after having been barred from entering EU airspace as a result of being listed in EC air safety regulations or targeted as a result of EU-led technical inspection missions.<sup>223</sup> These cases also demonstrate the adaptation and evasion strategies pursued by such carriers will have to be countered should the EU officially recognize the utility of the air safety mechanism in the fight against arms trafficking and other conflict-sensitive commodity movements via air.<sup>224</sup> The intention is not to imply that these air carriers have engaged in illegal activities. Rather, the fact that they have been named in a UN or other arms trafficking-related report is taken as being an indication of the air cargo carrier's possible involvement in destabilizing arms transfers.

Many companies named in UN or other trafficking-related reports and black-listed by the European Commission have been forced to close.<sup>225</sup> Despite recent air safety regulations, some banned carriers continue to operate.<sup>226</sup> In some cases these carriers have moved out of the cargo sector to focus on passenger-only flights.<sup>227</sup> However, other companies using assets belonging to banned carriers remain specifically dedicated to cargo and have continued to deliver small arms and ammunition. Carriers in Africa, Central Asia, Eastern Europe and the Middle East have attempted to negate the effects of the ban or closure by re-registering businesses and aircraft under other company names or in different states in their attempts to acquire another AOC and thus circumvent the ban. These air cargo carriers have had their operations disrupted through AOC withdrawal due to the EU bans. A number of these companies have been listed in recent UN or other arms trafficking-related reports under their new names, or have been forced to re-register their aircraft in other states identified by the UN as operating 'flags of convenience' registries, even if they have maintained their old trading name.<sup>228</sup>

20 Jan. 2009, <<http://www.europarl.europa.eu/activities/committees/publicationsCom.do?language=EN&body=DEVE>>.

<sup>223</sup> On the documentation of air cargo carriers in UN and other arm trafficking-related reports see chapter 2. On all air cargo carriers named in both EC regulations and UN and other trafficking-related reports as well as additional case studies see the CIT-MAP Air Cargo Database (note 217). This independent air safety data has been used to ensure that any statistical anomalies within the EC regulations are not reflected in the CIT-MAP findings.

<sup>224</sup> On possible options to counter these adaptation and evasion strategies see chapter 7.

<sup>225</sup> Companies such as DAS Air Cargo and Dairo Air Services have been forced to close as a result of the EU ban. See Wakabi, M., 'Uganda: cargo liner DAS taxis to a halt', *East African*, 22 Jan. 2008.

<sup>226</sup> Some banned carriers from other states continue to conduct overflights of EU airspace. For example, European air traffic control officials note a number of high-altitude transatlantic flights involving banned carriers. Air traffic control official, Interview with the author, Sarajevo, 10 Mar. 2007.

<sup>227</sup> E.g. Phoenix Aviation, registered in Kyrgyzstan prior to AOC withdrawal and named in a number of arms trafficking-related reports, has split into 2 companies. One company, AVE.com—based in the UAE—now deals exclusively with passenger charter flights serving the Middle Eastern market.

<sup>228</sup> A flag of convenience, also known as an 'open registry', is when the registry of a commercial craft operates under a foreign flag in order to profit from less restrictive regulations. In such circumstances, a vessel or ship's registration is different from the nationality of its owner. E.g. after all of the air carriers in Kyrgyzstan were subject to a blanket ban by the European Commission in 2007, British Gulf International changed its civil aviation registry from Kyrgyzstan to Sao Tome and Principe.

*Case study 1. Phoenix Aviation, Kyrgyzstan*

Phoenix Aviation, a Kyrgyz-registered air cargo company, was barred from EU airspace by an EC regulation on 22 March 2006 on the grounds that it had its 'principal place of business in the UAE, contrary to the requirements of Annex 6 to the Chicago Convention'.<sup>229</sup> Phoenix Aviation has been named in a number of UN or other arms trafficking-related reports. For example, a June 2006 report in *The Mail & Guardian* contained allegations of links between Phoenix Aviation and Viktor Bout.<sup>230</sup> Meanwhile, a UN Security Council report of March 2003 alleged that aircraft chartered from Phoenix Aviation had been used to ship arms to Somalia.<sup>231</sup> In October 2006 the EU reported that the Kyrgyz authorities had provided them with evidence that Phoenix Aviation's AOC had been withdrawn and had subsequently ceased operating.<sup>232</sup> Phoenix staff now operate a passenger-only air charter service.

*Case study 2. Reem Air, Kyrgyzstan*

Reem Air, a Kyrgyz-registered air cargo company, was barred from EU airspace by an EC regulation on 22 March 2006 due to 'verified evidence of serious safety deficiencies' identified by Dutch officials during a ramp inspection.<sup>233</sup> Reem Air has been named in a number of UN or other arms trafficking-related reports. For example, a 2006 report by the Panel of Experts concerning the arms embargo on the DRC stated that Reem Air had been involved in a 2004 transfer of arms from Bulgaria to Rwanda.<sup>234</sup> In March 2007 the EU reported that the Kyrgyz authorities had provided them with evidence that Reem Air's AOC had been withdrawn and had subsequently ceased operating.<sup>235</sup> European air traffic control records indicate that Reem Air did not base their aircraft in Kyrgyzstan. Reem Air most frequently used the Gomel Airport in Belarus.<sup>236</sup> Subsequent to Reem Air's decertification in Kyrgyzstan, a majority of its aircraft were transferred to a Belarus operator, Gomel Avia.<sup>237</sup>

<sup>229</sup> Commission Regulation (EC) No 474/2006 (note 238), p. 18.

<sup>230</sup> Strumpf, D. and Dawes, N., 'Khalid Rashid: govt's cover is blown', *Mail & Guardian* (Johannesburg), 9 June 2006.

<sup>231</sup> United Nations, Security Council, Report of the Panel of Experts on Somalia pursuant to Security Council resolution 1425 (2002), S/2003/223, 25 Mar. 2003, para. 68–70.

<sup>232</sup> Commission Regulation (EC) No 1543/2006 of 12 October 2006 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council and as amended by Regulation (EC) No 910/2006 (Text with EEA relevance), *Official Journal of the European Union*, L283, 14 Oct. 2006, p. 28.

<sup>233</sup> Commission Regulation (EC) No 474/2006 (note 238), p. 18.

<sup>234</sup> United Nations, S/2006/525 (note 142), p. 18.

<sup>235</sup> Commission Regulation (EC) No 235/2007 of 5 March 2007 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community (Text with EEA relevance), *Official Journal of the European Union*, L66, 6 Mar. 2007, p. 5.

<sup>236</sup> European air traffic controller, Interview with the author, Sarajevo, 10 Mar. 2007.

<sup>237</sup> AeroTransport Data Bank (note 28).

*Case study 3. Silverback Cargo Freighters, Rwanda*

Silverback Cargo Freighters, a Rwandan-registered air cargo company, was barred from EU airspace by an EC regulation on 22 March 2006 due to ‘verified evidence of serious safety deficiencies’ identified by Belgian officials during a ramp inspection.<sup>238</sup> Silverback Cargo Freighters has been named in a number of UN or other arms trafficking-related reports. For example, a 2006 report by the Panel of Experts concerning the arms embargo on the DRC states that the company had been involved in a 2004 transfer of arms from Bulgaria to Rwanda and subsequently failed to comply with the Group of Experts requests for information about the delivery.<sup>239</sup> Meanwhile, an Amnesty International report from 2005 states that Silverback aircraft were leased to International Air Services, controlled by Duane Egli, an individual on the UN ‘asset freeze’ blacklist.<sup>240</sup> As of May 2009 Silverback Cargo Freighters’ AOC had not been withdrawn or revoked by the Rwandan national authorities.

*Case study 4. GST Aero, Kazakhstan, and East Wing Aviation, Russia*

GST Aero is a Kazakhstan-registered cargo carrier. It was barred from EU airspace by a Commission regulation on 22 March 2006 due to ‘verified evidence of serious safety deficiencies’ identified by Italian officials during a ramp inspection.<sup>241</sup> GST Aero has been named in a number of UN or other arms trafficking-related reports.<sup>242</sup> In March 2007 the EU reported that the Kazakh authorities had provided them with evidence that GST Aero’s AOC had been withdrawn and had subsequently ceased operating.<sup>243</sup> However, in December 2006, aircraft belonging to GST Aero were transferred to East Wing Aviation, another air cargo carrier registered in Russia, and according to AeroTransport Data Bank, East Wing Aviation is the successor to GST Aero. According to a UN Security Council Panel of Experts report on Sudan, an Antonov 12 bearing GST Aero markings and registration number, but which had been operated by East Wing since December 2006, was seen in Chad in May 2007. The panel believed that the aircraft was unloading arms and ammunition.<sup>244</sup> A decision to ban East Wing Aviation on safety grounds was made during a 24–26 March 2009 meeting and the airline was formally banned from EU airspace.<sup>245</sup>

<sup>238</sup> Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council (Text with EEA relevance), *Official Journal of the European Union*, L84, 23 Mar. 2006, p. 18.

<sup>239</sup> United Nations, S/2006/525 (note 142), p. 17.

<sup>240</sup> Amnesty International (AI), *Democratic Republic of Congo: Arming the East* (AI: London, 5 July 2005), p. 32.

<sup>241</sup> Commission Regulation (EC) No 474/2006 (note 238), p. 16.

<sup>242</sup> See United Nations, S/2007/584 (note 13), para. 135; Griffiths and Wilkinson (note 5), pp. vii, viii, ix, 37, 61, and 66; Amnesty International (note 34), p. 122; and Amnesty International (note 240), p. 41.

<sup>243</sup> Commission Regulation (EC) No 235/2007 (note 235), p. 3.

<sup>244</sup> United Nations, S/2007/584 (note 13), para. 135.

<sup>245</sup> Commission Regulation (EC) No 298/2009 of 8 April 2009 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community (Text with EEA relevance), *Official Journal of the European Union*, L95, 4 Apr. 2009, Annex A.



## Explaining the impact of EU air safety bans

The impact of EU air safety bans on air cargo carriers engaged in destabilizing SALW transfers has been widely recognized by individuals within the European Parliament, the European Council and the European Commission. Groups of MEPs drawn from the Parliament's development and foreign affairs committees together with the subcommittee on security and defence have also recognized the role of air transport and the impact that the EU bans have had on certain air cargo carriers. These include the Parliament's Rapporteur for the Instrument for Stability, which is aimed at addressing issues associated with trans-regional and transnational organized crime.<sup>246</sup> A later European Parliament resolution on the EU Code of Conduct on Arms Exports noted the 'impact [EU air safety bans] have had on the activities of air cargo operators that are suspected of being involved in destabilising arms transfers'.<sup>247</sup>

Commission officials from the Directorate-General for Transport and Energy (DG TREN) have been aware for some time of the destabilizing activities of a number of air cargo carriers that have violated international air safety standards.<sup>248</sup> Current initiatives relating to destabilizing air cargo carriers being discussed in the Commission include potential cross-cutting projects involving DG DEV, DG TREN and DG RELEX that would focus on air safety in Africa through at least two of the Africa-EU joint strategy partnerships.<sup>249</sup> The IFS Multi-annual Indicative Programme for 2009-11 states that activities could be undertaken which involved 'promoting, supporting and disseminating the results of research projects developing innovative approaches in the fight against SALW trafficking, including the application of air cargo and maritime safety regulation'.<sup>250</sup> During a January 2009 meeting of the European Parliament Development Committee, officials representing the European Commission and the Council of the EU together with MEPs acknowledged the utility of air safety regulations as an anti-trafficking mechanism.<sup>251</sup>

There are a number of reasons for the impact of EC air safety regulations in this area. The first is the binding and enforceable nature of EC regulations ensures that bans are implemented across the EU as well as being applicable in Iceland, Lichtenstein, Norway and Switzerland.<sup>252</sup> Second, EC legislation can also

<sup>246</sup> Bühler, A., 'Flugverbot für Waffenschieber' [Flying ban for arms smugglers], *Financial Times Deutschland*, 14 Nov. 2008, p. 14.

<sup>247</sup> European Parliament, European Parliament resolution on the EU Code of Conduct on Arms Exports, B6-0621/2008, 1 Dec. 2008 <<http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P6-RC-2008-0619&language=EN>>.

<sup>248</sup> European Union official, Interview with the author, Brussels, 22 Jan. 2009

<sup>249</sup> European Union official, Interview with the author, Brussels, 20 Jan. 2009

<sup>250</sup> European Commission (note 191).

<sup>251</sup> Dicorradò-Andreoni, D., Directorate-General for Development, European Commission, and Giannella, A., Personal Representative of the High Representative for SALW and WMD, General Secretariat of the Council of the European Union, Statements to the European Parliament, Development Committee meeting, 20 Jan. 2009, <<http://www.europarl.europa.eu/activities/committees/publicationsCom.do?language=EN&body=DEVE>>.

<sup>252</sup> Unlike UN treaties, EU law has a direct effect within the legal systems of its member states and overrides national law in many areas. On EU law see (note 210).

have an indirect impact beyond EU borders. For example, via the process of EU enlargement, states in East and South East Europe have to meet certain criteria for membership, including those related to civil aviation and air safety. While EU membership may be some years off for states such as Moldova and Serbia, there remains a need to standardize air safety implementation and operating procedures to ensure that Moldovan or Serbian airlines can operate within the EU.<sup>253</sup>

A third factor is the EU's position as the world's largest economy and a major trading partner for states in Africa, Central Asia, Eastern Europe and the Middle East. A number of EU member states are principal destinations for many of the larger air passenger and cargo carriers based in these regions. As a result, access to European airspace is an important issue for governments, particularly those with strong ties to national air carriers. An EU ban or restrictions on such carriers can have a significant political, economic or financial impact and thus governments are less likely to afford protection to the more dubious cargo carriers operating from registries to which the EC objects on safety grounds. The threat of a blanket ban or more targeted registry-specific action may act as an incentive for decertification cooperation for many CAAs and, increasingly, as a deterrent against practices associated with flags of convenience which are contrary to the principles of the Chicago Convention.<sup>254</sup>

One factor specifically influencing East European states is the reorganization and ongoing transformation of Europe's airspace. National barriers and controls are being reduced as part of processes clustered around air traffic control and regulatory mechanisms associated with the Single European Sky and the European Common Aviation Area.<sup>255</sup> These processes, together with those agencies and institutions now responsible for air safety, will increase the role of EU agencies in the recognition and regulation of third country carriers.

The findings of this study show that attempts to control arms trafficking via air may be best served, in part, through targeted air safety regulation enforcement. As this process moves forward, the Council, the Commission, member states and agencies can use a range of foreign and security policy, development aid and technical assistance instruments and programmes which, when combined with EC regulations and the EU market, may provide an impressive toolbox for combating destabilizing transfers of SALW and other conflict-sensitive commodities.

Despite such adaptation and evasion strategies, introduction of well-calibrated air safety mechanisms provide a number of potential options for EU policy-makers with demonstrably successful, empirically proven examples that may be applied in part elsewhere. Chapter 7 outlines how such 'dual-use' air safety initiatives could be translated into field-based partnerships in Africa.

<sup>253</sup> European Union official, Interview with the author, Brussels, 1 Sep. 2008.

<sup>254</sup> European Union official, Interview with the author, Brussels, 1 Sep. 2008; and Chicago Convention (note 209).

<sup>255</sup> European Union official, Interview with the author, Brussels, 1 Sep. 2008.



## 7. Conclusions: policy options for the European Union

The EU has a range of policy options for improving mechanisms for monitoring and controlling those air cargo carriers that are engaged in the destabilizing or illicit transfer of a range of commodities, including small arms and light weapons, illegal narcotics and tobacco and conflict-sensitive goods.

The options presented here are primarily based around the modification and implementation of existing mechanisms and processes, rather than the creation of new ones. With regards to monitoring these air cargo carriers, ongoing and pre-existing missions, institutions, agencies and mechanisms are assessed in order to provide potential components derived from successful operations that could be incorporated into current EU structures. With regards to controlling these air cargo carriers, only existing mechanisms, legislation, programmes and operations with demonstrable impact or a proven record in reducing, intercepting or transforming non-state actors engaged in destabilizing or illicit commodity flows are discussed.

These options are results-oriented and solution-focused. While maximizing existing synergies, they also save on resources and expenditure by keeping suggestions for additional legislation or regulations, bureaucracy, human resources or investment to a minimum. It should also be noted that efforts in the field of air transport could provide added value to the EU by piloting certain initiatives that could be replicated with amendments in the area of maritime transportation.<sup>256</sup>

### **Adjust supply chain contracts**

A significant number of the air cargo carriers that are involved in destabilizing or illicit commodity flows are also involved in humanitarian aid, peace support, stability operations or defence logistics supply chains. Thus, one immediate policy option would be to effectively adjust current logistics contracting processes. As the world's biggest aid donor, EU institutions and member states together with partners such as UN agencies and NGOs can bring tremendous, coordinated financial influence to bear on air cargo carriers and charter companies. This can be accomplished through the insertion of detailed conditionality clauses into service level agreements (SLAs) and specific conflict-sensitive codes of conduct, backed up by the requisite due diligence and inspection clauses. These adjustments should be focused on creating immediate economic incentives for air cargo carrier, charter and broker companies to alter their behaviour.

A significant number of air cargo carriers documented in UN and other arms trafficking-related reports mainly focus on transporting legitimate shipments related to humanitarian aid, peace support, stability operations and defence

<sup>256</sup> An on-going study on maritime actors and EU-related mechanisms will be published in the latter half of 2009.

logistics or shipments of licit commercial goods, with only occasional involvement in destabilizing commodity flows. The implementation of a coordinated policy by the EU, its member states and partners would have an immediate impact in terms of reducing the pool of air cargo operators prepared to engage in destabilizing commodity flows. Implementation of such a policy could be based around awareness-raising and data-collation tools centred on an Internet-based platform. The site would act as an information clearinghouse with pre-formatted SLAs, codes of conduct, due diligence, inspection clauses and user advice to provide guidance for institutions and logisticians on how to reduce their organization's exposure to companies involved in destabilizing commodity flows.

The widespread use of these companies is partially the result of the urgency that often surrounds humanitarian aid and peace support operations. Limited administrative resources add to the pressures on logisticians and support staff involved in complex and often problematic delivery schedules where cost-effectiveness is an integral factor in any potential solution.<sup>257</sup> Projects based on this policy option should take account of the realities facing aid organizations, particularly those operating in the DRC and Sudan, where a 'least bad' alternative may be the best option. Nevertheless, making air cargo contracts dependent on the adoption of ethical transportation policies on the part of air cargo carriers would better exploit the potential of significant donor aid while at the same time preventing arms traffickers from profiting from such contracts. These conditionality clauses would provide added value to humanitarian aid budget allocations as well as a useful multiplier effect in terms of the air cargo industry as a whole. Within a 6 to 18 month period, an efficient initiative could effect a paradigm shift within the air cargo industry.

The contracting of air cargo carriers engaged in destabilizing or illicit commodity flows to service humanitarian aid and peace support missions is also related to the lack of information on the activities of these actors and a limited awareness of the problems they create. This is due in part to the limited mandates, lack of resources and cooperation afforded to UN Security Council Sanctions Committees' Panels of Experts.

In the past, teams of UN experts and consultants acting on behalf of the six relevant sanctions committees or monitoring groups reporting to the UN Security Council have gathered information on air cargo carriers engaged in destabilizing or illicit commodity flows.<sup>258</sup> The sanctions committees are supported by a small secretariat and are responsible for monitoring embargoes that have covered highly insecure regions (e.g. Darfur, eastern DRC) or states (e.g. Côte d'Ivoire, Liberia, Sierra Leone and Somalia). They are mandated to monitor embargoes that frequently cover tens of thousands of square kilometres with between four and seven full-time and part-time staff.<sup>259</sup> Although special attention is paid to the activities of air cargo operators and other transportation

<sup>257</sup> Van Wassenhove, L. N., 'Humanitarian aid logistics: supply chain management in high gear', *Journal of the Operational Research Society*, vol. 57, no. 5 (May 2006), pp. 475–89.

<sup>258</sup> For a comprehensive study of arms embargoes and sanctions committees see Fruchart et al. (note 7).

<sup>259</sup> United Nations Sanctions Committees website, <<http://www.un.org/sc/committees/>>.

agents, cooperation with UN investigations on the part of governments and associated groups in what are often regional conflicts is often limited or non-existent.<sup>260</sup> In addition, the monitoring of rural airstrips, jungle, mountain or border areas is often rendered more difficult due to restrictions on movement based on security concerns.<sup>261</sup>

Despite these limitations, the reports of the different sanction committees remain the primary source of information on the activities of air cargo carriers engaged in destabilizing or illicit commodity flows. However, this information is not collated or stored by the UN Security Council in a central, open-access repository. Instead, information gathered by UN Groups of Experts, if published by the Security Council, remains ring-fenced in separate sanctions committee reports, some of which are not word-searchable nor available from the UN website.

### **Develop and provide training in sensitization, awareness and reporting**

The UN has limited resources and, in recent years, the mandates of a number of sanctions committees have been reduced. Recent deadlocks over the imposition of arms embargos on Myanmar and Zimbabwe indicate that this situation is unlikely to change. In contrast, the EU has an increasing number of civilian and military officials deployed under a widening array of ESDP missions to locations such as the DRC, Guinea-Bissau, Georgia, Moldova, Somalia and Ukraine—all regions in which destabilizing or illicit commodity flows by air have been documented.<sup>262</sup> The activities of such air cargo carriers are therefore of key relevance to on-going ESDP missions.

Given these factors, EU institutions and member states should introduce sensitization, awareness and reporting training modules into pre-deployment training for civilian and military personnel assigned to ESDP missions. Potential measures could be discussed within the framework of the Political–Military Working Group (PMG) and the Committee for Civilian Aspects of Crisis Management (CIVCOM). There are a variety of established EC funding lines under the Instrument for Stability that might be used to support such activities. There are also a number of EU member state government agencies and independent institutions involved in ESDP and Common Foreign and Security Policy (CFSP) mission training which could include such modules in relevant training courses.<sup>263</sup> EC delegation officials and partners would also benefit from sensitiza-

<sup>260</sup> Canadian Ministry of Foreign Affairs, 'UN sanctions expert panels and monitoring mechanisms: next steps', Human Security Research and Outreach Program, May 2006, p. 5.

<sup>261</sup> See various Groups of Experts and Monitoring Mission reports on the DRC and Somalia.

<sup>262</sup> The missions here are EU Atalanta mission, Somalia (NAVFOR Somalia), the EU Mission in support of Security Sector Reform in Guinea Bissau (EUSSR Guinea Bissau), the EU Monitoring Mission in Georgia, (EUMM Georgia), the EU security sector reform mission in the Democratic Republic of Congo (EUSEC RD Congo), and the EU Border Assistance Mission to Moldova and Ukraine (EUBAM Moldova and Ukraine).

<sup>263</sup> E. g. the Folke Bernadotte Academy provides training for personnel subsequently assigned to ESDP missions and has piloted EU training projects through the EC Project on Training for Civilian Aspects of Crisis Management. See Quille, G. et al., *Developing EU Civil Military Co-ordination: the Role of the New Civilian Military Cell*, Joint Report by International Security Information Service (ISIS) Europe and Military

tion, awareness and reporting training through internal commission training procedures or joint activities with partners in the field. Sensitization, awareness, and reporting training should become institutionalized as part of the preparation of Civilian Response Teams (CRTs) and others involved in ESDP mission logistics and procurement operations. The Civilian Planning and Conduct Capability (CPCC) designed to support ESDP civilian operations could assist in developing a longer-term strategy and a relevant pool of experts.

Training for selected ESDP military personnel or officials assigned to joint military affairs, POLAD roles, SALW movement, air traffic control or CJ2 duties should be prioritized in light of lessons learned from Operation EUFOR-ALTHEA in Bosnia and Herzegovina from 2004 to 2005.<sup>264</sup> Reporting protocols for air transport actor-related intelligence could be directed so as to enhance the level and depth of information on air cargo carriers currently available to the EU's SitCen. The EU Military Staff Intelligence Directorate together with SitCen could further strengthen coordination in this area through raising awareness among EU member state defence intelligence organizations and relevant civilian agencies.

### **Model systems for information gathering, analysis and sharing**

Across the UN system, NATO, the EU, member states, government departments, humanitarian agencies or defence contractors there is no centralized, multi-lateral information collation and dissemination system specifically designed to synthesize reporting on air cargo or other transport actors. EU institution and member state policymakers should support the development of information-gathering, -analysis and -sharing systems that are derived in whole or part from programmes with empirically proven records of affecting transportation actors engaged in destabilizing commodity flows.

Certain open source-based, data-focused programmes adopted by the US DEA provide EU policymakers with possible options. While some military aviation counter-narcotics efforts, such as the Air Bridge Denial programme have raised human rights concerns, led to tragedy and damaged the reputation of the organizations involved, the DEA has managed to develop a range of sophisticated civil monitoring mechanisms to assess air cargo actors for involvement in illicit com-

Centre for Strategic Studies of the Italian Ministry of Defence (CeMiSS) (ISIS Europe/CeMiSS: Brussels, June 2006).

<sup>264</sup> The term POLAD refers to political advisors, and CJ2 is the term used to describe Combined Joint Staff (Intelligence) for NATO and EU peace support and stability operations. Air cargo carriers managed by Serbian and Ukrainian businessmen previously engaged in arms trafficking transported more than 25 million rounds of small arms ammunition and in excess of 50 000 AK-47 derivatives from Bosnia and Herzegovina to Iraq in transports approved from Sarajevo by European NATO and later EUFOR weapons movement officers. Amnesty International (note 34). Failure to document serial numbers prior to shipment from Bosnia and Herzegovina or on arrival in Iraq led to these weapons being declared 'unaccounted for'. US Government Accountability Office (GAO), *Stabilizing Iraq, DOD Cannot Ensure That U.S.-Funded Equipment Has Reached Iraqi Security Forces*, Report to Congressional Committees, GAO-07-711 (GAO: Washington, DC, July 2007). See also European Parliament, Sub-committee on security and defence, 'Arms trafficking from the Balkans', Minutes, SEDE\_PV(2007)1812\_1, Brussels, 19 Dec. 2007.

modity flows, primarily narcotics.<sup>265</sup> These techniques used by DEA narcotics-based are applicable to detecting air cargo carriers engaged in destabilizing transfers of other conflict-sensitive commodities, such as SALW.<sup>266</sup> (For more on these model air intelligence programmes see appendix B.)

### **Amend regulations for further EU airspace denial**

Another relatively simple and inexpensive option available to EU policymakers would be to formally recognize the utility of EC air safety regulations, the EU air safety ban and associated Commission departments and agencies, in limiting the activities of air cargo carriers involved in destabilizing or illicit commodity flows via air. This recognition could be followed by a series of relatively simple steps that would serve to further enhance the impact of EC air safety regulations in this area.

Since the introduction of the EU ban, a significant number of air cargo carriers have either re-registered their aircraft or re-located their company in another country to acquire a new air operating certificate.<sup>267</sup> Under current EC regulations, air safety bans are imposed on individual operators, not the individual aircraft. However, if the aircraft were to be banned from the EU based on its unique Manufacturer Serial Number (MSN), its resale value would automatically fall, heightening the business risk calculation for any aircraft owner.

Until now, the EU's Air Safety Unit has mainly focused on monitoring the compliance with air safety standards by air passenger carriers. Despite the prioritization of air passenger carriers, the Air Safety Unit has also managed to monitor, assess and dialogue with a significant number of air cargo carriers based in a wide variety of states. An additional option available to the Commission would be to increase the resources available to the Air Safety Unit within DG TREN partly in recognition of the unintended impact of the Commission's work in this field to date. This would help to further sharpen the focus on air cargo carriers that are engaged in unsafe practices. Given the financial implications of an EU-wide ban for individual companies and the ties that some operators enjoy with governing structures in Africa, Central Asia, Eastern Europe and the Middle East, officials from the Air Safety Unit may be subject to pressure or intimidation. The potential risk of violence involved in field monitoring, assessments and dialogues with the individuals behind certain air cargo carriers engaged in illicit flows should be taken into account.

Recognizing the impact of EC air safety regulations on air cargo carriers involved in destabilizing or illicit commodity flows would not necessarily lead to air cargo carriers being banned from EU airspace on the grounds of their involve-

<sup>265</sup> E.g. Huskisson, D. C., 'The Air Bridge Denial Program and the shootdown of civil aircraft under international law', *Air Force Law Review* (winter 2005), pp. 141; Olsen, T., 'Missionaries shot down in Peru, mother and infant killed', *Christianity Today Magazine*, 1 Apr. 2004; Jehl, D. and Johnston, D., 'U.S. drops Criminal Inquiry of C.I.A. antidrug effort in Peru', *New York Times*, 6 Feb. 2005; Miller, G., 'CIA lied about shoot-down of missionary plane, report says', *Los Angeles Times*, 21 Nov. 2008; and Braun (note 102).

<sup>266</sup> Griffiths and Wilkinson (note 5), p. 102.

<sup>267</sup> On the effect of EC air safety regulations see chapter 5.

ment in such practices. However, it could lead to the integration of information on their activities into the mechanisms by which air safety inspections are targeted against particular air carriers or registries via the European Aviation Safety Agency's coordinated EC Safety Assessment of Foreign Aircraft (SAFA) programme. Since air carriers involved in destabilizing or illicit arms transfers consistently operate in violation of international air safety regulations, by collating information on air cargo carriers that have been documented as involved in destabilizing or illicit SALW transfers, the EU would have at its disposal a powerful tool for identifying potentially unsafe air cargo carriers and targeting them for inspection.

### **Partner with key African countries to deny African airspace through air safety-related development support**

EU policymakers should adopt programmes that build on the proven empirical application of air safety inspection and enforcement as a mechanism to target unsafe air cargo carriers engaged in destabilizing commodity flows. Industry databases show that unsafe air cargo carriers named in UN Security Council Sanctions Committee reports that are banned from EU airspace are sometimes able to continue operations in African and the Middle Eastern markets. If denied access to key African transit airspace and refuelling nodes due to an air safety ban, a number of unsafe air cargo carriers would cease operations with the concomitant multiplier effect of serving notice on that entire sector of the NGO air cargo industry.

The European Commission should work with African partner states, regional or subregional organizations to support cross-cutting, dual-use capacity-building projects involving two of the eight strategic partnerships of the Africa–EU Joint Strategy: the Partnership on Peace and Security and the Partnership on Transport. Such projects would work within existing structures while creating synergies between different areas of Africa–EU cooperation.<sup>268</sup> Such a dual-use project could build on African efforts to improve air safety through serving as model pilot project at national, subregional or regional level. If sited, designed and implemented in an effective manner, over time such a programme could facilitate a paradigm shift similar in effect, if not scale, to the impact that the EU air safety ban has had. This could have a highly significant multiplier effect in terms of catalysing behavioural and operating pattern change on the part of certain air cargo carriers currently engaged in destabilizing arms flows.<sup>269</sup>

One implementation option available to support partner agencies and organizations would be a capacity-building project to develop a country- or region-focused SAFA which would draw on specific lessons learned from the EC SAFA

<sup>268</sup> Such a recommendation was made at the EU-supported Madariaga Foundation–Folke Bernadotte workshop on illicit trafficking of SALW. Bromley (note 182), p. 8.

<sup>269</sup> Like all businesses, owners of air cargo carriers operate according to a model based on risk analysis. If the risks associated with transporting a particular commodity rise significantly, most owners, even inveterate gamblers will modify operating patterns.

programme with special applicability within an African setting. An inspection list similar in length, scope and content to the SAFA list would form the basis for targeted inspections. This core element would be supported through the provision of training and equipment and the exchange of best practices followed by a period of mentoring, monitoring and evaluation. A commodity-sensitive component could be introduced through sensitization, awareness and reporting training while targeted air safety inspections could be enhanced through the use of risk assessments, profiling techniques and associated information-sharing systems.

Such a policy option would build on the work already undertaken by the European Commission to improve air safety in Africa. A notable technical initiative within this field includes the ICAO-conducted Cooperative Development of Operational Safety and Continuing Airworthiness Programme (COSCAP), which is funded by DG TREN. The pilot project could be developed taking into account lessons-learned from the various COSCAP initiatives in Africa, as well as the ICAO's Global Aviation Safety Roadmap in order to minimize duplication. A successful pilot project could provide a model for other African national or sub-regional organizations seeking empirically tested methods of improving air safety. Effective participation and implementation of the pilot project could be linked to safety-related negotiations over new licensing arrangements for third party carriers seeking to enter European airspace or the EU's internal aviation market in the coming years. Such a pilot project could be preceded by in-depth field assessment to better consult potential partners, as well as more effectively schedule working arrangements, project timelines, training, equipment provision, exchange of best practices and specialised components.

### **Recommendations summary**

These policy options are related to the monitoring and controlling of air cargo carriers whose practices are often unsafe and documented involvement in the transfer of destabilizing commodity flows, including SALW, illegal narcotics and tobacco and other conflict-sensitive goods and supply chains. The following two sets of recommendations are based around the principles of denial, facilitation and institutionalization.

The EU and member states should adopt sensitization, awareness and reporting training programmes with the following aims:

1. Deny humanitarian aid, peace support, stability operations and defence supply chain logistics contracts to air transport companies engaged in destabilizing commodity flows, in particular transfers of SALW.
2. Facilitate effective information gathering on air cargo carriers engaged in destabilizing commodity flows by, among other things, training ESDP mission personnel and other EU institutions and partner staff participating in crisis management and longer term missions.

3. Institutionalize inclusive and reliable information sharing between partner staff, missions, national capitals and Brussels-based institutions that acknowledge best practices, open sourcing and legal admissibility.

The EU and member states should adopt transport and transport-based development initiatives to:

1. Deny EU airspace to unsafe air cargo carriers involved in destabilizing SALW flows through EC regulation amendment and resource allocation.

2. Facilitate the denial of key African partner airspace through the provision of dual-use transport development capacity building projects that specifically target unsafe air cargo carriers involved in destabilizing commodity flows.

3. Institutionalize best practices and standards in air safety inspection through continued training, assessment and information exchange.



## Appendix A. Typical flight routes

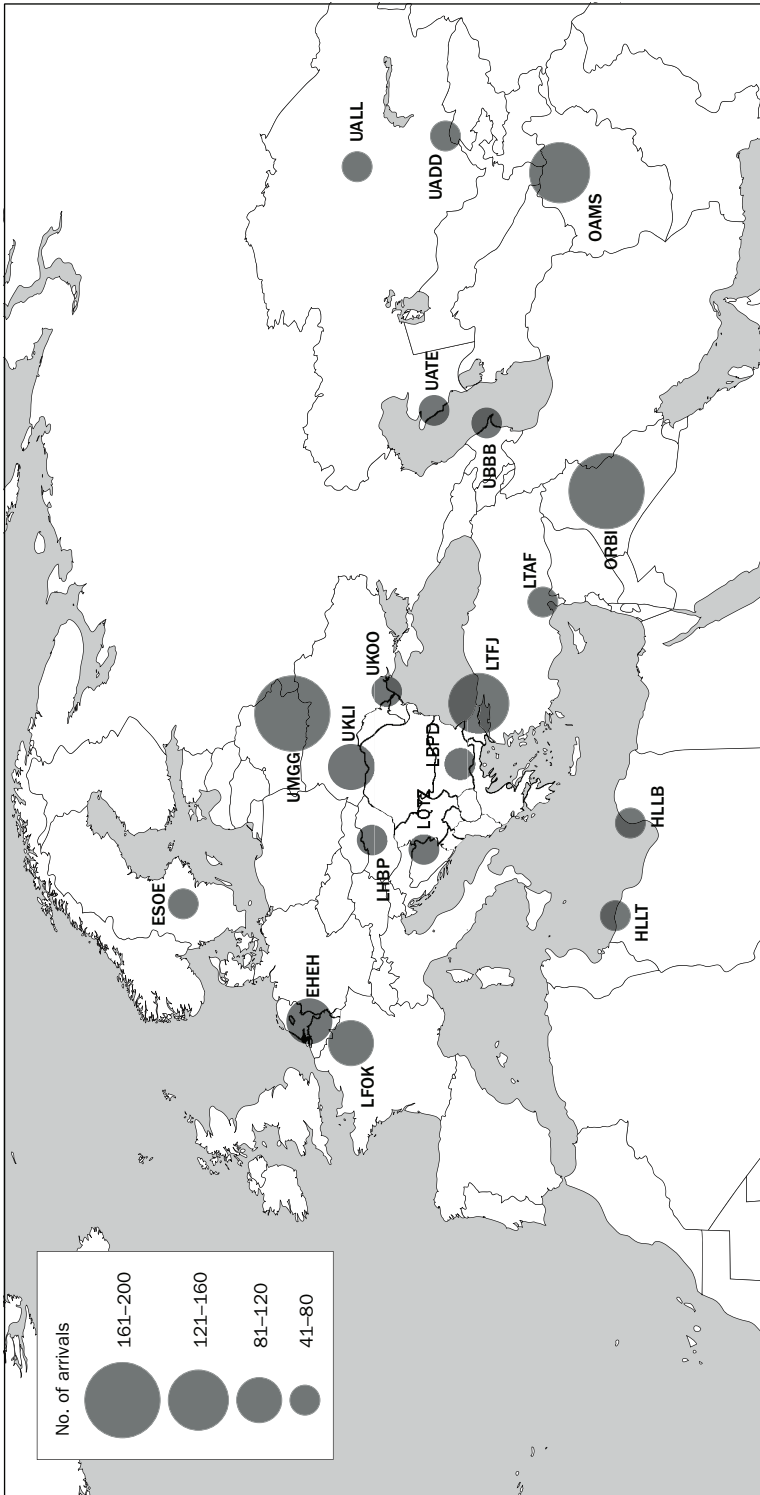
The information here is based on analysis carried out in order to provide some indications of the flight routes, transit states, refuelling, servicing and repair nodes most commonly used by air cargo carriers named in UN or other arms trafficking-related reports. This was based on multiple interviews with air traffic control and civil aviation officials combined with a close analysis of the flight movements of a representative cross section of six intercontinental air cargo carriers named in UN or other arms trafficking-related reports.<sup>270</sup> The analysis shows that the majority of intercontinental flights undertaken by these companies did not involve departure nodes associated with SALW deliveries to Africa. Instead, they used nodes associated with licit commodity movements to and from destinations in Europe, Turkey, the Middle East, Central Asia, Russia and Ukraine. The frequency of arrivals and departures at certain West European airports and military airfields as well as destinations such as Baghdad in Iraq and Kandahar in Afghanistan also provide an indication of the extent of some carriers' involvement in humanitarian aid, peace support, stability operations and defence logistics supply chain contracts. Figures A.1 and A.2 show the main arrival and departure airports of selected air cargo carriers named in UN Security Council Sanctions Committee reports.

The research indicates that air cargo carriers named in UN or other arms trafficking-related reports tended to use Libyan, Egyptian and Sudanese refuelling facilities and airspace as flight plan entry and exit points for Africa when flying to or from European airspace. In Libya the most frequently used airports were Benina International Airport (also known as Benghazi airport), Tripoli Airport, Sebha Airport (an inland node with a significant army garrison and a long-standing defence logistics and transit capacity) and Kufra International Airport (a joint civil–military facility).<sup>271</sup> In Egypt the most frequently used airports were Cairo International Airport, El Nouzha airport (also known as Alexandria International Airport) and Luxor International Airport (used for flights originating from Burgos airport in Bulgaria).<sup>272</sup> In Sudan the most frequently used airports were Khartoum Airport, Kassala Airport (near the Eritrean border) and Port

<sup>270</sup> The analysis is based on author interviews with various European air traffic controllers, international civil aviation officials and air cargo carrier executives between Sep. 2005–Dec. 2008. A cross-section of flight movements of 6 air cargo carriers named in UN Security Council Sanctions Committee reports were analysed for the period 2004–2007.

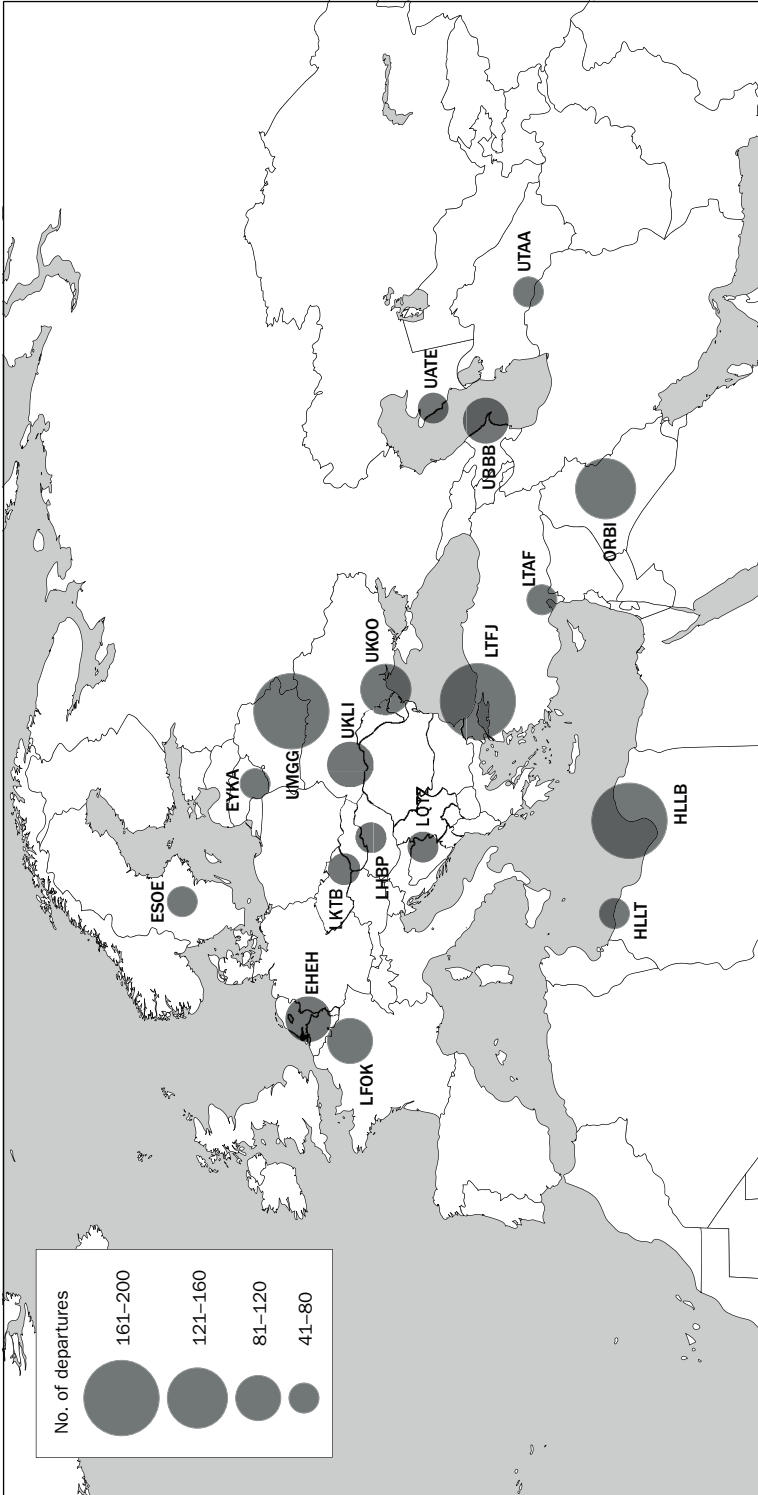
<sup>271</sup> ICAO codes for airports in Libya: Benina International Airport (HLLB), Tripoli Airport (HLLT) and Sebha Airport (HLLS), and Kufra International Airport (HLKF). All airport codes are listed in order of frequency of use by and then within country.

<sup>272</sup> ICAO codes for airports in Egypt: Cairo International Airport (HECA), El Nouzha International Airport (HEAX) and Luxor International Airport (HELX).



**Figure A.1.** Arrival airports use by selected air cargo carriers named in UN Security Council Sanctions Committee reports

Airports shown are those which had a total of 41 or more arrivals by a cross-section of 6 companies in the period 2004–2007. Airport codes used: EHEH = Eindhoven; ESOE = Örebro; HLLT = Benina; HLLB = Benina; HLLT = Tripoli; LBPD = Plovdiv; LFOK = Châlons-en-Champagne; LHBP = Budapest; LQTZ = Tuzla; LTAF = Adana; LTFJ = Istanbul; OAMS = Mazar-e Sharif; ORBI = Mazar-e Sharif; ORBI = Karaganda; UATE = Aktau; UADD = Baghdad; UALL = Taraz; UALL = Karaganda; UKLI = Ivano-Frankivsk; UKOO = Odessa; UMGG = Gomei.



**Figure A.2.** Departure airports use by selected air cargo carriers named in UN Security Council Sanctions Committee reports

Airports shown are those which had a total of 41 or more departures by a cross-section of 6 companies in the period 2004–2007. Airport codes used: EHEH = Eindhoven; ESOE = Örebro; EYKA = Kaunas; HLLB = Benina; HLLT = Tripoli; LFOK = Châlons-en-Champagne; LHBP = Budapest; LKTB = Brno; LQZ = Tuzla; LTAF = Adana; LTFJ = Istanbul; ORBI = Baghdad; UATE = Aktau; UBBB = Baku; UKLI = Ivano-Frankivsk; UKOO = Odessa; UMGG = Gomel; UTAA = Ashgabat.

Sudan (the first or final refuelling node before the Red Sea).<sup>273</sup> Other African entry and exit points included Morocco, Algeria and Tunisia.<sup>274</sup>

Flight movements from Africa to Europe also place Benina and Tripoli as the two major transit nodes.<sup>275</sup> However, there is significant variation, with other airports detailing earlier stages in the itinerary including Murtala Mohammed International Airport in Ikeja, Nigeria, and Daraw Airport in Aswan, Egypt.<sup>276</sup>

The most frequented departure and arrival nodes in Europe when flying to or from African airspace are in Eastern Europe, including Belarus, Bulgaria, Russia, Serbia and Ukraine.<sup>277</sup> Other significant arrival or departure nodes include Albania and Bosnia and Herzegovina.<sup>278</sup> In Central Europe significant arrival and departure nodes were in the Czech Republic, Hungary and Slovakia.<sup>279</sup>

In Western Europe, frequented arrival and departure points included France, the Netherlands, Sweden, the UK.<sup>280</sup> Other hubs or frequented nodes in the Middle East and Central Asia include Turkey, Kazakhstan and the UAE.<sup>281</sup>

<sup>273</sup> ICAO codes for airports in Sudan: Khartoum Airport (HSSS), Kassala Airport (HSKA) and Port Sudan (HSPN).

<sup>274</sup> ICAO codes for airports in Morocco: Agadir Airport (GMAA), Mohammed V International Airport at Casablanca (GMMN), Cherif Al Idrissi Airport (GMTA); Algeria: Boufarik Airport (DAAK); Tunisia: Tunis Carthage International Airport (DTTA).

<sup>275</sup> A transit node is used for refuelling or an unscheduled, forced or emergency landing. Arrival and departure nodes are those airports listed in the flight plans.

<sup>276</sup> European air traffic control and civil aviation officials, Interviews with the author, Belgrade, Brussels, Kiev, Paris, Sarajevo, 2005–2008. ICAO codes for these airports: Murtala Mohammed International Airport (DNMN) and Daraw Airport (HESN).

<sup>277</sup> ICAO codes for these airports: Ukraine: Ivano-Frankivsk International Airport (UKLI), Odessa Airport (UKOO) and Gostomel Airport (UKKM), otherwise known as Antonov International Airport; Belarus: Gomel Airport (UMGG) and Minsk International Airport (UMMS); Russia: Koltsovo (USSS) and Sheremetyevo (UUEM); Bulgaria: Plovdiv Airport (LBDP) and Burgas (LBBG); and Serbia: Belgrade Airport (LYBE).

<sup>278</sup> ICAO codes for these airports: Bosnia and Herzegovina: Tuzla (LQZT); and Albania: Rinas Airport (LATI).

<sup>279</sup> ICAO codes for these airports: Hungary: Budapest-Ferihegy Airport (LHBP); Czech Republic: Brno Airport (LKTB); and Slovakia: Bratislava Airport (LZIB).

<sup>280</sup> ICAO codes for these airports: the Netherlands: Eindhoven (EHEH); Sweden: Orebro (ESOE); the UK: Nottingham East Midlands Airport (EGNX) and Kent International Airport (EGMH); and France: Rennes (LFRN) and Chalons-Vatry (LFOK).

<sup>281</sup> ICAO codes for these airports: Turkey: Istanbul Sabiha Gokcen Airport (LTFJ) and Istanbul Ataturk Airport (LTBA); United Arab Emirates: Ras Al Khaimah Airport (OMRK), Sharjah (OMSJ) and Fujairah International Airport (OMFJ); and Kazakhstan: Aktau Airport (UATE).

# Appendix B. Model air intelligence programmes

## The US DEA Air Intelligence Program

Since at least 1974 the US Drug Enforcement Agency has used aircraft identification and tracking as a means of combating illicit cocaine flows. These techniques developed out of the DEA Air Intelligence Program, which began in June 1974 in response to a survey that indicated that ‘interdiction without an intelligence base was unsuccessful’.<sup>282</sup> The programme ‘emphasized [the] collection and reporting of data on pilots, aircraft owners, aircraft, airports and airport operators known or suspected to be involved in moving illicit substances by air’.<sup>283</sup> Information was stored in a database with two categories of individuals covered by the system: aircraft owners and licenced pilots. Three US civil aviation registries compiled by the Federal Aviation Administration (FAA) were also included in the database: the FAA Civil Aircraft Registry, the FAA Aircraft Owners Registry and the FAA Airman Directory. These registries could be cross-referenced against the DEA’s principal database, the Narcotics and Dangerous Drugs Information System (NADDIS).<sup>284</sup> NADDIS consists of a ‘centralized automated file of summaries of reports on subjects of interest to DEA, consisting of over 5.9 million subjects on individuals, businesses, vessels, aircraft and selected airfields identified through the DEA investigative reporting system and related investigative records’.<sup>285</sup> Information from NADDIS was routinely shared with other federal and state law enforcement agencies as well as foreign police, customs and other agencies ‘with whom the DEA maintains liaison’.<sup>286</sup>

## Operation Emerald Clipper

In 1991 the DEA began more permanent air transport monitoring system under the name Operation Emerald Clipper. Emerald Clipper is aimed at identifying aircraft used by traffickers to transport illicit drugs through Central and South America.<sup>287</sup> The DEA operation maps drug cartel air cargo operations that

<sup>282</sup> US General Accounting Office (GAO), ‘Efforts to stop narcotics and dangerous drugs coming from and through Mexico and Central America’, Report to Congress by the Comptroller General of the United States, GGD-75-44, 31 Dec. 1974, p. 22.

<sup>283</sup> General Accounting Office (note 282), p. 23.

<sup>284</sup> US Department of Justice, National Archives and Records Administration, *Federal Register*, vol. 52, no. 238 (11 Dec. 1987), Notices, <<http://www.usdoj.gov/opcl/docs/52fr47206.pdf>>.

<sup>285</sup> US Department of Justice, Drug Enforcement Administration, Major Information Systems, Narcotics and Dangerous Drugs Information System, <<http://www.usdoj.gov/dea/foia/naddis.html>>.

<sup>286</sup> US Department of Justice (note 284).

<sup>287</sup> Letter from Administrator Thomas A. Constantine, Administrator, US Department of Justice, Drug Enforcement Agency, to the Honourable Dan Burton, Chairman, Subcommittee on the Western Hemisphere, US House of Representatives, 5 June 1996, ‘A review of the President’s certification program for narcotics-producing and transit countries in Latin America’, Hearing before the Subcommittee on the Western Hemisphere of the Committee on International Relations, House of Representatives, 104th Congress, 2nd Session, 7 Mar. 1996, Government Printing Office, Washington, DC, p. 54.

involve registered air freight specialists organizing shipments on behalf of select groups of traffickers.<sup>288</sup> The DEA uses US aircraft manufacturers' sales records together with ownership and registration databases to map aircraft purchases made on behalf of drug cartel intermediaries and front companies. Some of the methods employed by Emerald Clipper are similar to those already used by experts monitoring air cargo carriers involved in SALW transfers. For example, Emerald Clipper has analysed aircraft profile type and tactics.<sup>289</sup> The operation also 'relies on open source information, e.g., trade journals and airport plane registries as well as human intelligence to identify suspect aircraft'.<sup>290</sup>

Air cargo carriers operating on behalf of the Cali cocaine cartel used business practices and adaptation methodologies similar to East European air cargo carriers engaged in destabilizing SALW shipments to Africa.<sup>291</sup> These include the use of different companies based at the same address, using the same phone and beeper numbers to register and operate aircraft following detection and an operating ban being placed on an earlier carrier.<sup>292</sup> Faced with a similar adversary albeit carrying another commodity, Emerald Clipper synthesizes a range of investigative tools, information sources and outreach programmes that are in line with a number of EU member state proposals for collective action against SALW traffickers.<sup>293</sup>

EC [Emerald Clipper] monitors brokers and companies that cater to trafficker needs, monitors suspect sales and seizes aircraft for forfeiture prior to export, reports trends in the use of preferred narco-aircraft, coordinates investigations with foreign DEA offices and their host nation counterparts to identify the owners of seized or suspect aircraft and deploys teams to source countries to conduct training and assist in on-site inspections of suspect aircraft.<sup>294</sup>

The DEA states that Emerald Clipper's focus on air transportation has yielded results. Between 1991 and 2001 the programme led to the seizure of approximately 160 aircraft valued at over \$200 million 'that were owned or otherwise used by major drug organizations in Colombia, Mexico, Peru and Venezuela'.<sup>295</sup> In addition, the DEA states that the operation has 'significantly denied Colombian trafficking organizations access to the US aircraft market and that Emerald Clipper has 'caused law enforcement agencies in Latin America to focus more attention on the essential role that aircraft play in the Andean cocaine industry

<sup>288</sup> 'Emerald Clipper discovered that the cartel air wing is made up of scores of air cargo companies that are run by 20 to 30 Colombian air transport specialists. These experts arrange logistics for international cocaine deliveries for a handful of upper-echelon traffickers'; Rempel and Pyes (note 104).

<sup>289</sup> Rempel and Pyes (note 104).

<sup>290</sup> Constantine, T. A., (note 287), p. 54.

<sup>291</sup> Braun (note 102).

<sup>292</sup> As with companies involved in SALW trafficking which have been closed down, new companies using the same address, telephone and beeper numbers established themselves with new AOCs allowing them to acquire new aircraft. Rempel and Pyes (note 104).

<sup>293</sup> European Union member state official, Interview with author, Paris, 23 May 2008.

<sup>294</sup> US Drug Enforcement Administration, Congressional Testimony, Statement by Donnie R. Marshall, Administration, Drug Enforcement Administration, Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, 1 May 2001.

<sup>295</sup> US Drug Enforcement Administration (note 294).

and international transportation of cocaine'.<sup>296</sup> One component of the Emerald Clipper programme focuses on an awareness and training aspect for partners involved in bilateral investigations. The US State Department reported that the Colombian National Police have developed a 'general aviation inspection program concept' that enables them to 'search suspect aircraft with greater ease and authority . . . [that] will increase the ability of the [Colombian National Police] to seize illegal aircraft, resulting in their forfeiture'.<sup>297</sup>

The Emerald Clipper model offers EU policymakers relatively low-cost, open-source, data-focused information-gathering and -analysis systems that could complement that ESDP mission, EC delegation and partner information derived from the field. In addition, such an analysis model based on open sources and industry databases could provide synergies for awareness raising and information-sharing campaigns designed to support ethical air cargo contracting on the part of humanitarian aid, peace support, stability operations and the defence logistics communities. If systems modelled on characteristics of Emerald Clipper (e.g. the use of profiling mechanisms, aviation databases, investigative field research and the training of partner states) were combined with the EU's most successful instrument to date—air safety enforcement—this would provide added value.

One question to be tackled is the availability of such information once it has been collected. In particular, unless EU and member state policymakers are prepared to countenance the development of an EU sanctions or embargo-monitoring policy of a type similar to the open-source reports of the panels of experts assigned to UN Security Council Sanctions Committees, then enhanced 'watchlists' generated in part as a result of ESDP mission information and intelligence gathering will in all likelihood remain secret. Such secrecy protocols do not serve the interests of the various EU and member state partner organizations including UN agencies, NGOs, defence suppliers and air charter brokers seeking to avoid contacting air cargo carriers involved in destabilizing or illicit commodity flows.

Within the EU and its member states, a number of 'watchlists' of air carriers of concern, such as the SitCen list, have been compiled over the years but their confidential nature has tended to preclude their wider circulation within the humanitarian aid, peace support, stability operations, defence supply and air charter communities.<sup>298</sup> Even within member state bureaucracies, such lists tend to be compartmentalized within military, civilian or national intelligence agencies. According to customs officials, customs services and law enforcement agencies do not always appear to have access to such information.<sup>299</sup>

In addition, according to one EU official, even in cases where 'watchlist' information may informally be made available, it can be incomplete or outdated.<sup>300</sup>

<sup>296</sup> US Drug Enforcement Administration (note 294).

<sup>297</sup> US Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *1996 International Narcotics Control Strategy Report*, Mar. 1997, p. 5.

<sup>298</sup> On SitCen see chapter 5.

<sup>299</sup> European Union member state customs official, Interview with author, London, 21 Feb. 2009.

<sup>300</sup> European Union official, Interview with author, Brussels, 9 Dec. 2008.

Thus, if information gathering on air cargo carriers involved in destabilizing or illicit commodity flows is to be effective, it has to be field sourced and timely. However, there are also some compelling reasons to make the information available through open channels to support the ethical transportation policies of the wider humanitarian, peace support, stability operations, defence contractor air charter and broker communities.



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