



The proliferation of illegal small arms and light weapons in and around the European Union:

Instability, organised crime and terrorist groups



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1

Introduction

ALTHOUGH THE END OF THE COLD WAR has significantly reduced the threat of nuclear war, it has also resulted in an increase in the number of local wars and civil conflicts throughout the world fought primarily with small arms and light weapons. Large quantities of small arms are in circulation today moving from one armed conflict to another, a process abetted by brokers, local arms dealers and certain producer governments. Weapons are being transferred regularly to regions of conflict in Africa, Asia and the Middle East, from areas with weak export controls and large surplus stocks, such as the former Soviet Union and Eastern Europe. However, more recently, traditionally safer areas such as Western Europe have also been adversely affected by the spread of small arms. Although the influx of weapons into the European Union (EU) is not overwhelming, there is a regular trickle of small arms primarily from the Balkan region, as well as from Eastern Europe, which could increase as the EU and the Schengen Rim both expand to the east and south-east. The collapse of the Soviet Union, the end of the Warsaw Pact and the wars in former Yugoslavia have resulted in a relaxation of border controls and an excess supply of light weapons, some of which have found their way into Europe. Small arms and light weapons (SALW) have fed the local criminal underworld as well as European terrorist groups, such as the Real IRA, thus contributing to the undermining of West European public safety.

The EU looks set for significant expansion, which will compound the difficulties facing the control of illegal weapons proliferation, especially given that in some of the potential candidate countries, eg Cyprus, the components of former Yugoslavia, and to a lesser extent Hungary, organised crime is particularly strong. Moreover, as the EU expands, its outer rim will be policed and protected by state security forces and customs officials that may be less well-trained and capable overall than their current counterparts. Before too long, the EU might border unstable regions in former Yugoslavia and Albania. Although military conflict has been brought to an end in Kosovo and Bosnia, and former Yugoslav President Slobodan Milosevic has been ousted from power in Belgrade, the political situation in the region remains highly unstable. A renewal of violence and new demand for light weapons cannot be ruled out. Furthermore, the end of the wars in former Yugoslavia has resulted in widespread availability of cheap but powerful light weapons, many of which have ended up in the hands of local organised crime groups. These groups are now becoming increasingly powerful, as they forge links with well-established groups on the other side of the Adriatic. The spread of crime and instability, especially to the southern regions of Europe, could lead to further proliferation of light weapons in the region and eventually into the EU. The potential for a future light weapons proliferation crisis within the EU which is normally considered a secure area, therefore needs to be assessed.

2

Main findings

- Despite predictions of major flows of SALW into the EU after the collapse of the Warsaw Pact and the wars in former Yugoslavia, only a relatively small amount of weapons has entered the EU in recent years.¹ Public order and policing in the EU is robust and by and large, individuals do not feel the need to possess weapons for personal protection. Consequently the demand for weapons, especially those which cannot be easily concealed, remains relatively low.
- The two main users of SALW in the EU are terrorist organisations, especially those struggling for secession from a state, and criminal groups involved in profitable illegal activities, such as drug-trafficking, prostitution, smuggling of illegal immigrants, and extortion.
- Criminal groups carry weapons to conduct and protect their business interests. However, they do not require vast arsenals. This explains the small amount of illegal weapons in circulation in the EU, despite the substantial increase in criminal activities over the past decade.
- Three separatist organisations in the EU remain heavily armed: the Northern Ireland paramilitary groups, the Spanish ETA group and the Corsican nationalist movements. Although most of their attacks are conducted with explosives and handguns, they possess vast arsenals that might eventually end up in the hands of criminals if not properly decommissioned.
- Most EU Member States have experienced an increase in organised crime and petty-crime activities, often involving the use of firearms. Such increase in criminal activities has not however, resulted in a collapse of state order, and does not as yet represent a threat to state security. The increase in petty-crime in certain EU countries is creating a perceived need among certain groups of individuals to acquire legal firearms to protect themselves. Nonetheless, the phenomenon remains rather restrained and there is little evidence so far, for example, of the type of action-reaction spiral that contributed to a virtual domestic arms race in South Africa over the past five years.
- Most violent crimes in the EU are committed with small guns, such as pistols and revolvers, and not with weapons of war such as submachine guns and rocket launchers. However, automatic weapons have been found among criminals in Europe, especially in the UK, the Netherlands and Italy. There have also been attacks recently by armed gangs in Paris and Amsterdam using military-style SALW but it is too soon to tell whether this is the exception that proves the rule or the start of a new trend.

¹ Peter Chalk expected a massive influx of weapons into Europe. See his book, *West European Terrorism and Counter-Terrorism: The Evolving Dynamic*, London, Macmillan Press, 1996, pp 85–87.

- EU candidate countries in eastern and south-eastern Europe have witnessed an increase in all sorts of criminal activities with the introduction of democracy and the unravelling of the command economy. However, the two countries examined, the Czech Republic and Bulgaria, have not experienced a major rearming of the population. Public order remains relatively robust and citizens do not feel the need to carry firearms to protect themselves, except in exceptional circumstances. Nevertheless both countries face problems as far as the illegal export and sale of weapons is concerned, albeit with different degrees of intensity.
- The former Yugoslavia remains the principal source of illegal SALW destined for the EU, both for criminals and for certain terrorist groups, such as the Real IRA. However, Russian and East European weapons have also been smuggled into the EU in the past decade. Obversely, an illegal market in Western European weapons has emerged in Eastern Europe and former Yugoslavia.
- Former Yugoslav weapons are smuggled into Europe by two routes: across the Adriatic into Italy or through Slovenia and Austria into Germany. Italy and Austria therefore remain important entry points for weapons into the EU.
- Although the entry into force of the Schengen agreement has permitted a much easier transport of illegal weapons within the Schengen area, the EU has not become a major transit zone for illegal SALW. However, free movement certainly facilitates the operations of criminals and weapons traffickers.
- Although the implementation of the Schengen agreement has also involved the strengthening of external EU borders, the system still needs to be improved. Major efforts have been made in the EU over the past three years to increase co-operation among member-states in the field of justice and home affairs, including the fight against organised crime. However, SALW have not yet become a priority issue, and most efforts are devoted to combating drug trafficking, human trafficking (prostitution, labour exploitation and illegal immigration), money laundering and corruption.
- The reinforcement of border controls to EU standards has become a major priority for EU candidate countries wishing to join the Union in the near future. Although major EU multilateral and bilateral resources have been devoted to improving border controls and police efficiency in Central European states, much remains to be done.

3

Recommendations

- Tight and effective controls at the EU external borders are required in order to curb the flow of weapons into the EU from neighbouring regions.
- Increased co-operation between EU Member States in the field of justice and home affairs, particularly the fight against organised crime, is urgently required in order to counter illegal sale, transport and use of weapons within the EU.
- Harmonisation of EU legislation on the possession and transport of firearms is necessary in order to prevent the illegalisation of weapons.
- Potential sources of violence which result in a demand for SALW, such as social and economic deprivation, ethnic and racial discrimination, use and sale of drugs and other illegal commodities, domestic abuse, need to be tackled.
- Effective disarmament and demobilisation projects need to be put in place to ensure that SALW belonging to terrorist and separatist groups in Europe, such as ETA or the IRA, do not end up among criminal groups.
- Disarmament of individuals and paramilitary groups in former Yugoslavia is essential in order to avoid the spread of arms at regional and European level.
- Greater support and training will need to be provided to EU candidate countries to assist them in the tasks of border control, the fight against organised crime and enforcement of arms export control and domestic gun control legislation.
- Further reforms of the security sector in some candidate countries will be necessary to ensure the emergence of more effective, civilian-controlled, security and police forces.
- The monitoring and record keeping of government-held weapons needs to be improved in order to prevent thefts from government stockpiles.
- Effort to co-ordinate and strengthen export controls on arms transfers are necessary in order to ensure that SALW do not end up in areas of conflict and/or among illegal criminal groups in Europe.
- Surplus stocks must be destroyed at source in order to avoid sale to sensitive destinations and theft and illicit trafficking of SALW.

4

Methodology and sources

THIS PROJECT HAS INVOLVED RESEARCH on the proliferation of arms in two EU countries which are geographically close to the areas of instability – Germany and Italy – and in two which are further away from the areas of tension but could also become affected by the spread of arms – the United Kingdom and the Netherlands. In addition, research has been conducted in two EU candidate countries, the Czech Republic and Bulgaria, in order to assess the implications of their future EU membership for European public safety. Finally, particular attention has been devoted to the examination of terrorist organisations in Europe that still have important arsenals, and which represent a threat to their country's security. Information has been gathered from a series of personal interviews with relevant public officials, experts and journalists, as well as from official statistics and documents, newspapers and specialised journals.

The analysis of the spread of small arms and light weapons within EU countries suffers from various limitations, for five principal reasons. First, confidence and transparency differ from country to country both within and outside the EU. Certain countries tend to be very open about the problem of illegal small arms while others do not perceive the spread of small arms and light weapons as a threat to their country's security. Second, national statistics on crime often reflect not trends in crime *per se*, but the activities of agencies that record statistics on crime. As a result, official statistics on crime sometimes tend to under-report true crime figures, leaving gaps, in order not to attract the attention of public opinion.² Conversely, statistics can be organised and presented so as to exaggerate crime figures in order to indicate that the police are acting very effectively, when in reality they may not be. Or again, statistics can be presented in such a way as to justify requests for more resources. The same is true so far as police seizures of weapons are concerned. Moreover, crime statistics rarely indicate the origin and the exact model of the weapon used in a crime – across Europe as a whole, the quality of data capture on illegal weapons is woeful. Instead generic terms such as handguns, shotguns or automatic weapons are usually employed. In addition, it is often difficult to know when legal weapons entered the illegal market and therefore it is not always possible to determine exactly who the offender is, whether the manufacturer, the dealer, the carrier or the buyer. Consequently, because of the difficulties of getting accurate information on illegal arms trades and uses, most of the findings obtained tend to be of an approximate nature.

² *The State of Crime and Criminal Justice Worldwide*, Report of the Secretary General, Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Vienna, 10–17 April 2000, p 4.

Third, research in this area suffers from the impossibility of determining with accuracy the total number of illegal weapons in circulation in a particular country as well as the quantity illegally entering the EU from abroad. Police officers, journalists and experts provide estimates of the total amount of illegal weapons in circulation, usually based on extrapolation from official seizure figures. However, such figures are indicative only and can be extremely misleading at times. For example, police and customs offices in country A regularly recover a significant amount of weapons leading experts to believe in the existence of a huge illegal market of firearms. Conversely, security structures in country B regularly recover only a small amount of weapons, leading analysts to assume that the country does not face a major influx of illegal weapons. However, it is possible that the security structures in country A, more aware of a potential danger, operate much more effectively than country B and therefore have a higher rate of weapons seizures, recovering for example 30 percent of all illegal firearms in circulation. Conversely, security organs in country B might operate less effectively, only managing to recover 10 percent of all illegal weapons in circulation. Despite these difficulties, some approximate conclusions can be drawn. Whereas it cannot be known whether country B is a potential destination and an important market for weapons, it can be presumed that country A has become either an important transit zone or a significant weapons market, despite police efforts to counter the traffic. In addition, an examination of the weapons utilised in violent criminal acts, when and where available, provides an indication of the type of firearms in circulation and affords the opportunity to determine whether or not foreign weapons are being used in crime.

Fourth, the current research also encounters the problem of establishing a direct link between the number of firearms in circulation in a given country and the levels of gun-related crime. A popular theory has emerged that gun availability and the regime of gun control affect the rate of violent crime involving firearms, so that countries with greater availability and less stringent controls have higher levels of gun-related crimes.³ Such a link has been identified in a number of studies, including the International Crime Survey.⁴ However, this view is challenged by those who argue that it is levels of violent crime that influence the levels of gun ownership. A history and tradition of violence leads to higher levels of gun ownership and higher rates of crime involving firearms. Moreover, as noted by Kate Broadhurst and John Benyon, at the Scarman Centre, a number of factors other than tradition and culture appear to be implicated in determining levels of firearms crime, and these include social and economic deprivation, ethnicity and racial discrimination, involvement in the use and sale of illegal drugs, domestic abuse and violence on television and in films.⁵ It is therefore difficult to establish a direct causal link between availability of weapons and increase in crime. However, it can be assumed that if illegal as well as legal weapons are easily available, there will be a higher propensity among ordinary citizens to use firearms not only to commit crimes but also to settle minor scores. Albania is a good example.⁶

One final aspect must be taken into account when examining the illegal trade in weapons. In contrast to other illegally traded commodities, such as drugs or cigarettes, the demand for SALW is not constant, unless military conflict is taking place. Light weapons have very little built-in obsolescence, a characteristic which, however, does not apply to ammunition. SALW are easy to maintain, rarely break down, and can be used over and over again. Consequently, demand can be satisfied quite rapidly especially if the customer is not involved in open military conflict. Therefore, the discovery by the police of a particular illegal shipment of weapons does not necessarily indicate the existence of a regular pipeline. Purchases by ordinary or organised criminals tend

3 Kate Broadhurst and John Benyon, *Gun Law: The Continuing Debate about the Control of Firearms in Britain*, Occasional Paper, no 16, Scarman Centre, University of Leicester, January 2000, p 56.

4 J Van Dijk and P Mayhew, *Criminal Victimization in the Industrialised World: Key Findings of the 1989 and 1992 International Crime Surveys*, The Hague, Ministry of Justice.

5 Kate Broadhurst and John Benyon, *Gun Law: The Continuing Debate about the Control of Firearms in Britain*, Occasional Paper, no 16, Scarman Centre, University of Leicester, January 2000, p 56.

6 Domitilla Sagramoso, 'The Impact of the Kosovo Crisis on Albania and Macedonia', *Brassey's Defence Yearbook*, 1999, London, Centre for Defence Studies, p 113.

to occur on a one-off basis, and requests do not immediately repeat themselves. Regular flows of weapons using the same *modus operandi* rarely occur. Smugglers and dealers trafficking vast amounts of illegal weapons tend to use complicated methods and routes to divert the attention of the police.⁷ Moreover, they tend not to use the same route again. If weapons are smuggled on an individual basis, their small size usually makes them undetectable, especially when transported in cars or vans across the EU. This leads to an additional important aspect. As opposed to heavy weaponry, SALW, because of their relatively small size, are easy to conceal. As a result, they disperse very easily and are difficult to track once they have entered the illegal circuit. Consequently any efforts aimed at tracking or controlling the spread of SALW encounter considerable difficulty.

⁷ Conversations with police officers during the research, 1999.

SALW in the European Union: country studies

ALTHOUGH THE DEMAND for weapons in the EU is not high relative to other parts of the world, there is a small but steady market for weapons sought by members of the criminal underworld to facilitate illegal activities such as drug-trafficking, prostitution, money laundering and extortion. The weapons most frequently requested tend to be pistols, explosives and small arms, as opposed to weapons of war, which are difficult to conceal. Law and order throughout most of the EU is robust, and therefore the illegal weapons carried by criminals must be easy to conceal. The collapse of the Soviet Union and the end of the Warsaw Pact resulted in the opening of previously impermeable East European borders and overall relaxation of border controls, especially as far as the former Soviet Union, Bulgaria, Romania and former Yugoslavia are concerned. Consequently, it would have been reasonable to expect a significant flow of illegal weapons into the EU. However, the evidence available indicates that the EU has not suffered from a major influx of light weapons and small arms. Although there is a regular trickle of weapons which feeds the criminal underworld, the demand for weapons is very low and border controls remain quite effective – as evidenced by the following four case studies on the UK, the Netherlands, Germany and Italy.

United Kingdom

British newspaper articles report the existence of a regular flow of weapons from Eastern Europe, the Balkans and Western Europe into the United Kingdom, transiting through the European mainland.⁸ However, the Home Office has recently rejected the assumption that a large number of guns are ‘flooding’ into the UK from abroad, rendering controls ineffectual. The Home Office notes that Police forces and HM Customs have no evidence of organised and large-scale smuggling of firearms into the UK.⁹ Evidence of police seizures, however, seems to indicate that foreign SALW regularly enter the United Kingdom, although in small amounts. For example, during a police raid on arms dealers in 1993, police seized three Uzi sub-machine guns and a Czech sub-machine gun as well as semi-automatic handguns, revolvers and shot-

⁸ Jon Ungood-Thomas, ‘Killings Rise as 3m Illegal Guns Flood Britain’, *The Sunday Times*, 16 January 2000, <http://www.Sunday-times.co.uk/news/pages/sti/2000/01/16/stinwenws02004.html>.

⁹ ‘Controls on Firearms’, Memorandum by the Home Office, in ‘Appendices to the Minutes of Evidence’, Home Affairs Committee Second Report, Control over Firearms, April 2000, p 24. <http://www.publications.parliament.uk/pa/cm/199900/cmselect/cmhaff/95/95ap05.htm>.

guns.¹⁰ In early 1995, police in Liverpool uncovered five weapons caches that contained Uzi and AK-47 sub-machine guns and various automatic pistols.¹¹ During raids conducted in London, Luton and Birmingham in May 1995, police seized two Russian-made handguns, an Italian-made semi-automatic carbine as well as a sniper rifle with telescopic sights, pistols and revolvers, all believed to originate in Eastern Europe.¹²

Moreover, police believe that a large consignment of Russian hand grenades was imported into the UK by Russian organised crime groups and acquired by British drug dealers during 1995.¹³ In late 1996, police in London recovered a reactivated Uzi sub-machine gun, an AK47 semi-automatic rifle, a Thomson self-loading carbine and numerous handguns.¹⁴ In January 2000, Detective Superintendent Keith Hudson of the national crime squad reported that police were recovering relatively new weapons from Eastern Europe.¹⁵ More recently, in August 2000, London police seized a MAC 10 sub-machine gun as well as three automatic pistols and a smaller handgun from drug dealers in Barnet.¹⁶ These seizures confirm firearms experts' assumptions that because of the difficulties in acquiring firearms in the UK, most illegal weapons used by criminals in Britain are probably being imported from abroad.

Although in most cases the original manufacturer of a weapon can be traced – for example, Uzi sub-machine guns are made in Israel and in Croatia – it is more difficult to determine the geographical origin. In other words, no information is publicly available as to when and how weapons enter the illegal market, and consequently it is hard to determine whether they are reaching the UK from the former Yugoslavia or Eastern Europe. In 1999, newspaper articles reported the existence of an illegal flow of weapons into the UK originating in Kosovo. According to journalists, arms dealers in the UK were being offered Russian RPG-7 anti-tank rocket launchers, AKM and AK 47 sub-machine guns, M2HB Browning heavy machine guns, Claymore anti-personnel mines and over 140 tonnes of TNT explosives at relatively cheap prices.¹⁷ All these weapons apparently belonged to the Kosovo Liberation Army, which was trying to resell part of its arsenal after the conflict ended. The likelihood that such weapons are currently being smuggled into the UK mainland to fill the arsenals of local criminal gangs remains slim. Although former Yugoslav weapons have been smuggled by the Real IRA, as discussed below, no weapons destined for local gangs and originating in Yugoslavia have recently been recovered by the police on the UK mainland. It seems more likely that dealers were being offered these weapons to sell on in areas of conflict where such powerful light weapons are in high demand. Consequently, it cannot be argued directly and with certainty that a regular pipeline of powerful light weapons originating in former Yugoslavia to feed the UK criminal underworld is emerging.

According to the Home Office, criminals operating in the UK gather weapons from a variety of different sources, including non-working (broken and de-activated) weapons or blank-firing imitations, illegally imported firearms, converted or reactivated weapons, guns brought back by returning soldiers from conflict zones, and guns stolen from legitimate owners.¹⁸ However, further information as to which source is the most utilised is not provided. The UK government has in fact admitted that sufficiently accurate information on the types and sources of illegal firearms available is currently lacking.¹⁹ Nevertheless, the government has been able to provide some data as to the sources of weapons used in violent crimes in London during 1998–1999,

10 Stewart Tendler, 'Armed police raid 35 homes to smash gun-running rings', *The Times*, 19 August 1993, p 2.

11 Neil Darbyshire, 'Liverpool hit by new shooting incident', *The Daily Telegraph*, 23 May 1995, p 12.

12 Jason Benetto, 'Assassin guns seized in raids on arms ring', *The Independent*, 25 May 1995, p 2.

13 'Russian mafia infiltrates Britain', *Sunday Times*, 3 September 1995, p 5.

14 Justin Davenport, 'This terrifying arsenal of guns was seized by the Yard', *The Evening Standard*, 4 November 1996, p 4.

15 Jon Ungood-Thomas, 'Killings Rise as 3m Illegal Guns Flood Britain', *The Sunday Times*, 16 January 2000, <http://www.Sunday-times.co.uk/news/pages/sti/2000/01/16/stinwenws02004.html>.

16 John Sturgis, 'Police Seize Yardie Arms', *Evening Standard*, 10 August 2000, p 1.

17 'KLA Weapons on Sale in Britain', *The Independent*, 16 August 1999, <http://www.independent.co.uk>.

18 'Controls on Firearms', Memorandum by the Home Office, in 'Appendices to the Minutes of Evidence', Home Affairs Committee Second Report, *Control over Firearms*, April 2000.

19 Ibid.

and this might provide a rough picture of events in the rest of the country. Apparently, thirty percent of all firearms used in London shootings involved firearms that had been made inoperable through a process of deactivation, but then illegally reactivated. Deactivated weapons seem to be an important source of weapons in the UK. According to government sources, in virtually every case since 1995 when a shooting incident occurred involving the use of an automatic weapon on the UK mainland, reactivated firearms, in particular 9mm Uzi sub-machine guns and MAC 10 sub-machine guns, had been used.²⁰ Given the current high standards of deactivation in the United Kingdom, experts believe that probably most of the reactivated weapons were either British weapons that were deactivated before 1995 when de-activation laws were not so severe, or were foreign weapons which entered the United Kingdom legally as active weapons. Weapons were then deactivated according to UK standards, before being sold legally, and then reactivated again.

Although powerful light weapons, such as Uzi and AK-47 submachine guns, have entered the United Kingdom they have not been used in crimes on a regular basis. Despite sensationalist newspaper articles reporting a major increase in the use of firearms in criminal acts in the United Kingdom over the past few years, official statistics point to a slight decline in criminal acts involving firearms in England and Wales since 1994.²¹ After reaching a peak in 1993 with a total of 13,951 incidents, armed crime rates fell to about 13,000 per annum during 1994–1996, and to 12,410 incidents in 1997. Although the year 1998 experienced again an increase in criminal activities involving firearms – a total of 13,874 incidents – figures did not exceed 1993 levels.²² Moreover, most violent crimes, such as homicides and robberies with firearms, usually involved the use of handguns, and not more powerful automatic machine guns, although some isolated cases using machine guns have been reported in 1998 and 1999.²³ Handguns were used in 66 percent of all homicides and in 61 percent of robberies in England and Wales during 1997.²⁴ The same figures are valid for 1998.²⁵

Regarding 'other violence against persons' in which a firearm was used, air weapons were used in 64 percent of the cases in 1997 and 63.5 of cases in 1998, followed by handguns (11 percent in 1997 and 8.9 percent in 1998) and imitation firearms (10 percent in 1997 and 1998). Long-barrelled shotguns and sawn-off shotguns, potentially more dangerous, have been used only in 5 and 2 percent respectively of all violent offences involving firearms during 1997, and 2.3 percent in each case during 1998. Nevertheless, long-barrelled shotguns have been used in 12 homicides and other acts endangering life during 1997, (20 percent of cases) and in 85 attempted murders (13.5 percent of cases). The figures are much lower for 1998.²⁶ Long-barrelled shotguns were used in 4 homicides (8 percent of cases) and in 78 other acts endangering life (10.7 percent of cases). These statistics show that there has not been a major escalation of violence in England and Wales involving powerful weapons imported from abroad. Handguns remain the favourite weapons of violent offences and long-barrel and sawn-off guns also play a role, especially in domestic violence. The origin of handguns is difficult to determine. As was indicated above, even the British government cannot say with certainty whether handguns used in crime are imported from abroad or are domestic in origin.

Despite the overall decline in crimes involving firearms, there seems to be an increase in the number of violent offences against persons involving the use of handguns from

²⁰ Ibid.

²¹ John Gibb, 'Go ahead, punk', *Evening Standard*, 8 October 1999.

²² Kate Broadhurst and John Benyon, *Gun Law: The Continuing Debate about the Control of Firearms in Britain*, pp 25, 27.

²³ Jon Ungeod-Thomas, 'Killings Rise as 3m Illegal Guns Flood Britain', *The Sunday Times*, 16 January 2000, <http://www.Sunday-times.co.uk/news/pages/sti/2000/01/16/stinwenws02004.html>.

²⁴ Ibid, p 39.

²⁵ *Criminal Statistics: England and Wales 1998*, Home Office, Government Statistics Service, March 2000, p 64.

Kate Broadhurst and John Benyon, *Gun Law: The Continuing Debate about the Control of Firearms in Britain*, p 30.

²⁶ Ibid p 32.

just over 300 in 1992 to 522 in 1997.²⁷ The figure is even higher for 1998, reaching a total of 602 incidents involving handguns.²⁸ Despite legislation introduced after the Dunblane massacre, which effectively banned the ownership of handguns, illegal handguns have predictably remained in the hands of criminals. As in all other countries examined in this study, the vast majority of crimes involving firearms are committed with illegally held weapons, which in the vast majority of cases are diverted from the legal home or foreign market. Anecdotal evidence seems to suggest that recent years have witnessed an increase in the demand for handguns among criminals.²⁹ Favoured by criminals because of their small size and easy concealment, handguns have apparently increased in popularity among criminal drug networks in the UK. Such firearms are also seen as a status symbol and provide drug dealers with credibility and 'respect' in the circles in which they operate.³⁰

Evidence from the police suggests that one of the most important sources of handguns in the recent past was a small group of gun dealers who used a process called 'cloning' to supply functioning weapons to the illicit market having falsely claimed to have deactivated them.³¹ However, these gun dealers have been caught by the police and new sources of illegal handguns in the UK have not yet been established.³² More research needs to be conducted on the topic. Moreover, very little research has been carried out on organised crime in the UK, the main user and trader of weapons. Further work on this topic is strongly advised, given that British criminal groups have become extremely powerful in recent years. Police officers have recently expressed their concern over the fight against organised crime in the UK. Sir David Phillips, chief constable of Kent and leading member of the Association of Chief Police Officers, has warned that the police are in danger of losing the war against crime and that the battle against organised crime may already have been lost because of Britain's archaic criminal justice system, which in his view needed urgent revamping.³³

The Netherlands

The Netherlands has in the past decade become an important destination for firearms as well as a transit zone for weapons destined for the United Kingdom.³⁴ Moreover, in the same period, the country has suffered a considerable increase in violent crime. For example, Dutch officials note that whereas in 1994, incidents involving a firearm – ranging from threats to thefts and murders – totalled 8 a day, in 1999, the figure had risen to 15 a day, representing an increase of 87.5 percent.³⁵ Furthermore, officials admit that whereas in the past, criminals used primarily handguns, more powerful weapons such as machine guns are starting to be used as well. Dutch experts relate the increase in crime to a new 'culture of violence', rather than to an easier availability of weapons. As in the UK, weapons are increasingly seen as a status symbol that provides young drug dealers with credibility and respect among their peers.

Nevertheless, the Dutch illegal weapons market seems particularly large when compared with other EU Member States such as Germany or the United Kingdom. Police officials estimate that a total of 26,000 weapons are currently circulating illegally in Holland. This figure is probably too small if we consider that a significant amount of weapons from former Yugoslavia, the Czech Republic and Russia have been entering

27 Kate Broadhurst and John Benyon, *Gun Law: The Continuing Debate about the Control of Firearms in Britain*, p 38; *Criminal Statistics: England and Wales 1998*, Home Office, Government Statistics Service, March 2000, p 64.

28 *Criminal Statistics: England and Wales 1998*, Home Office, Government Statistics Service, March 2000, p 64.

29 *Ibid.*, p 49.

30 *Ibid.*

31 *Ibid.*

32 Information made available to the author.

33 James Clark, 'Police Want New Laws To Fight Organised Crime', *The Sunday Times*, 24 September 2000, p 7.

34 This report on the Netherlands draws primarily on various interviews conducted by the author with Dutch police and customs officers in Amsterdam and Rotterdam, on 3 and 4 August 1999.

35 Dutch Police Officer, conversations with the author, Amsterdam, 3 August 1999.

Holland more recently. For example, police officials admitted that roughly 3,000 Croatian HS and Serbian Zastava pistols are being smuggled to Holland every year. They are usually carried by Yugoslavs currently living in the Netherlands, mainly by individuals who travel from Yugoslavia to Holland by road. Last year, over 20,000 Makarov pistols, legally bought by EU-based merchants in the Czech Republic and officially destined to another EU state, were instead illegally smuggled into Holland.³⁶ Dutch police also recovered several Albanian firearms, which had reached the country after having transited through Italy concealed in Albanian trucks. Moreover, police suspect that weapons are being smuggled from Russia in trucks that travel all the way from Russia, crossing the Russian-Finish border, into Sweden, Germany and Holland. Apparently some of these trucks have been known to carry rocket propelled grenades (RPGs), explosives, ammunition and hand grenades.³⁷

The main buyers and users of weapons are local and foreign criminal groups involved in a wide range of illegal activities, including drug dealing and smuggling of illegal immigrants. Although not much has been published on Dutch organised crime, and further research on the topic is required, Dutch groups have become very powerful in the past year and some collaborate closely with British groups, especially as regards drugs dealing. Last year, the Italian police seized a total of 1,400 kg of cocaine originating in Latin America and destined for eastern Europe, which was being smuggled by Dutch and British criminals.³⁸ This indicated that Dutch and British groups are not only involved in selling drugs in their own country, but are heavily involved in the major drug trafficking network covering northern and eastern Europe.

Germany

The domestic instabilities and loosening of state controls that followed the collapse of the Soviet Union and the end of the Warsaw Pact made European experts and police officials fear the emergence of a major flow of SALW in Germany. However, a major influx of weapons has not occurred. The illegal weapons market remains relatively small, and dominated primarily by German weapons, according to police officials.³⁹ Nevertheless, a modest amount of small arms and light weapons, originating primarily from Switzerland, the Czech Republic, Austria and former Yugoslavia, seems to have been entering the country illegally in recent years.⁴⁰ In 1997, 33 machine guns originating in the former Yugoslavia were seized at the German border, as well as a total of 136 small arms entering the country primarily from Switzerland, the Czech Republic, Austria and the Netherlands.⁴¹ Police seizures in 1998 totalled 320 items, mostly light weaponry smuggled into Germany from Switzerland (180 weapons, including 24 rifles, and 12,445 items of ammunition) and the Czech Republic (43 firearms and 937 items of ammunition), as well as from Austria, France and the Netherlands, thus indicating the existence of a modest but significant European market for small arms.⁴²

Because of the elimination of border controls between Germany and Austria in 1998, weapons originating in former Yugoslavia, and transiting through Austria into Germany are recorded as originating in Austria. It is therefore highly likely that many of the weapons coming from Austria during 1998 originated in former Yugoslavia. However, not many weapons entered the country from Austria in 1998 – only a total of 7 small arms and 2 automatic weapons, – indicating the absence of a major weapons pipeline originating in former Yugoslavia. Weapons entering Germany from the east

³⁶ Dutch Police Officer, conversations with the author, Amsterdam, 3 August 1999.

³⁷ Ibid.

³⁸ Italian Police Officer, conversations with the author, Rome, 27 September 2000.

³⁹ German Police Officer, conversations with the author, Wiesbaden, 18 October 1999.

⁴⁰ German Police Officer, conversations with the author, Wiesbaden, 18 October 1999.

⁴¹ *Waffen- und Sprengstoff-kriminalität in der Bundesrepublik Deutschland 1997*, Bundeskriminalamt, Germany, 1 September 1998 pp 35, 37–39.

⁴² *Waffen- und Sprengstoff-kriminalität in der Bundesrepublik Deutschland 1998*, Bundeskriminalamt, Germany, 1 September 1999, pp 40–41.

are primarily pistols: mostly Russian (Makarov and Tokarev pistols), Yugoslav (Tokarev pistols), Central European (Hungarian FEG pistols, Czech Czeska Zbrovoka pistols), and Croatian (HS 95 and HS 2000 pistols). The type of weapons seems to indicate that although a major flow from eastern and southern Europe has not emerged, many of the foreign weapons entering the country do originate from that area.

The illegal weapons market in Germany remains relatively small. In 1998, police seized a total of 12,583 illegally held and illegally used weapons, a slight decrease from 1997, when seizures totalled 13,774 weapons. Given that Germany's population is over 82 million, a total seizure of 12,000 illegal firearms is not a very high figure. Although it is impossible to provide a realistic assessment of the total amount of illegal weapons in circulation, seizures do provide a rough estimate of what could be illegally possessed. The small size of the German illegal market is also confirmed by the relatively high prices of illegal weapons in Germany, which usually indicate scarcity of products. According to police sources, an illegal 9mm Heckler and Koch MP5 machine gun costs roughly DM 2,500 (\$1150), twenty-five percent above its cost in the legal market, and a 9mm Sig Sauer P226 semi-automatic pistol costs approximately DM 1,700 (\$780), forty two percent above the legal retail price.

Most of the German illegal weapons in circulation seem to have originated from illegal sales and from private stocks. Official statistics indicate that during 1998, a total of 6,405 weapons were either stolen or recorded lost. A similar figure of thefts and losses of weapons was recorded for 1997 – a total of 6,582. Very few of these stolen or lost weapons have been recovered so far – just 1.2 percent of the total – thus pointing to the existence of a significant source of illegal weapons from legally held stocks. In 87.7 percent of the cases for 1998 and 81 percent of the cases for 1997, the weapons stolen belonged to private individuals. Very few were stolen from military installations – only 6 percent of the total in 1998 – or from the police – only 2.7 percent of the total in 1998.⁴³ A small amount of weapons are also illegally produced or illegally reactivated in Germany. In 1998, a total of 709 illegally produced or reactivated weapons were recovered by the German police.⁴⁴

After the end of the Cold War and the retreat of the Soviet Army from East Germany, German officials feared that Russian troops in East Germany, whose munitions stocks were estimated at more than one million metric tonnes, would leave most of it behind and engage in sale of weapons.⁴⁵ Although officials have admitted that retreating Soviet troops did engage in illegal sales, primarily of small arms and hand grenades, they have also noted that sales were not very significant.⁴⁶ German officials at the time expressed their satisfaction with Russia's withdrawal of ammunition and weapons stocks.⁴⁷ Stocks of ammunition and equipment belonging to the East German army were disposed of by the Federal army between 1991 and 1995. Most munitions were taken apart and their components disposed of separately. Some large devices like naval mines were detonated because they were considered too dangerous to dismantle. Small arms were also disposed of, and some given to Turkey.⁴⁸ However, because of the huge amounts of weapons involved and the difficulties of controlling inventories, it is highly possible that some of these weapons found their way into illegal criminal groups. Police officials admit that hand grenades and small weapons belonging to the East German army were sold at the time of reunification, however they did not specify the destinations or the purchasers.⁴⁹

⁴³ Ibid, p 17–18, *Waffen- und Sprengstoff-kriminalität in der Bundesrepublik Deutschland 1997*, Bundeskriminalamt, Germany, 1 September 1998, p 16.

⁴⁴ Ibid.

⁴⁵ Giovanni de Briganti, 'Germans to finish disposal of Eastern Gear before '96', *Defense News*, 9–15 May 1994.

⁴⁶ German Police Officer, conversations with the author, Wiesbaden, 18 October 1999.

⁴⁷ Giovanni de Briganti, 'Germans to finish disposal of Eastern Gear before '96', *Defense News*, 9–15 May 1994.

⁴⁸ Ibid.

⁴⁹ German Police Officer, conversations with the author, Wiesbaden, 18 October 1999.

Foreign and local criminal groups, primarily involved in the conduct of illegal activities such as drug trafficking and prostitution, are believed to be the main users of illegal weapons.⁵⁰ Although it is difficult to evaluate the penetration of foreign criminal bands into Germany, official statistics provide some interesting insight into crimes committed by foreigners in Germany. German nationals remain the main group involved in firearm-related criminal activities, given that 86 percent of the suspects found in possession of illegal weapons and 74 percent of the suspects carrying illegal weapons in 1998 were German nationals. However, foreigners living in Germany are over-represented in criminal activities. Whereas non-Germans account for 8.9 percent of the total German population, 27.1 percent of those suspected of having committed a crime involving firearms in 1998 were presumed to be non-Germans.⁵¹ Non-Germans seem to be involved in the domestic trading of illegal weapons (41 percent), with Turks (8.2 percent) and former Yugoslavs (5.9 percent) being particularly active. Former Yugoslavs also seem to be involved in the illegal import of weapons, as do Czechs. Such figures are not surprising given that a fair amount of the illegal weapons entering Germany come from former Yugoslavia and the Czech Republic. German nationals, however, remain the principal suspects of illegal imports of weapons and of violent use of illegal weapons (68.2 percent and 83.8 percent of the suspects in 1998) indicating that there might be some sort of collaboration between German and Yugoslav or Czech criminals in the illegal weapons market. Interestingly, despite the talk of penetration of Russian crime in Germany, no Russian nationals were suspected of illegally carrying or handling weapons.

The emergence of right-wing extremist violence in the past few years has created great concern among the German population, raising the question of whether they might possibly develop into a heavily armed paramilitary force. A certain amount of weaponry has been seized from right wing groups in recent years. For example, in May 1998, police discovered Czech and Ukrainian pistols and machine guns among East German neo-Nazi groups, and in the following month, German police seized a cache of hand grenades, mines and automatic weapons in Bavaria and Rhineland-Palatinate. However, no major weapons arsenals have been discovered so far.⁵² Moreover, the east German *Länder* or regions seem not to have become an area of high criminal activity compared to the west German *Länder*. For example, during 1998, only 10.9 percent of all seizures of weapons involved in criminal activities, ranging from illegal possession to violent crimes, were committed in the east.⁵³ The highest criminal activities involving firearms were committed in the western *Länder* of Bavaria (15.9 percent of total crimes), Baden-Württemberg (14.2 percent) and Nord-Rhein-Westfalen (11.5 percent). As far as left-wing political terrorism is concerned, the groups that operated in Germany during the 1970s and 1980s have not become either major customers or major sources of illegal weapons.⁵⁴ The Red Army Faction (RAF) was disbanded in 1998. Although no RAF weapons have been handed in, police officials affirm that the RAF did not possess vast significant arsenals, and that its weapons have not by and large been used in crime.⁵⁵

Despite its proximity to the former Warsaw Pact countries and a significant inflow of East European and Balkan immigrants, Germany seems not to have experienced a substantial inflow of weapons from Eastern Europe and the Balkan region. Moreover, according to official statistics Germany has not experienced a major increase in violent criminal activities involving firearms in recent years.⁵⁶ As in the United Kingdom,

⁵⁰ German Interior Ministry Officer, conversations with the author, Wiesbaden, 18 October 1999.

⁵¹ *Waffen- und Sprengstoff-kriminalität in der Bundesrepublik Deutschland 1998*, Bundeskriminalamt, Germany, 1 September 1999, p 19.

⁵² Imre Karacs, 'Armed thugs raise fear of 'brown army'', *The Independent*, 30 May 1998; 'German police seize Neo-Nazi Arms Cache', Reuters, 24 June 1998, <http://www.cnn.com>, Police officer, conversations with the author, Wiesbaden, 18 October 1999.

⁵³ *Waffen- und Sprengstoff-kriminalität in der Bundesrepublik Deutschland 1998*, Bundeskriminalamt, Germany, 1 September 1999, p 3.

⁵⁴ Police officer, conversations with the author, Wiesbaden, 18 October 1999.

⁵⁵ *Ibid.*

⁵⁶ *Polizeiliche Kriminalstatistik Bundesrepublik Deutschland, Berichtsjahr 1999*, Bundeskriminalamt, Germany, 2000.

handguns remain the preferred weapons of murder and manslaughter offences, presumably for the same reasons that relate to concealment.⁵⁷ Seventy-nine percent of the weapons recovered in murders and seventy-six percent of those recovered in manslaughter offences in 1998 were handguns, followed by air-power weapons and hunting rifles. Machine guns seem not to have been used in criminal violence in Germany in the past two years, despite a small amount of illegal machine guns in circulation. For example, in 1998, the German police seized 25 illegally held machine guns and one machinegun was reported stolen.⁵⁸

Air-power weapons, instead, seem to be the most common weapons utilised, if all violent criminal offences are collated. Sixty-three percent of all recovered weapons in criminal offences involving firearms were air-power weapons. Air-power weapons are mostly used in crimes involving severe physical damage (60 percent of the cases), threats involving firearms (70 percent of the cases), thefts and robberies (70 percent of the cases) and blackmailing incidents (74 percent of the cases). Air-power weapons can be held without a permit, and this explains why 55.9 percent of all weapons seized by the German police that were used in violent crimes involved weapons which did not require a permit.⁵⁹ Thirty-seven percent of all weapons seized in violent crimes involved illegal weapons and only 4.1 percent involved weapons that were legally held. It can therefore be argued that, as in the United Kingdom, only very few incidents involve legal weapons, and most crimes are committed with weapons which are beyond the control of the authorities, either because they do not require a permit or because they are illegally held.

Italy

Developments in Italy are harder to assess because of the greater difficulty in obtaining criminal data involving the use of firearms. The reason for this is that police officers generally pay less attention to the kind of weapons used in crime, concentrating their efforts instead on combating criminal activities, and focusing particularly on the individual or the organisation and the motivations behind a particular crime.⁶⁰ For example, when dealing with organised crime, the emphasis is placed on dismantling the organisation's structure and finances rather than on uncovering its weapons arsenals, although efforts in that direction are obviously conducted as well. Interior Ministry officials do not perceive the illegal possession of weapons by individual criminals and organised crime groups as a main threat to the country's and the citizens' security, as opposed to organised crime per se, which is instead considered a major threat. As a result, the Italian government does not produce data which reflect the use of firearms in crime. According to officials, powerful light weapons and firearms are not commonly used in crime, and consequently the ownership and possession of firearms is not a major concern.⁶¹ Last year, the Italian weekly *L'Espresso* gave an overview of criminal activities in Italy on the basis of a report produced by the Centre for Social Studies and Policies (Censis), which seems to confirm official views.⁶² Despite a major increase in *micro-criminalità* or petty-crime, such as bag-snatching, theft and robbery, during 1998 and 1999, the use of firearms in crime has not increased in the same proportion. Apparently firearms are rarely used in petty crimes. Criminals tend instead to use small knives, fake pistols, and even just mobile phones to threaten their victims when conducting robberies.⁶³

57 *Waffen- und Sprengstoff-kriminalität in der Bundesrepublik Deutschland 1998*, Bundeskriminalamt, Germany, 1 September 1999, pp 15, 29.

58 *Ibid.*

59 *Waffenrecht* (Firearms legislation), Kreispolizeibehörde, Herdorf, Deutschland, <http://www.polizei.nrw.de/herdorf/waffenrecht.htm>.

60 Interior Ministry officials, conversations with the author in Rome, 27 and 28 September 2000.

61 *Ibid.*

62 Pierluigi Ficoneri, 'Vado, lo scippo e torno', *L'Espresso*, 22 July 1999, http://www.espressodit.kataweb.it/cgi-bin/spd-gettext.sh?ft_cid=30594.

63 *Ibid.*

However, the report also noted that major robberies, especially of security vans or trucks, are often committed with firearms.⁶⁴ Although these kinds of robberies do not occur very frequently, they tend to be very violent, and usually involve the use of automatic powerful weapons, primarily sub-machine guns. For example, during the past two years, northern Italy suffered from a series of violent assaults and robberies which involved the use of sub-machine guns, and caused major damage.⁶⁵ The most devastating of all occurred in May 1999, in a central Milanese road, Via Imbonati, in which an officer was killed and over 400 shots were fired. Police attributed these assaults to a heavily armed gang which included a former left-wing terrorist, Francesco Gorla, as well as two convicted criminals on parole. The so-called 'kalashnikov gang' possessed a significant arsenal of light weapons uncovered by the police, including Swiss Sig Sauer sub-machine guns, surface-to-air missiles, and rocket propelled grenades.⁶⁶ Interestingly, some of the weapons belonging to the band, although of Western production, seem to have been brought over from Croatia.⁶⁷

In March 2000, another group of criminals carrying an automatic machine gun robbed a bank in the northern city of Brescia, seriously injuring a police officer.⁶⁸ These assaults clearly indicate that rather powerful weapons are starting to be used by criminals more regularly than in the past, and their use is not limited to the southern areas of the country, where more powerful weapons have traditionally been used by organised crime groups.

Italian citizens feel very concerned about the increase in crime, especially in the northern regions of the country, which traditionally had not suffered greatly from petty crime involving firearms.⁶⁹ A national poll conducted by the National Economic and Labour Council among 4,500 persons of all social groups in 1999 indicated that 20 percent of those polled considered crime to be their main issue of concern, a seven percent increase on the previous year.⁷⁰ Twenty-six percent of those polled placed crime in the second place of their concerns and 21 percent placed it in third place. Italian officials attribute these concerns to an increase in petty crime, which although not extremely damaging to the state, directly affects individual citizens in their daily lives, and is therefore felt particularly strongly.

A survey conducted among Italian businessmen by the *Confederazione Italiana Esercenti Commercio, Turismo e Servizi Confesercenti*, the Italian confederation of small business involved in trade, tourism and services, showed that 10 percent of shopkeepers had legally acquired a gun in order to protect themselves in 1999.⁷¹ This figure was even higher in the southern regions of the country, traditionally more severely affected by crime – 17.6 percent of shopkeepers proved ready to buy a gun. Whereas in the south, local traditional criminal groups are particularly violent, in the north, foreigners are particularly active in criminal activities. However, according to the head of the Police in Bologna, Domenico Bagnato, most violent crimes committed by foreigners occur between members of the same immigrant community, particularly as regards Albanians, Yugoslavs or North Africans.⁷² Although crimes among foreigners are most often carried out with knives, firearms are also used when large-scale

64 Ibid.

65 'Almeno dieci rapine per la banda del kalashnikov', *La Repubblica*, 28 July 1999, <http://www.repubblica.it/online/fatti/spar/indagini/indagini.html/>.

66 Luca Fazzo, 'Presi I rapinatori killer dell'assalto al portavalori', *La Repubblica*, 27 July 1999, <http://repubblica.it/quotidiano/>.

67 'Almeno dieci rapine per la banda del kalashnikov', *La Repubblica*, 28 July 1999, http://www.repubblica.it/online/fatti/spar/indagini/indagini.html.

68 'Sparatoria dopo una rapina, un carabiniere è grave', *La Repubblica*, 29 March 2000, <http://www.repubblica.it/online/cronaca/insegue/chiar/chiar.html>.

69 'La Jervolino promette pene piu' severe e certe', *La Repubblica*, 18 September 1999, <http://www.repubblica.it/online/fatti/brescia/caselli/caselli.html>.; 'Le ansie degli italiani: lavoro e criminalità', *La Repubblica*, 17 September 1999, <http://www.larepubblica.it/online/fatti/brescia/cnel.html>.

70 Ibid.

71 'Un commerciante su dieci ha la pistola nel cassetto', *La Repubblica*, 14 March 2000, <http://www.repubblica.it/online/cronaca/padovaladri/commercianti.html>.; Confesercenti, Conferenza nazionale sulla legalità: Imprese commerciali e rapporto con microcriminalità, usura e racket, 22 March 2000, <http://www.confesercenti.it/comunicati/2000/2000mar22.htm>.

72 Pierluigi Ficoneri, 'Vado, la scippo e torno', *L'Espresso*, 22 July 1999, http://www.espressodit.kataweb.it/cgi-bin/spd-gettext.sh?ft_cid=30594.

criminal activities are being conducted, such as drug-trafficking or prostitution. Most of these weapons originate in Albania and former Yugoslavia.⁷³

The former Yugoslavia and Albania have become in the past decade an important source of weapons not only for foreign criminal groups, but also for the traditional Italian organised crime groups – the Mafia – and ordinary criminals. The geographical proximity of Italy to areas of contemporary conflict has allowed Italian criminals to obtain weapons for relatively low prices without much difficulty. Moreover, it has transformed Italy into an important transit area of weapons directed to northern and eastern Europe.⁷⁴ This is partly confirmed by the relatively large amount of weapons seized by the police all over Italy during the past five to six years. In 1993, seizures of light weapons and small arms conducted by the *Direzione Centrale della Polizia Criminale*, the national police, and the *Direzione Investigativa Anti-Mafia*, Anti-Mafia Police Directorate or DIA, totalled 11,838.⁷⁵ In addition, over 3,000 bombs, 138 tons of explosives, and almost 2 billion rounds of ammunition were seized (see Table 1)⁷⁶ These seizures are much higher than the amount of seizures recorded in Germany, and although they involve the total amount of weapons seized in Italian territory, and not just those seized at the border, they clearly indicate that Italy has become a major entry point for smuggled weapons. Police officials confirm that most of the illegal weapons in circulation among criminals in Italy, especially the more powerful ones, are of foreign origin, primarily Yugoslav, Albanian or East European. This is explained by the fact that illegal foreign weapons, especially those originating in Eastern Europe and Southern Europe, are much cheaper than Italian weapons.⁷⁷

TABLE 1: Seizures conducted by the *Direzione Centrale della Polizia Criminale*, and the *Direzione Investigativa Anti-Mafia*, during 1993–1995 in Italy.⁷⁸

Material seized	1993	1994	1995
Long-weapons	5,327	5,457	5,950
Short-weapons	6,511	5,402	4,847
Explosives in kg	138,223	154,490	88,189
Bombs	3,092	3,113	1,133
Ammunition	1,9776,310	3,548,976	884,211

Figures of seizures for 1994 are also high, especially as far as explosives and ammunition are concerned (Table 1). A slight decrease in seizures of short weapons was experienced in 1995. Nevertheless, the total amount of seizures remains quite high when compared to other countries in the EU. The figures available for 1997–2000 refer only to the seizures conducted by the national police and not by other forces such as the DIA, or the Carabinieri Police Force. Consequently, figures are smaller, but they still indicate that weapons are coming into Italy on a regular basis (Table 2).

The main acquirers of weapons, besides less well-organised criminal gangs, such as the ‘kalashnikov gang’, are traditional organised crime groups (the Mafia) and foreign criminal organisations. Particular attention will be devoted to traditional Italian criminal groups, given their involvement in both weapons trafficking and acquisition. It must be made clear though, that Italian criminal groups, however strong, are certainly not the only powerful organisations on the European criminal scene. Russian, Chinese, Albanian, Dutch and British criminal groups have become extremely active and violent in the past decade. However, not much research on these groups has been conducted so far and therefore very little information on them is available. Obversely,

⁷³ Italian Interior Ministry Official, conversations with the author, Rome, 27 September 2000.

⁷⁴ Italian Carabinieri officer, conversations with the author, Rome, 28 September 2000.

⁷⁵ *Elementi sulla criminalità organizzata in Italia ed il traffico di armi*, unpublished report, Italian Interior Ministry, Rome, 2000, p 4.

⁷⁶ Ibid.

⁷⁷ Italian Carabinieri officer, conversations with the author, Rome, 28 September 2000.

⁷⁸ *Elementi sulla criminalità organizzata in Italia ed il traffico di armi*, unpublished report, Italian Interior Ministry, Rome, 2000, p 5.

Italian organised crime has been comprehensively researched both in Italy and abroad, and much more substantial information is therefore available.

TABLE 2: Seizures conducted by the State Police during 1997–2000 in Italy.⁷⁹

Material seized	1997	1998	1999	2000*
Long-weapons	503	674	390	292
Short-weapons	779	862	767	447
Explosives in kg	1,132	279	173	699
Bombs	55	232	167	91
Ammunition	59,980	117,852	95,256	32,827
Rocket-launchers	1	1	2	0
Bazookas	2	2	1	0

*Data covering the period January 2000–31 August 2000

Italian organised crime

Italian organised criminal groups – the Mafia – remain among the most powerful organisations in the European criminal underworld. Despite the growing presence of foreign criminal groups in Italy and successful counter-activities by the Italian police and magistrates, the Italian Mafia still dominates the Italian underworld and retains control over the territory of the southern regions of Italy through extortion, intimidation, and the use of violence.⁸⁰ *Cosa Nostra* is dominant in Sicily, the *'ndrangheta* is present in Calabria, the *Sacra Corona Unità* controls the territory in Apulia while the *Camorra* operates in Campania. In order to impose local dominance and conduct illegal operations, Mafia organisations rely on an arsenal of powerful weapons, which are utilised when a clear intimidating message must be delivered, or a difficult target hit. Traditionally, *Cosa Nostra*, the Italian organised crime group dominant in Sicily, has used the *lupara* – a home-made sawn-off shotgun – to commit regular crimes. The use of such unsophisticated weapons is explained by the tendency among *Cosa Nostra* members to use violence only as a last resort. When wanting to eliminate an opponent, the Mafia tends to use the least risky procedures, as well as the methods least capable of attracting attention. As such, the preferred method of violence remains the so-called *lupara bianca* – the elimination of the victim in ways that leave no traces in the victim's body or blood – ie strangling or suffocation.⁸¹ When a weapon is used, it is often either modified or destroyed with the victim's body, which is usually dissolved in acid.⁸²

As the criminal activities and financial resources of *Cosa Nostra* grew during the late 1970s and the 1980s, the organisation upgraded its arsenal with more sophisticated weapons. According to the late Sicilian Magistrate Giovanni Falcone, criminals started using short barrel guns, such as .38 calibre and .357 Magnum handguns for regular operations. For more difficult assaults, they relied on powerful explosives, including Czechoslovak Semtex, and assault rifles, such as Soviet AK-47s, anti-tank rocket launchers and grenade launchers.⁸³ During the mid-1990s, the easy availability of huge amounts of cheap weapons from the neighbouring Balkan region – AK47s were sold at \$300 – permitted a substantial increase in the volume of the Mafia's arsenals.⁸⁴ The availability of cheap, powerful weapons rather than a particular change in tactics created a demand among Italian criminal groups for this new kind of equipment. The possession of new and more powerful weapons, however, did not result in a change of

⁷⁹ Ibid p 4.

⁸⁰ Andrea Margelletti, advisor to the President of the Italian delegation to the North Atlantic Assembly, conversations with the author, London, 5 September, 2000; Official of the Italian Interior Ministry, conversations with the author, Rome, 28 September 2000.

⁸¹ Giovanni Falcone, *Cose di Cosa Nostra*, Milan, Rizzoli, 1994, pp 23, 26.

⁸² Giancarlo Caselli, Procuratore della Repubblica di Palermo, evidence given at the hearings of the Commissione Bicamerale Anti-Mafia on 5 February 1997, *Commissione parlamentare di inchiesta sul fenomeno della mafia e sulle altre associazioni criminali similari*, (hereafter *Commissione*), Resoconto stenografico, 5 Febbraio 1997.

⁸³ Giovanni Falcone, *Cose di Cosa Nostra*, p 23; official of the Italian Interior Ministry, conversations with the author, Rome, 28 September 2000.

⁸⁴ Andrea Margelletti, conversations with the author, London, 5 September 2000.

tactics or an escalation of violence. This is explained by the fact that the Italian Mafia prefers to avoid using blatant violence and attracting too much public attention. The Mafia remains powerful as long as it acts quietly and avoids police reprisals.

According to two *Cosa Nostra* Mafiosi turned informants, Gioacchino La Barbera and Santino di Matteo, both involved in arms trafficking, a substantial amount of machine-guns, pistols, hand-grenades, and anti-tank rocket launchers originating from Belgium and former Yugoslavia, arrived in Sicily during the early and mid-1990s. Weapons were acquired by Leoluca Bagarella and Giovanni Brusca, bosses of the dominant 'Corleonese' family, as well as by members of the Santapaola clan in Catania in 1994.⁸⁵ Especially powerful and dangerous were the anti-tank rocket launchers, given that they are capable of shooting down helicopters, a means of transport frequently used by Italian magistrates for security reasons. Smuggled weapons were usually carried in trucks or jeeps, and often temporarily hidden in sheds near high-ways, before reaching their final destination.⁸⁶ The acquisition and transport of weapons originating in the former Yugoslavia often involved the participation of Albanian and Croatian criminals, who carried the weapons either across the Adriatic or through Northern Italy.⁸⁷ Weapons originating in Belgium or Switzerland sometimes passed instead through the island of Sardinia, an area that until the 1990s had remained relatively free of large-scale criminal activities.⁸⁸ In the 1990s though, the Italian police seized several former Yugoslav weapons, including anti-tank rockets, explosives and ammunition, from the hands of local Sardinian criminal groups, thereby demonstrating their involvement in illegal arms trafficking.⁸⁹

During the 1990s, *Cosa Nostra* also obtained weapons from eastern European and Russian sources.⁹⁰ Pier Luigi Vigna, Anti-mafia Public Prosecutor, mentioned the reaching of an agreement in Prague in 1992, between the leaders of Italian criminal groups and Russian mafia leaders, which envisaged the supply of sophisticated weapons, as well as uranium and radioactive material belonging to the Russian army. In exchange for weapons, Italian criminals apparently agreed to provide Russian groups with drugs, especially cocaine, to be sold in the east European and Russian markets.⁹¹ Whether or not these transactions actually went ahead is hard to tell. No radioactive materials have been recovered in Italy in the past decade. However, Italian police sources confirm that significant quantities of Russian and former Warsaw Treaty weapons reached Italy after the collapse of the Soviet Union, often transiting through the turbulent region of the Balkans.⁹² *Cosa Nostra* and other criminal groups apparently also obtained weapons from Afghanistan and Pakistan, two countries that have become a major source of weapons in the past decade, due to good quality and abundance of matériel.⁹³

Part of *Cosa Nostra's* powerful arsenal was confiscated by the Italian police in 1996, when it uncovered two weapons arsenals in the Sicilian areas of San Giuseppe Jato and Malatuccia, which belonged to the Corleonese families. Police seized an unreported number of anti-personnel hand grenades, anti-tank grenades, rocket propelled grenades (RPGs), detonators, as well as ten disposable anti-tank rocket launchers, 400kg of explosives, and 120 firearms.⁹⁴ Although these seizures damaged *Cosa Nostra*,

85 'Dall'Europa alla Sicilia i bazooka per la mafia', *Il Manifesto*, 11 May 1995, p. 4.

86 Ibid.

87 Alison Jamieson and Alessandro Silj, *Migration and Criminality: the Case of Albanians in Italy*, Ethnobarometer Programme, Working Paper 1, 1998, <http://www.cemes.org/current/ethpub/>.

88 Consiglieri Beggiato, Gobbo, Commencini, et al., *Proposta di Legge: Istituzione della Commissione Regionale Sulla Criminalità Organizzata*. Regione Veneto, Sesta Legislatura del Consiglio Regionale, 25 February 1998.

89 Official of the Italian Interior Ministry, conversations with the author, Rome, 28 September 2000.

90 Ibid.

91 Pier Luigi Vigna, 'The New Mafia', in *Organised Criminality: Security in Europe*, ed. Fondazione Rosselli, European Commission, Forward Studies Unit, Working Paper, 1999, p. 24.

92 Official of the Italian Interior Ministry and the Italian Carabinieri, conversations with the author, Rome, 28 September 2000.

93 *Elementi sulla criminalità organizzata in Italia ed il traffico di armi*, unpublished report, Italian Interior Ministry, Rome, 2000, p. 6.

94 Direzione Investigativa Anti-mafia, *Bilancio dell'attività istituzionale nel periodo 1992-1999: Cronologia dei fatti salienti*, http://www.mininterno.it/dip_ps/dia/crono.htm; Official of the Italian Interior Ministry, conversations with the author, Rome, 27 September 2000.

they certainly did not destroy its capacity to operate, especially because *Cosa Nostra's* power does not rely uniquely on its military capabilities, but also on its organisational structure, capacity to intimidate, violent methods and financial resources. Moreover, the easy availability of weapons from former Yugoslavia and Albania means that *Cosa Nostra* can easily rebuild its arsenal.⁹⁵ In fact, Albanian criminal groups, which control the traffic of illegal immigrants from Albania, regularly smuggle handguns, Yugoslav AK-47 rifles, and occasionally also RPG-7 and RPG-18 anti-tank rocket launchers, in fast rubber boats that travel across the Straits of Otranto. Weapons are either kept by the Albanians themselves, or acquired by Italian criminal organisations, including *Cosa Nostra*.⁹⁶

According to local experts, however, Albanian criminal groups operating in Italy have not heavily armed themselves in the past few years.⁹⁷ Although they can be exceedingly violent, Albanians rely primarily on handguns and small sub-machine guns imported from Croatia, Albania and Slovenia. Not only are weapons of war difficult to conceal and unnecessary for the organisation of criminal activities such as prostitution and drug dealing, foreign criminal groups must also avoid seriously challenging the Italian Mafia on its own territory. Independent experts believe that the Italian Mafia, including *Cosa Nostra*, still remains in control of the Italian criminal underworld, and therefore no foreign criminal organisations can operate in Italy without the Mafia's approval. It is therefore possible that the Mafia makes sure that substantial weaponry does not become available to foreign groups operating in Italy which could challenge its power and destabilise its own backyard. However, police officers note that important criminal operations do occur in Italy without the involvement of Italian groups, especially when Italy is just a transit area. For example, in 1999, police seized a total of 1,200 kg of cocaine in the Calabrian town of Gioia Tauro, which was destined for the eastern European market. The smuggling operation involved British and Dutch criminal groups that had no links with Italian groups.⁹⁸ However, it is also possible that a tacit agreement had been reached with local Calabrian groups.

Besides *Cosa Nostra*, other Italian criminal organisations in southern Italy revamped their arsenals in the past decades and engaged in illegal arms trafficking activities. Most experts concur that the Calabrian *'ndrangheta* is particularly predominant in arms trafficking. Apparently the *'ndrangheta* supports the arms trafficking activity through its vast international links and huge financial resources.⁹⁹ According to Gianni De Gennaro, former head of the DIA, police seizures in October 1993 point to the involvement of the Calabrian *San Luca* and *di Plati* clans in the illegal import of machine-guns and disposable anti-tank rocket launchers from former Yugoslavia.¹⁰⁰ The vast amount of weapons seized – 18 rocket launchers in October 1993 – suggests that they were probably destined for foreign clients.¹⁰¹ Criminal groups do not need huge amounts of weapons because they are not involved in a war against the state. However, it is also possible that part of the smuggled weapons remained in Calabria to fill the *'ndrangheta's* arsenals. According to Nicola Gratteri, anti-Mafia magistrate of Reggio Calabria, the Calabrian region is 'flooded with weapons', ranging from sub-machine guns to anti-tank rocket launchers, and apparently even surface-to-air missiles, mostly belonging to the *'ndrangheta*.¹⁰² In 1994, the Calabrian *Di Giovine*, *Piomalli* and *Mole* clans, all heavily involved in the drugs and weapons trade, were

⁹⁵ Andrea Margelletti, conversations with the author, London, 5 September 2000.

⁹⁶ Andrea Nativi, conversations with the author, Rome, 14 May 1998; Alberto Maritati, 'Hanno il controllo del territorio', *L'Espresso*, 25 February 1999.

⁹⁷ Andrea Margelletti, conversations with the author, London, 5 September 2000.

⁹⁸ Italian Interior Ministry Official, conversations with the author, Rome, 27 September 2000.

⁹⁹ Ibid, and Luciano Violante, *Dodici tesi sulle mafie italiane*, Einaudi, Torino, 1994, in <http://www.peacelink.it/webgate/mafia/msg00051.html>; Andrea Margelletti, conversations with the author, London, 5 September 2000. Senatore Bova, (Sinistra Democratica), hearings of the Commissione Bicamerale Anti-Mafia on 27 May 1997, *Commissione*, Resoconto stenografico, 27 Maggio 1997.

¹⁰⁰ Gianni De Gennaro, Direttore della DIA, evidence given at the hearings of the Commissione Bicamerale Anti-Mafia, in 1994, *Commissione*, Session 87, Presidente Luciano Violante.

¹⁰¹ Ibid.

¹⁰² Consiglieri Beggiato, Gobbo, Commencini, et al, *Proposta di Legge: Istituzione della Commissione Regionale Sulla Criminalità' Organizzata*. Regione Veneto, Sesta Legislatura del Consiglio Regionale, 25 February 1998.

dismantled. Over 200 people were arrested and vast amounts of weapons confiscated.¹⁰³ However, police officials affirm that weapons are usually stocked temporarily in Italy before being sold in various batches to different local and foreign clients.¹⁰⁴

The closeness of the south-eastern Apulian coast to the main sources of weapons supplies from the Balkans transformed the local Mafia, the *Sacra Corona Unita* (SCU), into another major weapons handler. In 1997, the head of the Italian Police, Prefect Fernando Masone, admitted that the possession of vast amounts of weapons among the SCU had become a major issue of concern.¹⁰⁵ And the DIA reported in 1998 that the number of seizures of ammunition and explosives in Apulia was 50 percent above the national average.¹⁰⁶ Such information confirms earlier views that the Apulian maritime region has emerged in recent years as the main entry point of weapons smuggled into Italy. The smuggling is conducted in fast rubber boats, which easily avoid Italian maritime patrols, as they ply the coasts carrying arms, ammunition, drugs and illegal immigrants. The Yugoslav wars compelled drug dealers to look for alternatives to the traditional Balkan route, which was blocked by military action. Albania's proximity to the Italian coast therefore proved an attractive option. The weakening of Albanian security structures after the collapse of the government in the spring of 1997 and the emergence thereafter of very effective, rather ruthless and well organised Albanian criminal groups accelerated the development of many illegal activities across the Straits of Otranto, such as the smuggling of arms, cigarettes, drugs and immigrants.

Contrary to expectations, Balkan and Italian mafias reached clear agreements on co-operation, and differentiation of illegal activities and territories. Albanian groups, which co-operate closely with Calabrian and Sicilian groups in the trafficking of drugs, illegal immigrants and weapons, offload their products on the southern Apulian coast, in the stretch of land that goes from Brindisi to Salento. The Neapolitan *Camorra* and the SCU, which has close ties with Montenegrin criminal groups and is heavily involved in drugs and cigarette smuggling, use instead the northern Apulian coastal areas, offloading their products in the areas between Brindisi and Bari.¹⁰⁷ According to experts, the power of the SCU has reached threatening proportions in the past two to three years. Apparently, the SCU has managed to exert almost total control over the Apulian maritime region, thus preventing the Italian police from successfully combating illegal trafficking. Part of the problem lies in the superior equipment and intelligence work of local criminal groups. Criminals tend to use submachine-guns and armoured vehicles, whereas Italian policemen drive in ordinary small cars and are forbidden to use armour-piercing ammunition.¹⁰⁸ Moreover, criminals also use commercial radars and scanners, which allow them to detect the movement of maritime patrols, and thus avoid offloading their products in patrolled areas.

Aware of the danger created by the flow of drugs and weapons, and also by the massive influx of illegal immigrants, the Italian government launched a major operation in the spring of 2000 – *Operazione Primavera* – to combat illegal flows and restore control over territory.¹⁰⁹ Italian Customs Police acquired two ATR 42 patrol aircraft capable of intercepting radar emissions, and three Israeli mobile radar systems to detect suspicious movements along the coast. The Italian Navy set up surveillance stations and barrage balloons with effective eavesdropping equipment. Moreover, the Coast-guards have set up regular helicopter patrols of the coast, and in the hinterland, the

¹⁰³ Consiglieri Beggiato, Gobbo, Commencini, et al., *Proposta di Legge: Istituzione della Commissione Regionale Sulla Criminalità Organizzata*. Regione Veneto, Sesta Legislatura del Consiglio Regionale, 25 February 1998.

¹⁰⁴ Italian Carabinieri, conversations with the author, Rome 28 September 2000.

¹⁰⁵ Prefetto Fernando Masone, Capo della Polizia, evidence given at the hearings of the Commissione Bicamerale Anti-Mafia, on 1 July 1997, *Commissione*, Resoconto stenografico, 1 Luglio 1997.

¹⁰⁶ Cristina Mariotti, 'Il criminale che viene dall'Est', *L'Espresso*, 14 January 1999.

¹⁰⁷ Ibid, and *Relazione sullo stato della lotta alla criminalità organizzata nella provincia di Brindisi*, Senatore del Turco, Rome, 16 July 1999.

¹⁰⁸ Andrea Grazioso, Research Associate at the Military Centre for Strategic Studies (CeMISS), Conversations with the author, Rome, 27 September 2000.

¹⁰⁹ 'Operazione Primavera, un successo', *La Repubblica*, 14 March 2000, <http://www.repubblica.it/online/cronaca/contrab/operazione/operazione.html/>.

Carabinieri have established regular road blocks to stop the movement of off-road vehicles with bullet-proof glass.¹¹⁰ Despite this renewed effort, experts remain sceptical about the results. Some argue that these operations are extremely expensive and therefore unable to be continued over time, while others argue that the answer to illegal trafficking is not only an escalation in the use of force and technical means, but also in more effective intelligence activities.¹¹¹ Police officers however, take a positive view and argue that cases of illegal arms trafficking are diminishing.¹¹² Nevertheless, as this paper has shown, traditional Italian organised crime groups (*Cosa Nostra*, *'ndrangheta* and the *Sacra Corona Unità*) still receive significant quantities of weapons which, although not regularly used in crime, are often held in secret caches pending sale or transfer to other criminal elements in Italy or elsewhere in Europe.

Any effective effort to combat organised crime and weapons trafficking in Italy requires a revamping of the controversial Italian judicial system. It is often the case that very few arrested criminals ever face trial and that many convicted criminals are let free well before the end of their sentence. Historically, the reaction of the Italian government and Italian public opinion to the struggle against all sorts of criminality has swung between periods of 'giustizialismo', characterised by an active and effective legal and judicial struggle against crime, usually after particularly violent criminal attacks or massacres, and periods of 'garantismo' characterised by legal efforts intended to curtail the power of the judicial and security structures. During the 1990s, partly because of the controversial *Mani Pulite* trials conducted against corrupt officials and businessmen, governments and public institutions approved very contradictory and consequently rather ineffective criminal legislation. The former left-wing government proved very determined in its fight against micro-criminality, but adopted a laissez-faire attitude towards economic crime, and hardly introduced any fundamental legal reforms. Although recent years have witnessed a rather effective struggle by the security forces against organised crime, the necessary legal reforms aimed at providing better protection for informants and accelerating the timeframe of judicial trials, have not been carried out.

110 Ibid.

111 Ibid, and Andrea Margelletti, conversations with the author, London, 5 September 2000.

112 'Operazione Primavera, un successo', *La Repubblica*, 14 March 2000.

6

SALW in EU Candidate Countries: country studies

THE ENLARGEMENT OF THE EUROPEAN UNION in the direction of Central and Eastern Europe will have a significant impact not only on the security architecture of the European continent but also on security dynamics within the Union. Besides the traditional tasks to be addressed as a result of the incorporation of new members, primarily related to economic and financial policies, the EU will face new challenges related to public safety and domestic security. The new EU members are expected to sign up to the Schengen agreement. As a result, policing of the EU periphery is likely to fall to certain states with less effective border security controls than the current 'rim members'. What are the challenges to be expected as far as light weapons are concerned? Is the EU to anticipate a massive inflow of weapons as a result of the integration of former Warsaw Pact countries? Are the police and border controls of the future EU Member States sufficiently effective to meet the non-military threats, such as the spread of crime, illegal immigration, drugs and light weapons? As was indicated above, the EU has not suffered a major influx of weapons originating in Eastern Europe. However, the current situation within two of the proposed new Member States – the Czech Republic and Bulgaria, discussed below – suggests that a variety of relevant problems do need to be addressed to prevent an increase in small arms diffusion in an enlarged EU.

Czech Republic

The end of the Communist police-state and the introduction of democracy and the free market in the Czech Republic significantly reduced the tight controls exercised by the previous regime on institutions and individuals, and allowed for the emergence of a freer and more open society. Such positive developments however were slightly tainted by an increase in ordinary criminal activities, the settlement of foreign organised crime, primarily Russian, Ukrainian, Albanian and Italian, and the conduct of illegal businesses, such as drug-trafficking, money laundering, prostitution, and also weapons smuggling.¹¹³ During the mid-1990s, the Czech capital was regarded by

¹¹³ Former Czech Cabinet Minister, conversations with the author, 22 September 1999; Pier Luigi Vigna, 'The New Mafia', in *Organised Criminality: Security in Europe*, ed. Fondazione Rosselli, European Commission, Forward Studies Unit, Working Paper, 1999, p 24.

foreign police officers as an established centre for Russian and east European arms traffickers.¹¹⁴ Such an appraisal is only partly true. Although police and journalistic reports confirm the existence of illegal weapons sales in the Czech Republic, Czech and foreign weapons seem to have been destined primarily for foreign clients in Africa, former Yugoslavia, the former Soviet Union and Latin America, and not to local Czech criminals.¹¹⁵ Czech firms and dealers seem to have been acting primarily as brokers or agents in the international arms market, using an extensive network of contacts developed throughout the 1970s and 1980s. For example, the Czech arms manufacturer Renegade negotiated a major shipment of assault rifles to Azerbaijan in 1996 without seeking the approval of the Industry and Trade Ministry.¹¹⁶ In 1999, the Czech firm Liberec was involved in the illegal sale of six Russian MiG-21 fighter aircraft destined for Yugoslavia.¹¹⁷ In 1996, a batch of 8,000 Skorpion sub-machine guns, originally intended for the Dominican Republic, were intercepted on their way to an unspecified Arab country under UN embargo.¹¹⁸ The development of these sorts of illegal transactions via the Czech Republic is explained by the fact that the former Czechoslovakia was in the past a major international trader of light and heavy weaponry and many links survived the end of Communism. Aware of its negative consequences, the government has tightened exports controls and introduced more effective export control legislation. Nevertheless, flaws in the system still occur.

The Czech Republic, has not, however, developed into a major light weapons bazaar for local criminal groups. The illegal weapons market, according to police officials and experts, remains relatively small.¹¹⁹ Despite an increase in petty crime in the past decade, public order is robust and ordinary people do not feel a need to arm themselves for personal protection. Customers for illegal weapons are primarily criminals, usually involved in illicit activities such as drug trafficking and prostitution, very much resembling the EU pattern.¹²⁰ The weapons mostly in demand, according to interviewed police experts, are primarily Czech ones such as 9mm CZ 75 and 9mm CZ 85 pistols, Skorpion sub-machine guns, SA 26, SA 24 and SA 58 sub-machine guns, AK-47 rifles, hand grenades and Semtex explosives.¹²¹ The SA-61 Skorpion sub-machine gun is especially popular because of its small size and effectiveness. 'It is sufficient for killing at short distances and can be carried under a jacket', Karel Maly, head of the first department of the Central Bohemian Investigation Office, explained.¹²² Maly noted however, that a vast amount of weapons belonging to the former Soviet Army in Czechoslovakia are still available on the Czech illegal market. Apparently large amounts of explosives, hand grenades and ammunition are in the hands of local criminals, who sell most of them to areas of conflict throughout the world.¹²³ Police officials interviewed argue however, that most of the light weapons, ammunition and explosives originally belonging to the Soviet army had been smuggled into former Yugoslavia in the early 1990s, and very little is now left in the Czech Republic.¹²⁴ In 1998, the Czech police recovered only a small number of anti-personnel mines made in the former Soviet Union, a few Russian-made AK-47s, and one 7.62 mm DPM machine gun.¹²⁵

114 Interpol, Third International Symposium on Firearms and explosives, Lyons, 7 to 9 September 1994, p 10 cited by Chris Smith, *Light Weapons and the International Arms Trade, Small Arms Management and Peacekeeping in Southern Africa* (UNIDIR, Geneva 1996) pp 1–60.

115 Former Czech official, conversations with the author, 22 September, 1999; 'Attempts to Smuggle Arms to Cuba Uncovered', Prague CTK, 22 April 1999, in FBIS-EEU-1999-0422, <http://wnc.fedworld.gov/cgi-bin>; Ivo Horak, 'Director of Arms Manufacturer in Custody', *Lidove Noviny*, 2 December 1996, p 3 in FBIS-EEU-96-233, <http://wnc.fedworld.gov/cgi-bin>.

116 Ivo Horak, 'Director of Arms Manufacturer in Custody', *Lidove Noviny*, 2 December 1996, p 3 in FBIS-EEU-96-233, <http://wnc.fedworld.gov/cgi-bin>.

117 'BIS Primarily Fear Black-Market Trade in Weapons', *Mlada Fronta Dnes*, 26 March 1999, in FBIS-EEU-1999-0407, <http://wnc.fedworld.gov/cgi-bin>.

118 Czech Police Officer, conversations with the author, Prague, 23 September 1999.

119 Former Czech official, conversations with the author, 22 September 1999.

120 Ibid. and Czech Police Officer, conversations with the author, Prague, 23 September 1999.

121 'Explosives and Weapons, Information Bulletin, Criminal Investigation Police, Police of the Czech republic, Prague 1999, p 2.

122 Filip Hubicka, 'Arms from Russia Dominate the Black Market', *Lidove Noviny*, 7 July 1998, in FBIS-EEU-98-188, 7 July 1998, <http://wnc.fedworld.gov/cgi-bin>.

123 Ibid.

124 Czech Police Officer, conversations with the author, Prague, 23 September 1999; Former Czech Cabinet Minister, conversations with the author, Prague, 22 September 1999.

125 *Explosives and Weapons, Information Bulletin, Criminal Investigation Police, Police of the Czech republic, Prague 1999, p 16.*

Illegal weapons in the Czech Republic are obtained from various sources, including clandestine assembly factories where serial numbers are removed, illegal workshops which recondition de-activated guns, and legal dealers.¹²⁶ In April 1998, the Czech police uncovered the caches of a five-member gang involved in assembling weapons, primarily Czech pistols, out of the working parts of non-functional weapons.¹²⁷ Dealers regularly bought weapons originally intended for training purposes in order to reactivate them. The results were so good that apparently even the German experts, their major clients, did not realise that the weapons had been assembled from non-functioning ones. Damaged weapons were bought for 6,000 crowns and sold for DM 1,200 after repair, allowing dealers to make huge profits.¹²⁸ Illegal weapons are also traded at so-called 'collectors' fairs', where military memorabilia is sold legally. The most notorious flea market is the Bustehrad fair near Prague, where historical military relics are sold. Apparently, illegal deals are conducted early in the morning or late at night when the market is closed.¹²⁹ Although thefts occasionally occur at police and army depots, the numbers are small, and involve only relatively few individuals. Personnel from the armed forces appear not to be involved in the selling of legal or illegal weapons on a large scale.¹³⁰

During the past years the Czech Republic has also witnessed a regular trickle of illegal light weapons from neighbouring countries. Various types of Albanian and former Yugoslav weapons have been recovered by the Czech police in the last year, among them Croatian 9mm VHS pistols, Croatian Sa Agram and Sa AP 9mm sub-machine guns, as well as Yugoslav PMA-2 anti personnel mines.¹³¹ According to official sources, a small number of Bulgarian weapons have also entered the country illegally in the past year. However, local experts agree that the smuggling of Bulgarian, Albanian and former Yugoslav weapons into the Czech Republic has not been very significant.¹³² This is due to the relatively long distances to be covered and the emergence of a more direct route from the Balkans to the EU via Slovenia and Austria. Rather effective border controls and the absence of a high demand for weapons also explain why no major flows occur through the Czech Republic. As in EU countries, public order in the Czech Republic is effective, and there is little need felt by ordinary citizens to arm themselves. The main recipients of arms are criminals, who tend to use primarily Czech weapons. The Czech Republic is an important producer of light weapons, and as a result, local products are dominant in the Czech illegal firearms market.¹³³

However, Czech weapons also travel in the opposite direction. German criminals apparently buy Czech pistols of all kinds, as well as Skorpion sub-machine guns and Semtex explosives.¹³⁴ While in Germany one kg of Semtex costs about DM 4,000 (\$2000) in the Czech Republic the same amount of explosive can be bought for only 5,000 Czech crowns (\$130). The prices of Czech weapons are also cheaper than in Germany, although they remain expensive for Czech customers. For example, 9mm CZ 75 pistols are sold for the equivalent of \$290–360, and Skorpion sub-machine guns for the equivalent of \$360–440.¹³⁵ High prices usually indicate a scarcity of weapons on the market, a situation partly confirmed by police seizures, which in 1998 amounted to just 1,200 weapons.¹³⁶ Received wisdom on police seizures estimates that around 10 percent of the total amount of illegal weapons in circulation is recovered, but, on a case

¹²⁶ Ibid and Czech Police Officer, conversations with the author, Prague, 23 September 1999.

¹²⁷ Jan Vaca, 'Gang Was Storing Weapons Even in Washing Machine', *Mlada Front Dnes*, 29 April 1998, p 25, FBIS-EEU-98-120, <http://wnc.fedworld.gov/cgi-bin>.

¹²⁸ Ibid.

¹²⁹ 'Almost 100,000 People in the Republic Keep Arms Legally, Twice as Many Illegally', *Denni Telegraph*, 19 August, 1994, FBIS-EEU-94-168, <http://wnc.fedworld.gov/cgi-bin>.

¹³⁰ Czech Ministry of Defence Official, conversations with the author, Prague, 23 September 1999.

¹³¹ *Explosives and Weapons*, pp 3–15.

¹³² Czech Police Officer, conversations with the author, Prague, 23 September 1999; Former Czech official, conversations with the author, Prague, 22 September, 1999.

¹³³ Czech Police officer, conversations with the author, Prague, 23 September 1999.

¹³⁴ Filip Hubicka, 'Arms from Russia Dominate the Black Market', *Lidove Noviny*, 7 July 1998, in *FBIS-EEU-98-188*, 7 July 1998, <http://wnc.fedworld.gov/cgi-bin>.

¹³⁵ Ibid.

¹³⁶ Czech Police officer, conversations with the author, Prague, 23 September 1999.

by case basis, a great deal depends upon flows on the one hand and policing capabilities on the other.¹³⁷ On this basis, it can therefore be argued that there are roughly 12,000 illegal weapons currently in the Czech Republic, a country with 10 million people. Such a figure is not very high, and it provides a ratio of only 0.12 weapons per inhabitant. In Germany, the ratio of illegal weapons to total of the population is however, much smaller, 0.05 weapons per inhabitant. Although there has been an increase in the possession of firearms among local and foreign criminals and a growing use of firearms and explosives in ordinary criminal acts, crime has not by and large become rampant or extremely violent. Most activities fall primarily within the category of petty crime. Nevertheless, the Czech Republic seems to remain a centre where weapons are traded and sold to EU destinations or to conflict areas throughout the world.

Bulgaria

Bulgaria's transition to democracy during the 1990s led to an overall weakening of state institutions and a substantial relaxation of police enforcement mechanisms and border controls. As a result, Bulgaria became an important source of small arms and light weapons for conflict regions throughout the world, many of which were subjected to UN arms embargoes.¹³⁸ Although efforts have been made recently to render export controls more efficient, illegal sales still occur rather frequently. Often, they take place with the tacit consent of the Bulgarian government, which has been willing to support the country's ailing arms industry. With the end of the Cold War Bulgaria lost many of its traditional arms markets, such as Iraq and Libya, both subject to UN arms embargoes. The loss of markets contributed to the accumulation of vast amounts of unsold weapons. In 1992, the Bulgarian arms industry held arms stockpiles estimated to be worth over US\$800 million.¹³⁹ Despite the loss of markets, little industrial conversion of the arms industry took place. The Bulgarian arms industry therefore remains primarily export oriented and consequently continues to suffer from lack of markets.¹⁴⁰ Loss of markets, imposition of international and regional arms embargoes, tough competition from Western arms dealers and strong demands for weapons from countries or rebel organisations involved in conflicts have forced much of Bulgaria's arms trade to become covert. Substantial work has been done on the illegal export of Bulgarian arms.¹⁴¹ Therefore this paper will focus on the spread of illegal SALW inside Bulgaria.

As opposed to other Balkan peoples, such as Yugoslavs or Albanians, Bulgarians do not have a tradition of carrying weapons for self-protection.¹⁴² During the Soviet era, Bulgarian defence was organised along the lines of classic Warsaw Treaty territorial defence, and not according to the typical Yugoslav 'popular defence' strategy. Weapons possession among the population was strictly controlled. However, with the end of the Communist regime, possession of weapons among certain groups – businessmen, enterprise directors, persons in high governmental positions – became more widespread. Such developments seem to have been related primarily to the weaknesses of the police and judicial systems, and the flourishing of organised crime and corruption during the early 1990s. Various criminal groups emerged which conducted illegal activities such as extortion and drug trafficking, and developed illegal businesses such as fake car insurance and CD piracy.¹⁴³ Most of these groups have armed themselves

¹³⁷ The Diffusion of Small Arms and Light Weapons in Pakistan and Northern India, *London Defence Studies* No 20 (Centre for Defence Studies, October 1993) pp 1–57.

¹³⁸ Substantial detail on Bulgaria's illegal exports is provided by a Human Rights Report produced in 1999. See *Bulgaria: Money Talks: Arms Dealing with Human Rights Abusers*, Human Rights Watch, London and New York, April 1999, p 3.

¹³⁹ *Ibid* p 11.

¹⁴⁰ Tikhomir Bezlov, Researcher at the Centre for the Study of Democracy, conversations with the author, Sofia, 29 September 1999.

¹⁴¹ See *Bulgaria: Money Talks: Arms Dealing with Human Rights Abusers*, Human Rights Watch, London and New York, April 1999.

¹⁴² *Ibid*: Plamen Pantev, Researcher at the Institute for Security and International Studies, conversations with the author, Sofia, 28 September 1999.

¹⁴³ Tikhomir Bezlov, conversations with the author, Sofia, 29 September 1999.

and obtained weapons from the illegal domestic market. Although efforts have been conducted in recent years to fight crime and corruption, the situation is far from ideal, and much improvement is required.

Although possession of weapons is not widespread among the population, an important illegal weapons market has developed in Bulgaria, feeding the criminal underworld and illegal traders willing to sell weapons abroad. The demand for weapons seems very much related to the economic profits involved in trade of illegal arms.¹⁴⁴ Arms exports provide substantial cash and are facilitated by weak export controls. The most popular weapon among buyers on the Bulgarian illegal markets remains the Bulgarian Makarov pistol, which is sold cheaply for between US\$100 and US\$200. Bulgarian AK-47 rifles are also rather popular especially among illegal dealers interested in selling weapons to conflict zones. Finally, Russian 7.62 mm SVD Dragunov sniper rifles also seem to be in high demand.¹⁴⁵ Weapons are either assembled illegally by factory workers at major production centres such as Kazanluk, or stolen by soldiers from military or police depots. In addition, a certain amount of illegal weaponry filters in from abroad. According to experts, light weapons have reached Bulgaria from neighbouring conflict zones, such as Former Yugoslavia and Albania.¹⁴⁶ Apparently a vast amount of Albanian weapons flowed into Bulgaria during the Albanian domestic crisis of 1997. However, the exact quantities are not known. As in most countries, it is almost impossible to accurately estimate the size of the illegal weapons market. Official statistics report a seizure of approximately 850 small arms in the past year.¹⁴⁷ If we again assume that seizures represent 10 percent of the weapons in circulation, then there are roughly 8,400 illegal weapons in circulation, in a country with 8.4 million people. This figure is not very high and provides a ratio of only 0.1 weapons per inhabitant, slightly less than the Czech Republic. However, such statistics have to be handled with caution. The Bulgarian government has been less effective than the Czech Republic in controlling the illegal sale of SALW. Moreover, whereas Czech weapons have been used mostly in the domestic market, the Bulgarian market seems to be more export oriented, primarily to areas of conflict in the developing world. Despite the popularity of Bulgarian small arms, especially Makarov pistols, very few have been recovered in Europe in recent years. Consequently it is not possible to argue the existence of a pipeline from Bulgaria to the EU. However, more research on the topic might be needed.

144 Plamen Pantev, conversations with the author, Sofia, 28 September 1999.

145 Bulgarian Ministry of Defence Official, conversations with the author, Sofia, 28 September 1999.

146 Ibid.

147 Conversations with Bulgarian source, Sofia, 29 September 1999.

7

SALW among terrorist groups in Europe

DESPITE A SUBSTANTIAL REDUCTION in terrorist violence during the late 1990s, politically motivated terrorist groups, as well as secessionist movements, still operate in the European Union. The recent upsurge of violence in the Basque country is an indication of what might yet become a dangerous new trend. Terrorist groups remain a potential source of weapons from areas of conflict, particularly the Balkan region, as indicated by recent revelations of splinter groups among the IRA acquiring weapons from Croatia. Terrorist organisations have relied on a variety of sources to fill up their arsenals, from Western European firearms to Czech and Croatian handguns, as well as East European and former Yugoslav sub-machine guns.

Separatist movements

Northern Ireland

Despite substantial progress made in the past months on paramilitary decommissioning, the various Republican and Loyalist groups remain heavily armed. Paradoxically, it could be argued that that progress towards decommissioning has actually been made possible because these groups have been allowed to retain their weapons. The Provisional IRA has the largest stocks of illegal weapons in Ireland, and probably in Europe as a whole, largely as a result of shipments from Libya in the 1980s. The bulk of the weapons, donated by Libyan leader Colonel Gaddafi from stocks of the Libyan armed forces, were smuggled from Libya in four shipments in the mid-1980s.¹⁴⁸ One of the most significant elements in the Provisional IRA armoury is an estimated 600 Romanian-manufactured AKM rifles from Libya, as well as a miscellaneous collection of 400 assault rifles, including American Armalite AR-15, German G3 and Belgian FN FNC, as well as earlier generation weapons such as the M-1 and Lee Enfield rifle.¹⁴⁹ The IRA also holds an estimated collection of nine SA-7B 'Grail' surface-to-air missiles (SAMs) delivered from Libya. Potentially one of the most deadly weapons in the IRA arsenal, the SAM missiles have never been used by the IRA, leading some experts to believe that they are faulty.¹⁵⁰ The IRA is also believed to hold seventeen 12.7mm DShK heavy machine guns, which fire armour-piercing bullets and have an anti-aircraft capability. DShKs are extremely powerful weapons which could be used against

¹⁴⁸ Michael von Tangen Page, 'Arms Decommissioning and the Northern Ireland Peace Agreement', *Security Dialogue*, London and Oslo, SAGE/PRIO, December 1998, vol 29 (4), p 418.

¹⁴⁹ Sean Boyne, 'Arms and the IRA: What it Has, What it Wants and What it Can Afford to Decommission', *Jane's Intelligence Review*, April 2000, p 16.

¹⁵⁰ *Ibid.*

helicopters. However, they are heavy and unwieldy weapons and require a stable firing-platform. Consequently, IRA units using such a weapon would be vulnerable to counter-attack by a modern armed helicopter. The IRA's arsenal also includes about forty-six RPG-7 rockets and eleven RPG-7 launchers, which can be extremely harmful, as well as seven LPO-50 flame-throwers, about 300 grenades, 40 machineguns and over two and a half tonnes of Semtex explosives.¹⁵¹ Semtex is an extremely effective and odourless explosive produced in Czechoslovakia during the 1980s and supplied to the IRA by Libya.¹⁵² Security experts reckon that two tonnes of Semtex would suffice for a 15-year campaign.¹⁵³

Despite the possession of such a powerful arsenal, the Provisional IRA has not used most of the above-mentioned weapons in direct attacks, except for Semtex explosives. Most IRA crimes have been committed with explosives as well as handguns. Handguns are of enormous value to the IRA as they are easily concealed and are useful for a whole range of operations and purposes, including assassinations, robberies, punishment shootings, intimidation and personal protection. There are conflicting reports about the total amount of handguns in possession of the Provisional IRA, although security sources estimate an arsenal of some 600 such weapons. However, last year's efforts by the Provisional IRA to acquire handguns and other weapons in Florida and apparently also in Latin America, seem to indicate that the IRA is still trying to procure concealable weapons.¹⁵⁴ In July 1999, the American police uncovered a smuggling ring on both sides of the Atlantic, which involved the mailing of weapons and ammunition, usually hidden in children's toys, from Florida to the Republic of Ireland. The gun-running plot was revealed by accident when a parcel containing a 375 mm Magnum revolver destined for the Irish Republic went astray and was detected by an X-ray machine at Coventry airport. An alert was sent out and within days, 23 packages containing handguns were found in Ireland, mainland Britain and the United States.¹⁵⁵ Apparently the suspects bought hundreds of weapons directly from dealers in Florida, spending from about \$300 for a Magnum revolver to thousands of dollars on more sophisticated weaponry.¹⁵⁶ Security sources in Ireland estimate that over 100 weapons may have been successfully smuggled into Ireland before the operation was uncovered. Besides small calibre revolvers, suspects apparently also imported easily concealed machine pistols, sub-machine guns and Barrett 'Light Fifty' M82A1 sniper rifles as well as pump-action shotguns.¹⁵⁷

Contrary to expectations, the Provisional IRA has not exploited the recent wars in former Yugoslavia and the cheap availability of weapons to increase its arsenal of handguns and other more sophisticated weapons, and has continued to rely on traditional sources of weapons, such as the United States. Republican dissident groups such as the Real IRA (RIRA) have instead set up an independent source of supplies from former Yugoslavia in the past year. Last July, the Croatian police uncovered an arsenal of AK 47 sub-machine guns, RPG-18 anti-tank rocket-launchers, twenty packets of Cortex explosive, detonating fuses and ammunition heading for the RIRA. The weapons, which apparently originated in Bosnia, were hidden in warehouses in the town of Dobranje, near the Croatian town of Split.¹⁵⁸ The Real IRA seems to have used the proceeds of an international cigarette smuggling operation to fund the arms shipment.¹⁵⁹ Similar weapons, including forty electric detonators, an AK-47 rifle, and Russian rocket launchers, and also originating from Croatia were discovered in the

151 Ibid, Michael von Tangen Page, *A Negative Peace: Northern Ireland and the Good Friday Agreement*, Global Security Studies, no 2, London, Centre for Defence Studies, May 2000, p 42.

152 Michael von Tangen Page, 'Arms Decommissioning and the Northern Ireland Peace Agreement', p 416.

153 Christopher Bellamy, 'IRA has enough Semtex for 15 years', IOS, 19 March 1995.

154 Sean Boyne, 'Arms and the IRA: What it Has, What it Wants and What it Can Afford to Decommission', p 16.

155 Audree Magee, 'Two Million Pounds for Guns', *The Times*, 14 June 2000.

156 Ibid.

157 Sean Boyne, 'Arms and the IRA: What it Has, What it Wants and What it Can Afford to Decommission', p 16.

158 Peter Foster, 'Arms seized as terrorists are set free', *The Daily Telegraph*, 29 July 2000; Maeve Sheehan, 'Aid worker brokered Real IRA arms deal', *The Sunday Times*, 30 July 2000.

159 Maeve Sheehan, 'Aid worker brokered Real IRA arms deal', *Sunday Times*, 30 July 2000.

Irish Republic in October 1999.¹⁶⁰ It is not entirely clear how in both cases weapons reached the Irish Republic. Some reports mention the existence of a weapons pipeline originating in Bosnia, and transiting through Croatia, Slovenia, and then Western Europe into Britain and Ireland, with weapons being carried in cars or vans.¹⁶¹ The proximity of the seizure to the port of Split, however, may indicate that weapons were shipped from Split to the Italian port of Ancona, and then transported by car to Europe. In fact, a batch of weapons arriving from Split was seized by the Italian police at Ancona two years ago.¹⁶²

The cessation of clandestine arms shipments from traditional suppliers compelled the RIRA to seek new suppliers, such as Croatia.¹⁶³ Neither Libya nor the Palestinian Liberation Organisation (PLO) any longer seems willing to supply arms to Irish paramilitaries as they have done in the past, given their desire to obtain international respectability. In the United States, which has been a traditional source of arms for the IRA, many gun-running operations have at last been disrupted due to a proactive policy by federal agencies. Official sources of weapons in Central Europe have also been disrupted. In the past, IRA militants were able to buy small arms directly from the Czechoslovak marketing company Omnipol, in Prague, without much difficulty. Nowadays, under the new democratic government in Prague, such a transaction on behalf of an illegal group would probably be inconceivable. The former Yugoslavia has emerged in the past years as a more promising market. Apparently as a result of the recent civil wars, there is a flourishing black market in military hardware. According to the *Jane's Terrorism and Security Monitor*, it is possible to buy almost anything in former Yugoslavia, including handguns, assault rifles, explosives, heavy machine guns and anti-tank weapons.¹⁶⁴ Experts maintain that AK 47s are sold at around US\$100, which is low compared with prices in other parts of the world, with the exception of some parts of Africa.¹⁶⁵ The trade is controlled by the Albanian and Croatian criminal groups, probably in conjunction with Italian organised crime. Weapons are either shipped from the Adriatic coast into Italy or carried in vans across Slovenia into Italy or Austria.¹⁶⁶

As a result of these illegal trades the RIRA has managed to create a relatively substantial arsenal, including ten Yugoslav-made rocket launchers, 20 mm anti-aircraft machine guns, an estimated 100 AK 47 rifles, as well as sub-machine guns, handguns and Semtex explosives.¹⁶⁷ Experts believe that the July 2000 seizures of RIRA equipment and the exposure of its smuggling network will deal a serious blow to the RIRA and to its capacity to rearm itself.¹⁶⁸ However, arms in former Yugoslavia are extremely cheap, and it is more likely that the pipeline could be easily re-established when need arises. Moreover, the RIRA has clearly indicated its readiness to use powerful weapons against symbolic targets on the UK mainland, as shown by their attack against the MI6 building in London with an RPG-7 on 20 September 2000.¹⁶⁹ Most RIRA and Provisional IRA weapons are believed to be hidden in arms dumps in the Irish Republic, and the RIRA apparently keeps some of its weapons in London.¹⁷⁰ When needed, weapons are usually carried by car or by van across the relatively porous

¹⁶⁰ Ruth O'Reilly, 'Real IRA linked with latest find of terror arms', *The Scotsman*, 26 October 2000.

¹⁶¹ Maeve Sheehan, 'Aid worker brokered Real IRA arms deal', *Sunday Times*, 30 July 2000.

¹⁶² *Corriere della Sera*, 25 February 1999.

¹⁶³ The current paragraph draws extensively from the following article: 'Real IRA arms purchasing in Croatia indicates a change of tactics', *Jane's Terrorism and Security Monitor*, 23 August 2000, http://www.janes.com/security/terrorism/news/jtsm/jtsm000823_1_n.shtml, p. 2.

¹⁶⁴ *Ibid* p. 2.

¹⁶⁵ Italian Interior Ministry Official, conversations with the author, Rome, 28 September 2000.

¹⁶⁶ *Ibid* p. 2, Justin Huggler, 'Weapons seizure in Croatia tied to IRA dissidents', *The Independent*, 29 July 2000.

¹⁶⁷ Chris Parkin, 'More weapon finds expected as police target paramilitaries', *Press Association Newsfile*, 26 October 1999, John Mooney and Jack Grimston, 'Omagh bombers store arms in London', *The Sunday Times*, 23 July 2000, <http://www.Sunday-times.co.uk/news/pages/sti/2000/07/23/stinwenws01029.html>.

¹⁶⁸ Liam Clarke and Edin Hamzic, 'Real IRA hoards Semtex in England', *The Sunday Times*, 30 July 2000, <http://www.Sunday-times.co.uk/news/pages/sti/2000/07/30/stinwenws02022.html>.

¹⁶⁹ Jason Benetto, 'The terrorists' weapon of choice: Arm it, fire it, run', *The Independent*, 22 September 2000, http://www.independent.co.uk/news/UK/This_Britain/2000-09/weapon220900.shtml.

¹⁷⁰ Sean Boyne, 'Arms and the IRA: What it Has, What it Wants and What it Can Afford to Decommission', *Jane's Intelligence Review*, April 2000, p. 16.

British-Irish border into Northern Ireland. Although the British Army monitors the border closely, it is unable to patrol it very effectively. The Northern Ireland border counties Armagh, Fermanagh, Tyrone and Down – known also as ‘bandit country’ – are staunchly republican areas which provide something of a safe haven for terrorists. The British security forces are compelled to patrol the border from the air with helicopters, and from static monitoring positions. The Irish police and border troops are less well equipped to patrol the border effectively, and as a result, the border is easily crossed by IRA militants.

The decommissioning of IRA weapons is a particularly sensitive issue not only for the future of the Northern Ireland peace process, but also because of its security implications – the absence of a complete demilitarisation of Northern Ireland’s paramilitaries entails great risks.¹⁷¹ If weapons are not handed in, the implicit threat of violence remains. Certain Northern Ireland politicians, such as John Hume, leader of the Social Democratic Labour Party (SDLP), have argued in favour of eliminating the desire by paramilitary groups to use their weapons rather than focusing on decommissioning. The logic of this position is that weapons kept in private hands will eventually become inoperable. This option however contains certain risks. Light weapons stored over long periods of time are still potentially lethal and can be misused even if the paramilitaries are fully committed to the peace process.¹⁷² In the past, the IRA has sold weapons to other illegal organisations when it no longer felt it necessary to retain them. Moreover, weapons from the IRA have leaked to republican paramilitary groups such as the Real IRA or the Continuity IRA, mainly through the IRA quartermasters. Finally there is a danger that paramilitary weapons might fall into the hands of professional criminals, especially in the Irish Republic, where criminals controlling the supply of drugs have been known to resort to violence.¹⁷³

Decommissioning, however, does not only involve the IRA and the various dissident groups. Loyalist groups also have significant stocks of weapons, albeit less powerful than the IRA’s. In the mid-1980s, the Ulster Volunteer Force (UVF) and the Ulster Defence Association (UDA) obtained weapons from Middle East sources, primarily through a South African contact, Douglas Bernhart. Bernhart put loyalists in touch with a Lebanese gun-runner, Joe Fawzi, who supplied the UVF and UDA with a large consignment of weapons including AK 47s that had fallen into the hands of Lebanese Christian militias. The weapons had been captured from the retreating PLO, which was expelled from South Lebanon in 1982.¹⁷⁴ Apparently the Middle East remained a major source of weapons for loyalists during the mid-1990s as well.¹⁷⁵ The loyalist arsenal includes several hundred AK-47s, Uzi sub-machine guns, handguns and a significant amount of Powergel commercial explosive.¹⁷⁶

In order to deal with the decommissioning issue, an Independent International Commission on Decommissioning under the leadership of Canadian General John de Chastelain was set up in 1999. The Commission did not, however, make much progress and was only recognised by the UVF, the Loyalist Volunteer Force (LVF) and the Provisional IRA. Only the LVF handed in its weapons to be destroyed. The LVF was seeking recognition of its cease-fire by the Northern Ireland Secretary of State to enable members in prison to take advantage of the prisoner release scheme.¹⁷⁷ However, a major step towards decommissioning was undertaken by the Provisional IRA in May 2000, when it offered to open arms dumps to foreign inspectors. It proposed that Cyril Ramaphosa, a leading figure of the ANC and Martii Ahtisaari, a former president of Finland, be shown the contents of a number of arms dumps, which would be

171 Michael von Tangen Page, ‘Arms Decommissioning and the Northern Ireland Peace Agreement’, *Security Dialogue*, p 12.

172 Ibid.

173 Ibid.

174 Henry McDonald, ‘ANC brokered IRA peace offer’, *The Guardian*, 14 May 2000.

175 Michael von Tangen Page, *A Negative Peace: Northern Ireland and the Good Friday Agreement*, p 42.

176 Ibid.

177 Micheal von Tangen Page, *A Negative Peace: Northern Ireland and the Good Friday Agreement*, p 42.

reinspected at intervals to ensure that weaponry had not been removed. The IRA proposal is a creative redefinition of decommissioning which avoids the destruction or surrender of weaponry, but puts them beyond use. However, doubts remain as to whether the IRA will expose all the dumps, some may be kept secret.

The Basque Country

The wave of violent bomb attacks conducted by ETA (*Euskadi ta Askatasuna*, Basque Homeland and Freedom) in the Summer of 2000 clearly indicates that despite its extreme vulnerability and growing marginalisation from Basque society, the Basque separatist movement is still capable of inflicting serious damage on Spanish society. Since the end of the cease-fire in January 2000, ETA has planted 12 bombs, primarily in the Basque country but also in Madrid, which have killed 6 people and wounded another 27. ETA militants also shot dead seven members of the Spanish political elite and security forces.¹⁷⁸ In early 1999, it looked as if ETA's organisational structure and military capabilities had been severely weakened as a result of a series of successful arrests. However, it seems that during the fourteen month cease-fire, ETA reorganised its command structure and improved its operational methods.¹⁷⁹ Well supplied with over 3 tonnes of dynamite stolen from the French Titanite factory in Brittany in September 1999, ETA decided to resort to violence once more in order to achieve its political aim of independence for the Spanish Basque country.¹⁸⁰

Formed in 1959 by militant members of the more moderate Partido Nacionalista Vasco (Basque Nationalist Party – PNV), ETA emerged as a violent response to General Francisco Franco's policy of forced 'Spanification', which was aimed at suppressing the Basque language and culture. During the 1960s and 1970s, ETA embarked on a campaign of armed resistance, which involved attacks against prominent Franco supporters, the army and the national military police. In 1973, ETA reached its military and political highpoint symbolised by the murder of Franco's Prime Minister and anointed political successor, Admiral Luis Carrero Blanco. With the death of Franco in 1975, the movement split into two factions because of disagreements over the new strategy to be adopted in view of Spain's democratisation. A majority of the militants favoured the continued use of terrorism under the direction of a political leadership, created ETA-PM (Politico Militar) and eventually concentrated their efforts in developing a political party – *Euskadi Ezkerra* (Basque left) – in order to take part in the democratic process. The hard-liners, who refused to accept any political control, gathered around ETA-M (Militar) and continued their armed campaign in political isolation, until the creation of their own political wing – *Herri Batasuna* (People's Unity) – in 1978. Although the PNV managed to achieve a return to Basque autonomy in 1979, ETA-M continued to insist on complete independence from Spain, making it harder to reach a compromise with the government.¹⁸¹

During the 1980s, the new Socialist government adopted a flexible policy towards ETA, combining a willingness to negotiate with ETA with a firm and unbending security policy. However, Spain's efforts to combat terrorist violence were hindered by France's policy of benevolent passivity towards ETA militants who found shelter across the Pyrenees in France. ETA-M guerrillas living in the French Basque Country regularly crossed the border to undertake attacks on Spain's security forces – a practice they continue to this day. France's attitude caused frustration at the highest levels of the Spanish government, and led to the emergence of an illegal paramilitary group known as *Grupos Antiterroristas de Liberación* (Anti-terrorist Liberation Organisation – GAL) which orchestrated attacks against ETA-M activists in France. GAL's effective anti-

178 'Le gouvernement Aznar réaffirme sa fermeté face au terrorisme basque', *Le Monde*, 11 August, 2000; 'ETA prosigue su espiral asesina y mata de siete balazos a otro concejal del PP', *El País*, 30 August 2000.

179 'Interior advierte de que la policía necesita tiempo para desarticular a la 'nueva ETA'', *El País*, 31 August 2000, <http://www.elpais.es/p/d/temas/eta2>.

180 Agence France Presse, 29 September 1999, <http://www.globalarchive.ft.com>, *Le Monde*, 1 October 1999.

181 Michael von Tangen Page, 'ETA's endgame or a new campaign?', *Jane's Intelligence Review*, May 2000, pp 13–14.

terrorist operations, the introduction by France of a more effective anti-terrorist policy, and renewed Spanish-French collaboration in the struggle against ETA, significantly weakened the movement by restricting its ability to operate from France. ETA-M also lost political ground, as autonomy was granted to a PNV-dominated coalition government in the Basque country, Basque language and culture were promoted, and a local police – the *Ertzaintza* –, which was to take on most of the Guardia Civil police duties, was set up.

In the late 1980s, the first attempts at reaching a negotiated settlement began. However, they were short-lived. The arrival in power in 1996 of the rightwing Popular Party, led by Jose Maria Aznar, which had fought the general election on a hard-line anti-terrorist manifesto, led to an upsurge of violence. ETA-M's strategy increasingly targeted political opponents rather than the security forces. However, ETA-M's political kidnappings, assassinations and occasional attempts to disrupt Spain's tourism industry, led to growing alienation of the movement from Basque society. The Spanish government's response to this renewed violence once again combined a hard-line security policy with a more liberal edge. Madrid continued to release prisoners who renounced violence and moved convicted prisoners closer to home. Repeated arrests on both sides of the border depleted ETA-M's fundraising apparatus and led to the imprisonment of the vast majority of its military leadership. Following the Northern Ireland example, in September 1998, ETA announced an open-ended cease-fire and showed willingness to begin negotiations. However, Herri Batasuna's attempts to forge links with the moderate nationalist party, the PNV, proved unsuccessful, as ETA fared badly in the local elections, receiving only 9% of the vote. Moreover, negotiations with the Spanish government never had much chance of success, given the unwillingness of each side to reach a compromise. Whereas ETA continued to demand both the right to Basque self-determination and the merger of the Basque country with the Spanish autonomous region of Navarra, the Spanish government demanded the organisation's dissolution. Madrid also insisted that ETA hand in its weapons to the government – a demand that ETA unsurprisingly refused. ETA's cease-fire ended in early 1999, when it conducted a series of successful attacks against members of the Spanish political elite and the security forces.

ETA's arsenal is not as sophisticated and vast as the IRA's but it is significant. Before the theft in September 1999 of commercial explosives from a factory in Brittany, ETA relied primarily on home-made explosives named Amonal and Amosal.¹⁸² These are highly powerful, although unsophisticated, explosives made with commercially available ingredients, such as ammonia nitrate fertiliser, TNT and aluminium. They are produced in an amateur fashion by ETA militants in workshops across the Pyrenees in the French Basque country, and then brought into Spain in smaller quantities, when required. The mountainous terrain of the Pyrenees allows terrorists to cross unhindered into Spain through various clandestine paths and passes or *mugas*, traditionally used by smugglers and almost impossible to patrol effectively.¹⁸³ Moreover, ever since Spain and France joined the Schengen rim and eliminated check-points along the border, militants with explosives have entered Spain with impunity.¹⁸⁴ According to experts, a popular route seems to be across the frontier pass linking the districts of Fos (France) and Les (Spain), which then joins up with the N-230 main road.¹⁸⁵ The series of bomb attacks that took place during the summer of 2000 also involved terrorists crossing from France into Spain armed with dynamite. As a result, the Spanish and the French police agreed to reinforce controls along the borders, with mobile police units patrolling the main roads and police border check-points.¹⁸⁶

The total amount of Amonal explosive in possession of ETA is not known, but Spanish

182 Conversations of the author with Spanish journalist, London, 10 August 2000.

183 Ibid.

184 'Las policías francesa y española reactivan el control de fronteras', *El País*, 19 August 2000, p15.

185 Ibid.

186 Ibid, 'Reforzados los controles en la frontera hispano-francesa', *El País*, 24 August 2000, p 15.

police seizures of Amonal in 1998 totalled 430kg.¹⁸⁷ The French police in turn recovered 482 kg of various explosives in 1998. ETA revamped its explosive arsenal in 1999 with a significant quantity of Titadyn 30A dynamite stolen in collaboration with the Breton separatists organisation *Armée révolutionnaire bretonne* from a warehouse belonging to the commercial Titanite company in the French region of Brittany.¹⁸⁸ All the bomb attacks carried out since September 1999 have involved these types of explosives. The car bomb which exploded in Madrid on 8 August 2000 contained 50 kg of the Titadyn 30A dynamite stolen in France, and a car bomb which exploded on 20 August 2000, and killed two agents of the Guardia Civil in Sallent de Gallegos, also involved the same kind of matériel.¹⁸⁹ The three ETA members detained by the police on 19 August 2000, carried 5 ready-made bombs – a total of 28.5 tonnes of explosives – also made from the dynamite stolen in France.¹⁹⁰ Although the Spanish and French police recovered some of the stolen explosives, it is estimated that ETA still possesses 3.6 to 3.8 of the initial 8.6 tonnes of stolen dynamite.¹⁹¹ Despite successful police efforts to recover the stolen explosives, ETA has continued to increase its arsenal in recent months, stealing another 15 kg of dynamite from a site near the French town of Pau (French Basque country) and a further 48 kg of F-16 dynamite at the French skiing resort of Guzet.¹⁹²

ETA has also reportedly acquired a number of powerful light weapons and firearms, mostly stored in caches in the French Basque country. In April 1999, the French police discovered a major ETA arms cache in the town of Bayonne, containing twenty-nine Belgian Mecar anti-tank rockets, five grenades, seven French 9 mm MAT 49 sub-machine guns, two Italian 12 mm Franchi sub-machine guns, one Israeli 9mm Uzi sub-machine gun, one British 9 mm MAC10 sub-machine gun, in addition to seventeen automatic pistols of various types, including Spanish STAR, Belgian Browning, Croatian HS, French MAB and German Walther pistols. The cache also contained several thousand rounds of ammunition in 12.9 mm and 7.65 mm calibres, detonators and 150 kg of explosives.¹⁹³ On 3 May 1999, the French police discovered by chance another arms cache in the town of Cibourne, which contained 125 submachine guns, 30 rifles, 40 pistols, 10 hunting rifles, 10 kg of explosives, 9 rocket-launchers, 30 hand grenades and 50 boxes of ammunition. Little is known publicly about the origin of such weapons, however, it is very likely that most of these weapons were acquired in Europe on a one-off basis, which makes it harder to determine exactly how and when they left the legal market and entered illegal circuits.

The Basque daily, *El Correo*, recently reported that during 1997–1999, ETA acquired a vast amount of powerful weaponry from Eastern European illegal markets, through a German dealer.¹⁹⁴ However, Spanish experts remain sceptical about the plausibility of this deal.¹⁹⁵ The article referred to a typed list of matériel apparently ordered by ETA militants, which was found in the possession of ETA militant Josetxo Arizkuren 'Kantauri' in Paris in March 1999. According to the list, ETA ordered 1,500 kg of plastic explosives, 15 rifles, 500 rounds of ammunition, 70 automatic pistols, a thousand detonators, 240 hand grenades and 24 anti-vehicle land mines from German dealers in January 1997. ETA apparently placed another order during March 1997 for 15 Austrian Glock pistols and 8 detonators, and a last order in September 1997 for 10 CZ Czech pistols.¹⁹⁶ Although there is little proof of the delivery of these weapons, it is interesting

187 *Material Incautado a ETA*, Balance 1998 and Balance 1999, Ministerio del Interior, Spain.

188 'Huit tonnes de dynamite dérobées en Bretagne', *Le Monde*, 30 September 1999.

189 'Once heridos por un coche bomba en Madrid', *El País*, 9 August 2000; Javier Rivas, 'La policía sospecha que ETA conserva mas de tres toneladas de la dinamita robada en Francia', *El País*, 22 August 2000, p 15.

190 Javier Rivas, 'El "comando Araba" almacenaba casi 30 kilos de dinamita y cinco bombas lapa preparadas', *El País*, 21 August 2000.

191 Javier Rivas, 'La policía sospecha que ETA conserva mas de tres toneladas de la dinamita robada en Francia', *El País*, 22 August 2000, p 15; *Material Incautado a ETA*, Balance 1999, Ministerio del Interior, Spain.

192 Ibid; 'ETA roba 48 kilos de explosivos en una estación de esquí francesa', *El País*, 23 August 2000, p 16.

193 *Material Incautado a ETA*, Balance 1999, Ministerio del Interior, Spain.

194 Fernando Iturribarria, 'ETA recurrió a traficantes alemanes para comprar armas durante la tregua', *El Correo*, 2 August 2000, <http://www.elcorreodigital.com/pg020800/politica>.

195 Conversations of the author with Spanish journalist, 10 August 2000.

196 Fernando Iturribarria, 'ETA recurrió a traficantes alemanes para comprar armas durante la tregua', *El Correo*, 2 August 2000.

to note that a CZ 85B 9mm calibre pistol was found in the possession of ETA militant, Puy Lekunberri, and that a Glock 9mm calibre Parabellum gun was found in the possession of ETA militants who were killed in a car bomb in Bilbao on 7 August 2000. Josetxo Arizkuren, instead, carried a Croatian HS 9mm cal. Parabellum, which apparently belonged to a batch of weapons exported from Croatia to America in September 1998.¹⁹⁷ Given that the type and model of the weapons ordered in January 1997 had not been specified, it is plausible that the sales actually went through, and that part of this matériel was recovered in France, raising the interesting possibility that Western European weapons are being sold in Eastern European illegal weapons markets.

The substantial number of seizures in French territory contrasts with the relatively low amount of illegally held firearms and light weapons belonging to ETA and recovered in Spain. For example, between 1996 and 1999, the Spanish police seized a total of only 37 pistols, and 33 rifles from ETA militants, and did not capture any grenade launchers. The numbers of similar weapons seized by the French police, however, total 95, 184 and 113 respectively. These figures would seem to indicate that ETA stores most of its more powerful weapons in France and only carries to Spain the matériel necessary for a specific attack. In fact, most of the more powerful weapons discovered in France are rarely used in terrorist operations. Most attacks are either committed with explosives or standard automatic pistols usually stolen from the Spanish police. For example, the four ETA militants who were killed accidentally in a car bomb explosion on 7 August 2000, were found to have been in possession of two Spanish Star pistols which belonged to a batch of 112 firearms stolen by ETA militants from the Basque Police in 1983, and the Austrian 9mm Parabellum Glock pistol which was used to kill Jesus Maria Pedrosa, a member of the Durango local council, Vizcaya, on 4 June 2000.¹⁹⁸ In most other cases, however, ETA has relied on car bombs, utilising primarily Amonal, Amosal, and since January 2000, Titadyn dynamite. The recent dynamite thefts in France clearly indicate that ETA intends to continue relying on explosives to conduct its military campaign.

Police seizures and captures indicate that ETA has filled its arsenal with West European as well as East European weapons, which points to the existence of both a West and an East European market. It is possible, however, that West European weapons are illegally sold in East European markets as indicated by the orders placed by ETA militants in 1997. ETA financed its purchase of weaponry primarily from extortion – the ‘revolutionary tax’ imposed on Basque businessmen and shopkeepers – and ransoms paid from kidnappings of rich Basque businessmen.¹⁹⁹ During investigations into the financing of ETA, the Spanish judge Baltasar Garzon did not find any links with drug-trafficking.²⁰⁰ This is rather surprising given that Spain has become one of the main entry points of hashish and cocaine into Europe. Moreover, according to the French research centre *Observatoire Géopolitique des Drogues*, ETA has relied on drug trafficking to finance operations. Apparently, a former member of ETA-PM admitted that weapons suppliers had obliged ETA to buy drugs in exchange for the sale of weapons in the 1980s.²⁰¹ Although initially, ETA militants were apparently hesitant, they eventually agreed to acquire drugs – primarily amphetamine – in exchange for weapons. Drugs were sold by ETA on the local Basque market. Despite its links with the drugs trade, ETA has not become a powerful drug-trafficking organisation, and its links with drug-dealers are not as close as, for example, the Colombian terrorist group *Fuerzas Armadas Revolucionarias de Colombia* (FARC).

197 Ibid and ‘Los etarras muertos en Bilbao llevaban la pistola con la que fue asesinado el edil popular Pedrosa’, *El País*, 23 August 2000, p 16.

198 ‘Los etarras muertos en Bilbao llevaban la pistola con la que fue asesinado el edil popular Pedrosa’, *El País*, 23 August 2000, p 16.

199 ‘ETA presiona a familiares de empresarios para que paguen el ‘impuesto revolucionario’, *El País*, 4 September 2000.

200 Observatoire Géopolitique des Drogues, *La Géopolitique Mondiale des Drogues, 1998/1999: Rapport Annuel*, April 2000, p 93.

201 Observatoire Géopolitique des Drogues, *La Géopolitique Mondiale des Drogues, 1998/1999: Rapport Annuel*, April 2000, p 95.

Corsica

Although usually ignored in terrorism studies, the Corsican nationalist movement remains a formidable force despite current political weakness, territorial fragmentation and criminal drift. Last August, a car-bomb containing 100kg of explosives blew up near a public building in Ajaccio causing severe damage. The attack revealed the capacity of marginal elements within the nationalist movement to disrupt the current negotiation process by causing havoc on the island. This explosion was the most recent in a series of shootings and bomb attacks that occurred on the island during the last twelve months. Particularly harmful were two simultaneous bomb attacks against public buildings in Ajaccio in November 1999, which contained over 100kg of explosives, killed three people and injured fifteen. In order to resolve the Corsican quagmire, the French government last July reached an agreement with leading members of the Corsican regional assembly on further devolution of power to Corsica. The agreements granted the regional assembly the right to adapt French national laws to Corsican needs without the French parliament's explicit approval as of 2004, on condition that peace is restored to the island.²⁰² Although a vast majority of members of the Corsican territorial assembly, including the nationalists, gave their support to the agreements, marginal groups remain opposed to the negotiating process, and have displayed their opposition through violence.

Formed in the 1970s amid a Corsican nationalist revival, the movement initially campaigned for the protection of the island's environment, focusing in particular on acquisition of land by non-Corsicans, and uncontrolled property development. In 1976, the *Front de Libération Nationale de la Corse* (FLNC) was established to liberate the island from French control through violent struggle. The FLNC emerged thereafter as a heterogeneous movement that brought together militants from different political backgrounds, albeit tentatively. A 'patriotic and revolutionary' tendency, supporting a violent struggle of independence co-existed with a more moderate line that instead favoured devolution of power to the island within the French State, to be achieved, however, with violence if necessary. A third dogmatic 'Marxist-Leninist' line which supported a Maoist popular-national liberation struggle then existed for only a short time before fading away. The FLNC also attempted to unite the extremely fragmented and divided Corsican society, dominated by clan structures with strong territorial links. However, a united and centralised command failed to emerge within the FLNC, and as a result, the movement degenerated into a coalition of regional leaders and small warlords, each ruling in their own territories. Personal rivalries, differences over the movement's political and military strategies, and misappropriation of funds led to the FLNC breaking up in 1989–1990. Two major groups emerged thereafter: the FLNC Canal historique, which established a political branch named *A Cuncolta nazionalista*, and the *FLNC Canal habituel*, which set up a political branch called *Mouvement pour l'autodétermination* (MPA). In addition, Pierre Poggioli, a leading FLNC militant, set up his own organisation – *Accolta naziunale corsa* – which developed its own armed wing named *Resistenza*.

After these major splits, the movement's fragmentation and malfunctioning continued, and by 1993, each sector operated almost completely independently. Moreover, the increasing engagement of the various groups in criminal activities, such as extortion, racketeering, drug-trafficking and the misappropriation of government funds exacerbated internal struggles, and resulted in a major turf war in 1995, in which militants in each faction were frequently killed. Despite these internal disputes, leaders of the most powerful branch, the *FLNC Canal historique*, engaged in regular negotiations with the French Interior Ministry over the handling of weapons, the release of prisoners, and the future status of the island. However, negotiations collapsed after the FLNC gave a major press conference in Tralonca on 11 January 1996. The conference was intended to facilitate negotiations with the French government, through the

202 Gérard Courtois, 'Le plan gouvernemental: expérimentations, précautions et dérogations fiscales', *Le Monde*, 22 July 2000, p. 5.

announcement of a cease-fire. However, the appearance on French television of over 600 militants wearing balaclavas and displaying a vast array of powerful weapons shocked French public opinion, prompting the government to suspend negotiations. The weapons displayed by FLNC militants at the conference included disposable anti-tank rocket launchers, grenade launchers, Israeli Galil Rifles, Israeli Uzi sub-machine guns, American M16 rifles, German Heckler and Kock Machine guns, AK-47, Glock and Jericho pistols.²⁰³

Although information has not been obtained on the origin of these weapons, two former FLNC leaders, Jean-Michel Rossi and Francois Santoni, have recently given an insight into the peculiarities of weapons procurement within the Corsican nationalist movement.²⁰⁴ According to Rossi and Santoni, the first major deliveries of weapons took place in 1988, when the FLNC acquired several hundred AT 84 pistols – a copy of the Czech CZ 75 pistols – from Switzerland. The AT 84s were made by a Swiss company based in Solothurn, named ITM. After a major fire at the ITM factory in 1988, 2,500 AT 84s pistols went missing, several hundreds of which fell into the hands of Corsican nationalists. Once in Corsica the weapons were sold to FLNC militants for 6,000 to 8,000 French Francs (FF), and on the international illegal market for FF 10,000 to 12,000.²⁰⁵ These revelations bring to light two very interesting aspects of the Corsican nationalist movement. On the one hand, an internal weapons market developed within the nationalist movement, with weapons being sold to lower-ranking militants and FLNC members from other sectors, and profits being made on such transactions, thus tarnishing the movement's original nationalist ideals. On the other hand, the Corsican movement emerged during the late 1980s as a supplier of illegal weapons in the international market, an activity it probably continues to this day. The arrests in October 1999 of fifteen suspects in Corsica and Paris on charges of involvement in illegal arms trafficking activities, seem to confirm these suspicions.²⁰⁶

After the internal divisions of 1990, the Bastia sector took over the military organisation of the *FLNC Canal historique* and became the main procurer of arms, buying vast amounts of light weapons which according to Santoni and Rossi far exceeded the movement's needs. Most of these weapons were never used in direct attacks. Instead, they were displayed at clandestine press conferences to impress the French government. In the early 1990s, the Bastia sector acquired several AK 47s and AKSUs as well as anti-tank rockets and accompanying launchers for a total value of FF 300,000, from manufacturers in Toulon. Despite the entire FLNC movement financing the purchase, the matériel was apparently not evenly shared among the various sectors, thereby sowing the seeds for future conflicts. Moreover, the Bastia sector appears to have made huge profits by compelling militants to make additional purchases of more advanced equipment on a regular basis. In 1993–1994, the AT 84 automatic pistols were sold well below their market value, and new 9mm Beretta 92 pistols were acquired instead. Six months later, the Berettas were replaced by Swiss Sig Sauer pistols. In 1995, Austrian Glock pistols made their appearance in the Corsican nationalist struggle. Loopholes in Austrian firearms legislation, which allowed policemen to retain their firearm upon retirement, were exploited by a group of retired Austrian policemen, who obtained firearms by filling in the gap of those not requesting their weapons. Fifteen Glock automatic pistols originating from these illegal transactions reached Corsica through personal contacts between an FLNC member in Bastia and an Austrian policeman. The Bastia sector again made substantial profits by selling the pistols to FLNC militants for FF 13,000, after having paid only FF 4,000 for them.²⁰⁷

²⁰³ 'Trêve militaire en Corse pour l'arrivée du ministre français de l'Intérieur', *Agence France Press*, 12 January 1996, Jean-Michel Rossi and Francois Santoni, *Pour Solde de Tout Compte*, Paris, Editions Denoel, 2000, pp 97–98.

²⁰⁴ This and the next two paragraphs are based on the book by Jean-Michel Rossi and François Santoni, *Pour Solde de Tout Compte*, Paris, Editions Denoel, 2000, pp 181–186.

²⁰⁵ *Ibid* p 182.

²⁰⁶ 'French Police Arrest 15 on Arms Trafficking Charges', *AFP*, 8 October 1999, <http://www.globalarchive.ft.com/search-components/index.jsp>.

²⁰⁷ *Ibid*, p 184.

The Bastia sector made another major purchase of Czech CZ 75 automatic pistols in 1996, which were bought at FF 8,000 each and resold internally for FF 11,000. According to Santoni and Rossi, the *FLNC Canal historique* had no real control over its arsenal. Once owned by FLNC militants, weapons became their private property and any trace of them was lost. Moreover, the Bastia sector frequently acquired powerful weapons which were never distributed among FLNC militants. Furthermore, in 1995, most *FLNC Canal historique* sectors had been left with very few powerful weapons. During an attack on the gendarmerie of Saint-Florent, in early 1995, militants were only armed with an old Second World War Sten machine gun. However, during the funeral in July 1995 of Vincent Dolcerocca, permanent secretary of *A Cuncolta* in Bastia, militants carried American M16 rifles and brand new Uzi sub-machine guns.²⁰⁸ Uzi sub-machine guns were frequently used by the *FLNC Canal historique* in various attacks on French soil.²⁰⁹ For example, on 8 March 1996, the Essone home of French journalist Guy Benhamou was strafed with machinegun fire by FLNC militants using an Israeli Uzi sub-machine gun. Benhamou, a journalist for the daily *Libération*, was investigating the criminal origins of various fires that had ravaged the island, and the misappropriation of EU agricultural subsidies by Corsican nationalist.²¹⁰

Although sub-machine guns have been used in FLNC terrorist attacks, the vast majority of the terrorist actions conducted by the Corsican movement against the French state involved the use of explosives, reflecting a practice common to all terrorist groups in Europe. Corsican terrorist groups have also reverted to handguns to kill individuals.²¹¹ For example, the assassination of the French Prefect in Corsica, Claude Erignac, on 9 February 1998 was committed with a 9mm Beretta automatic pistol, which was stolen from the gendarmerie of Pietrosella in Southern Corsica, in September 1997. Particularly dramatic because of its political implications, the shooting of Prefect Erignac re-energised the nationalist movement, which despite the meeting at Tralonca, had continued to drift further towards criminalisation, banditry and fragmentation. Since the mid-1990s, centralised control over funding had been completely lost, the movement flourished through misappropriation of government funding and EU subsidies, and criminals began using the nationalist banner to conduct illicit activities.²¹² The killing of Erignac had strong criminal undertones, given that Erignac was combating all sorts of illicit activities being conducted on the island.²¹³

After the murder of Prefect Erignac, rival FLNC groups began negotiations on a common stance to be presented to the French government. After almost two years of discussions eight nationalist groups reached a common understanding and made their demands public on 4 November 1999. Corsican militants demanded recognition by the French State of the Corsican language and people, and an amnesty for political prisoners, while pledging to 'contribute to the creation of a pluralistic society' and to 'respect human life and solidarity.'²¹⁴ However, the more moderate nationalist groups, such as the UPC of Edmond Simeoni, and the more radical groups such as *Armata Corsa* and *Front armé révolutionnaire corse* (FARC), remained off the platform. The latter opposed any kind of negotiations with Paris, and made their voice heard by the simultaneous bomb attack against two public buildings in Ajaccio on 25 November 1999.²¹⁵ The dissidence of some nationalist groups, however, did not prevent mainstream nationalist parties from uniting in their efforts in order to lift the peace process

208 Ibid. p 187.

209 Pascal Ceaux and Jacques Follorou, 'L'enquête sur l'assassinat du préfet Erignac explore une piste mafieuse', *Le Monde*, 10 February 2000.

210 'La maison d'un journaliste de Libération mitraillée près de Paris', *Le Monde*, 12 March 1996.

211 Laurent Chabrun and Jean-Marie Pontaut, 'Dix ans d'assassinats', *L'Express*, 7 September 2000, <http://www.lexpress.fr>. The article provides a listing of the killings committed in the island between 1990 and 2000.

212 Jean-Patrick Courtois and René Garrec, *La sécurité en Corse: un devoir pour la République, 1999-2000*, Parliamentary inquiry, p 25 Richard Michel Bole, 'L'assassinat du préfet de Corse vu d'Italie', *Le Monde*, 11 February 1998: 'Les circuits effarants de l'argent en Corse', *L'Express*, 18 June 1998.

213 Pascal Ceaux and Jacques Follorou, 'L'enquête sur l'assassinat du préfet Erignac explore une piste mafieuse', *Le Monde*, 10 February 2000.

214 Laurent Chabrun, 'Enquête sur ces hommes qui assassinent la Corse', *L'Express*, 2 December 1999.

215 Ibid.

off the ground. On 23 December 1999, four groups – the *FLNC Canal historique*, the *FLNC 5 May*, *Fronte Ribellu* and *Clandestinu* – united again into the FLNC and announced an unconditional cease-fire.²¹⁶ Such overtures allowed for negotiations with Lionel Jospin's government and eventually led to the agreements reached in Paris in July 2000. However, the chances of success remain slim, given the fractured state of the nationalist community, and the absence of any agreement on disarmament and the handing in of weapons. The FLNC remains heavily armed, and apparently also involved in the selling of arms. Moreover, even though most factions agree on the cessation of military action, splinter groups could still derail the process.

Right- and left-wing terrorism

During the 1980s, Western Europe experienced a decline in left-wing terrorist activities. Deprived of their ideological legitimacy and of the political context of social tensions from which they arose, left-wing terrorist groups experienced an increasing sense of strategic confusion and organisational isolation during the late 1980s that accelerated their demise.²¹⁷ By 1987, the activities of left-wing groups such as the Italian *Brigate Rosse* and *Prima Linea*, the *French Action Directe*, and the *Portuguese Popular Forces of 15th April* had all essentially been eliminated as a result of the arrest of their leading members.²¹⁸ The West-German Red Army Faction (RAF), one of the most powerful left-wing groups in Western Europe, conducted its last attacks in 1992–1993 and officially disbanded itself in 1998.²¹⁹

In the early 1990s, only two left-wing terrorist organisations remained in Western Europe – the Spanish *Grupo de Resistencia Anti-fascista Primero de Octubre* (GRAPO) and the Greek Revolutionary Organisation-17 November (RO-17). GRAPO conducted a series of armed robberies and kidnappings during 1993–1995, but suffered major reverses at the hands of the Spanish police during 1996–1998, when most of its leaders and militants were sent to prison.²²⁰ However, in the past year, members of the organisation have again resorted to violence. Between March and June 2000, a small commando composed of four individuals placed nine bombs in public buildings throughout Spain, causing severe havoc and disruption.²²¹ In most cases, the bombs were extremely rudimentary – they were made of (clorita) chlorinate, aluminium gunpowder, potassium minerals and nails – clearly indicating that the organisation does not possess any powerful explosives or sophisticated technology.²²² According to police sources, the attacks have been conducted in order to improve the organisation's bargaining position in its current negotiations with the government over the release of GRAPO prisoners, and not as part of a major political campaign.²²³ Nevertheless, the organisation is still capable of inflicting damage.

The Greek left-wing group RO-17 is probably the most active left-wing terrorist organisation in Europe. Established in 1975 and named after the student uprising in Greece in November 1973, RO-17 is primarily an anti-American and anti-Turkish organisation. It remains committed to the removal of American bases in Greece, the removal of the Turkish military presence in Cyprus and the severing of Greek ties to

216 Eric Landal, 'La fin de la polyphonie du nationalisme corse', *Libération*, 24 December 1999.

217 Peter Chalk, *West European Terrorism and Counter-Terrorism: The Evolving Dynamic*, London, Macmillan, 1996, p. 66.

218 *Ibid.* p. 57.

219 'Post-1997', <http://www.baader-meinhof.com/timeline/post-1997.html>; 'Statement of the RAF (the 1998 disbanding of the Rote Armee Faction)', <http://www.baader-meinhof.com/students/resources/communique/engrafend.html>.

220 Otro atentado terrorista en España deja dos muertos, *El Clarin digital*, 10 May 2000, <http://clarin.com/diario/2000-05-10/r-03101.htm>.

221 *Ibid.*; Juan Carlos Alganaraz, 'Dos muertos en Barcelona por un atentado', *El Clarin digital*, 10 June 2000, <http://clarin.com/diario/2000-06-10/l-05102.htm>.

222 M Navarro and J Corachan, 'El GRAPO coloca cuatro bombas en ETT de Barcelona', <http://www.elperiodico.com/EDICION/ED000609/CAS/CARPO1/tex002.asp>; 'El unico comando de los GRAPO, probable autor de los ataques', *El Mundo*, 12 June 2000, <http://www.el-mundo.es/2000/02/12/espana/12N0040.html>.

223 'El unico comando de los GRAPO, probable autor de los ataques', *El Mundo*, 12 June 2000, <http://www.el-mundo.es/2000/02/12/espana/12N0040.html>.

NATO and the EU.²²⁴ In 1998, it conducted a series of bomb attacks against American targets, including an anti-tank rocket blast at a Citibank branch in Athens.²²⁵ The rocket had apparently been stolen by RO-17 from an army depot in Larissa, in Central Greece. Although there were no casualties, the attack indicated a willingness by the RO-17 to use powerful weapons to conduct terrorist actions.²²⁶ RO-17 apparently resorted to similar tactics during 1999. Although it never claimed responsibility, RO-17 is suspected by the Greek police of having conducted seven rocket attacks and bombings against American, Greek and third-country interests during March and May 1999. The targets included two offices of the governing Socialist party, American, British and French banks, the Dutch and German Ambassador's residences, and the British Defence Attaché. Despite these serious attacks, the response of the Greek government seems not to have been very adequate, given that at the time of writing, no arrests had yet been made by the police.²²⁷

A worrisome development has been the re-emergence of violence from the Italian Red Brigades, with the murder of Massimo d'Antona, an adviser to Italy's Labour Minister in May 1999. Although the Red Brigades remained active until the mid-1980s, they were almost completely dismantled during 1988, when most of their leaders were sent to prison, all of its hide-outs uncovered, and most if not all of its weapons seized.²²⁸ However, the killing of d'Antona was committed with a handgun, and there are no indications that the new Red Brigades are rearming.²²⁹

224 *Patterns of Global Terrorism, 1996*, Department of State Publication, Office of the Secretary of State Appendix B: Background Information on Terrorist Groups, *Released April 1997*.

225 Elena Becatoros, 'Greek terrorist group admits bombing of American targets', *The Associated Press*, 9 April 1999.

226 'Guerrilla Group in Rocket Link', *Birmingham Post*, 9 April 1998.

227 *Patterns of Global Terrorism 1999*, United States Department of State, April 2000, p 19.

228 *Relazione sull'omicidio D'Antona*, Commissione parlamentare d'inchiesta sul terrorismo in Italia e sulle cause della mancata individuazione dei responsabili delle stragi, XIII Legislatura, 9 September 1999, p 9. <http://www.senato.it/parlam/bicam/terror/relazioni/dantona.htm>; Andrea Margelletti, conversations with the author, London, 5 September 2000.

229 Andrea Margelletti, conversations with the author, London, 5 September 2000.

Assessment of external sources of illegal SALW in the European Union

FORMER YUGOSLAVIA IS PROBABLY *the* main source of small arms and light weapons smuggled into the EU. The end of the Bosnian and Kosovo wars has resulted in an excessive availability of cheap light weaponry, some of which has found its way into the EU. Serbian Zastava pistols, Yugoslav AK-47s, Yugoslav hand grenades, Croatian Agram submachine guns and Croatian HS pistols, which are produced by small workshops and factories set up during the Yugoslav wars, have been recently traced in the hands of criminals in the Netherlands, the Czech Republic, Germany and Austria, as well as in the hands of ETA terrorists in Spain.²³⁰ Moreover, Yugoslav AK 47s, RPG rocket launchers and explosives were obtained by the Real IRA during 1999 and 2000. Weapons are smuggled into the EU in the bottom of trucks or in the sides of cars that travel all the way from Serbia and Croatia to Western Europe via Slovenia, Austria and Germany. Croatian workshops have also been involved in restoring deactivated Czech Ceska pistols and Russian Makarov pistols, which were sold in the Austrian and German markets.²³¹ A second route for smuggled Yugoslav weapons has also emerged in recent years through southern Europe, across the Adriatic into Italy. Weapons do not necessarily remain in Italy, and are often carried to other EU Member States by car or truck via Switzerland and France into the Netherlands and Belgium. The weapons that stay in Italy fill up the vast arsenals of the various local and foreign criminal groups, which are also often involved in the trade and transport of weapons from across the Adriatic, in collaboration with the Montenegrin and Albanian criminal groups.

Contrary to expectations, Eastern Europe has not turned out to be a big reservoir of cheap and easily available weapons for the EU illegal market. Although Bulgarian and, to a lesser extent, Czech weapons have been smuggled to areas of violent conflict in Africa and Asia, not a large proportion of these weapons have found their way into the EU, with the Netherlands probably standing out as the exception that proves the rule. However, some Bulgarian and especially Czech firearms have been traced in EU Member States. A significant amount of Bulgarian pistols, ordinarily called key-rings due to their round shape, have been recovered in the Netherlands causing great

²³⁰ Conversations of the author with police officials in Germany, the Netherlands, Austria, UK and Italy, as mentioned above.

²³¹ Austrian Police Officer, conversations with the author, Vienna, 26 September 1999.

concern among the police.²³² However, doubts remain about the capacity of such guns to provoke major damage given their limited firepower, and so far, they have not been used in violent crimes in the EU. Czech weapons, primarily CZ pistols, have been found in the arsenals of terrorist organisations such as ETA and the Corsican *FLNC Canal historique*. In addition, Czech sub-machine guns and pistols have been found in the possession of criminal groups in Germany, the United Kingdom and Italy. Last year, the Italian police seized a consignment of Skorpion sub-machine guns in the northern region of Turin.²³³ Secret assembly factories in Eastern Europe, especially in Bulgaria, are apparently able to produce new weapons from assorted spare parts, and recycle old weapons into brand new ones. Some small weapons and hand grenades belonging to the Russian and East German army were found in East Germany after reunification. The exact amount of weapons sold by the Russian army is not known. Whereas German officials tend to minimise the sales, Italian police officers note that a lot of weapons belonging to the Russian army and to Warsaw Treaty armies were sold right after the end of the Cold War.²³⁴

The disintegration of the Soviet Union and its armed forces in December 1991 created an immense problem of control over the Soviet military arsenal. The ambiguous status of the Commonwealth of Independent States (CIS) armed forces, the absence of effective civilian control over the military, the high demand for weapons by combatants involved in military conflicts in the CIS space, and the extremely high profits to be gained, resulted in a major leakage of light weapons from the vast arsenals of the former Soviet army. Moreover, starting in 1992, the Russian government's policy on arms transfers and military-technical co-operation became the subject of constant change and reform. Not only was legislation regulating arms transfers frequently modified but changes were often made to the process of decision-making on arms sales.²³⁵ The constant changes in the legislation and the lack of proper enforcement agencies resulted in many weapons initially entering the market through legal channels, but soon finding their way into the grey and black markets. Russia soon became one of the primary suppliers of clandestine military equipment and defence technologies. In 1997, Rosvooruzhenie was accused of trading \$90 million worth of weapons without proper licences.²³⁶ The illegal trade of weapons was, and still is, facilitated by the overall degradation of state authority, the fragility of the legal system and the high level of corruption, not only among government officials but also among members of the Russian armed forces. According to a Russian Academy of Sciences analyst, 'the black market has become one with the bureaucracy.'²³⁷

Although most Russian and CIS weapons have been sent to areas of conflict in Africa and Asia, some of the former Soviet weapons have found their way into the EU. Russian AK 47 rifles, Makarov pistols, hand grenades and explosives have been smuggled into the EU in the past decade primarily by departing Russian army officers, but also by defence ministry officials and industrial plant managers. According to Italian police officers, many of the Soviet weapons travelled across the turbulent region of former Yugoslavia before reaching the Italian coast. Consequently, some of the weapons landing in Italy are also of Soviet origin. Although there were suspicions that a Baltic corridor of illegal weapons would emerge next to the illegal smuggling of arms, independent researchers have been unable to confirm its existence.²³⁸ The evidence seems to indicate that the vast majority of Russian and CIS illegal light weapons smuggled are either destined to zones of conflict in Africa and Asia, or

232 Dutch Police Officer, conversations with the author, Amsterdam, 1999.

233 'Catalog of Arms and Ammunition', *La Stampa*, 19 August 1999, in FBIS-WEU-1999-08820, 19 August 1999.

234 German and Italian sources, conversations with the author in Wiesbaden on 18 October 1999 and Rome on 28 September 2000.

235 Peter Litavrin, 'The Process of Policy Making and Licensing for Conventional Arms Trade', in *Russia and the Arms Trade*, ed. Ian Anthony, SIPRI, Oxford University Press, 1998, p. 107.

236 Andrew Hull and David Markov, 'Trends in the Arms Market', *Jane's Intelligence Review*, 1 May 1997, p. 232.

237 Andrew Hull, David Markov, 'Trends in the Arms Market – Part 2', *Jane's Intelligence Review*, May 1997.

238 Dr Paddy Rawlingson, Lecturer on Criminology and Criminal Justice at the University of Wales, Bangor, conversations with the author, September 2000.

remain within Russia and the CIS, where demand for weapons remains high. Within Russia, mafia groups and private security organisations seem to be primary recipients, as do the turbulent regions of the North Caucasus, Chechnya in particular. In the CIS, weapons have been primarily destined to the conflicts in Nagorno-Karabagh, Abkhazia and Tajikistan, during the early 1990s. For example, the Izhevsk Mechanical Plant – one of the largest Russian companies producing small arms – became a major supplier of illegal weapons to combatants in Nagorno-Karabagh, and later provided weapons to Chechen fighters.²³⁹

Interestingly, a significant number of the weapons in the possession of terrorist groups in Western Europe are of European or American origin. Belgian anti-tank rockets, French and British submachine-guns as well as various European pistols such as Spanish STAR, Belgian Browning, German Walther and Austrian Glock, have been found in the possession of ETA terrorists in France. Glock pistols seem to be particularly fashionable also among Corsican terrorists, together with Swiss Sig Sauer and Italian Beretta pistols, as well as German Heckler and Koch sub-machine guns, American M16 rifles and Israeli Uzi sub-machine guns. Swiss and Austrian weapons were also found among criminal groups in Germany and Italy. IRA terrorists have preserved their traditional supply of American pistols and sub-machine guns. Western weapons have been acquired in different ways. In some cases, weapons have been stolen directly from local police stations, for example by ETA and FLNC militants, whereas in others, weapons have been acquired illegally through EU-based or Eastern European dealers, and then smuggled to the area of final destination, facilitated by the free movement of people across European frontiers. Dealers in the former Yugoslavia also most certainly became involved in the sale of surplus Western weaponry that reached the area during the wars in Croatia, Bosnia and Kosovo in the 1990s.

239 *Literaturnaya Gazeta*, 19 April 1995, p 13, in *FBIS-SOV-95-084*, 19 April 1995.

Conclusions

THE END OF THE COLD WAR and the wars in former Yugoslavia did not result in a direct threat to the EU in terms of weapons flows. However, a small trickle of weapons regularly penetrates EU borders whenever required. Moreover, illegal weapons (of both internal and external origin) circulate within the EU, unhindered because of the free movement of goods and people within the Schengen rim. Although not a major security threat, the presence of illegal weapons in the EU represents a problem that needs to be monitored and addressed to avoid having to face graver problems in the future. Moreover, terrorist groups in Spain, France and the United Kingdom remain heavily armed and could become a potential source of illegal weapons for criminal groups. EU Candidate Countries vary substantially, so far as light weapons possession, illegal sales and enforcement mechanisms are concerned. Of the two case studies, the Czech Republic seems to fit very much the EU standard, although border and police forces still need to be improved to attain them fully. Bulgaria, however, needs to make major improvements in its export controls and enforcement mechanisms before it can become a reliable EU member.

1. What has been done so far and what can be done to improve the situation within the EU?

The removal of border controls between EU states, with the exception of the UK and Ireland, as a result of the implementation of the Schengen agreements, has greatly facilitated free movement of people within the Union and the implementation of a single market. However, it has also resulted in an easier flow of illegal business, including the illegal transport and handling of firearms. The transit of firearms within the EU remains subject to national controls and may lawfully occur only if authorised by the member-states of departure and destination.²⁴⁰ In order to facilitate the transit of weapons belonging to hunters and marksmen, a European firearms passport which lists the firearms in possession, and allows them to travel to other EU member states without need for authorisation, has been introduced. However, the absence of border checks means that illegal transfers of weapons can occur without much difficulty. Not all illegal weapons within the EU originate outside the Union, and therefore reinforcement of the external EU borders is only part of the answer. In many instances, weapons are diverted to the illegal market from the legal one within the EU borders, usually following some complicated modus operandi before reaching the hands of criminals. Moreover, differences in firearm legislation across EU member states are exploited by criminals, thus facilitating illegalisation. An effective approach towards illegal trafficking requires not only an improvement in the implementation of legislation

²⁴⁰ *Control of Individuals: Arms Legislation*, European Commission, Council Directive 91/477/EEC, 18 June 1991, (<http://www.europa.eu.int/scadplus/leg/en/lvb/114002.htm>).

involving SALW sales, but also an effective campaign to combat organised crime.

EU Member States have recently increased co-operation in their fight against trans-border crime, including arms trafficking, although no major initiative directly aimed at arms has been adopted, as is the case with drugs. In order to better investigate and prosecute cross-border crime, EU governments decided to develop police and judicial co-operation within the EU framework. However, the sensitivity of law-and-order issues and the secrecy surrounding much of the debate has meant that progress towards co-operation in Justice and Home Affairs (JHA) has been rather slow. The first attempt to formulate a coherent EU policy on JHA was made at Maastricht in 1991. Member States decided to co-operate in all matters relating to JHA such as asylum, immigration, border controls, customs, police and judicial matters. However, because of the sensitivities involved, it was agreed that JHA co-operation would remain inter-governmental and all decisions were to be made by unanimity in the Council of Ministers. These institutional arrangements, the complicated administrative procedures that followed from them and, above all, the absence of strong political will, meant that progress in JHA remained rather patchy. The EU Commission, usually the driving force behind a particular policy, was unable to drive forward the policy agenda as it does elsewhere in the EU, and the Council, in charge of JHA affairs, failed to follow a clear list of policy objectives. Instead, each Member State tended to focus on its own particular topic of interest, eg drugs, arms trafficking or pornography, during its six-month presidency. In addition, no suitable legal instruments were put in place to facilitate co-operation and the exclusion of the European Court of Justice from JHA matters meant that there were no mechanisms in place for judicial review of EU agreements. Several conventions were agreed, but only a few, such as that setting up the European Police Office or Europol, were ratified by all Member States, as is required before they can come into effect.

At the European Summit in Amsterdam in 1997, EU members gave an important boost to co-operation and co-ordination in the sphere of JHA. Free-movement issues and judicial co-operation in civil matters were brought into the sphere of normal community business (the first pillar), allowing for full involvement of the EU Commission, Parliament and Court, and possibly the use of qualified majority voting. However, the delicate issues of police and judicial co-operation in criminal matters were left in a revised but still intergovernmental third pillar. Nevertheless, the Amsterdam Treaty spelled out the instruments of co-operation in police and judicial matters, and listed the types of crimes this co-operation should tackle, thus allowing the development of a more coherent strategy in the fight against crime and terrorism.²⁴¹ The crimes specified included terrorism, trafficking in persons, offences against children, illicit drug trafficking and arms trafficking, corruption and fraud. The explicit mention of arms trafficking indicated that EU States finally recognised the need to tackle such an important security concern. At Amsterdam, EU States also agreed to incorporate the Schengen legislation – the original agreement, the convention and all subsequent decisions on immigration, border controls, police and judicial co-operation into the EU framework, and split the responsibility for implementation between the first and the third pillars to match the appropriate parts of the treaty.

Further steps towards co-operation in the sphere of police and justice affairs and towards the creation of a European judicial space were taken at the European Council Summit held at Tampere in mid-October 1999.²⁴² EU Member States agreed to set up joint investigative teams to combat trafficking in drugs and human beings as well as terrorism. However, no specific reference to arms was made. EU States also agreed to establish a European Police Chiefs operational Task Force to exchange experiences, best practices and information on cross-border crime in co-operation with Europol.

²⁴¹ 'Title VI: Provisions on Police and Judicial Cooperation in Criminal Matters', *Consolidated Version of the Treaty on European Union*, signed in Maastricht, 7 February 1992. (the Consolidated Version incorporates changes made by the Treaty of Amsterdam, signed on 2 October 1997), pp 23–25 <http://www.europa.eu.int/eur-lex/en/treaties/index.html>.

²⁴² *Presidency Conclusions*, Tampere European Council, 15 and 16 October 1999, p 6. (<http://europa.eu.int>).

Europol was expected to play a key role in supporting crime prevention, analysis and investigation, and was accorded the task of asking Member States to initiate, conduct or co-ordinate investigations and create joint investigative teams in certain areas of crime. EU Member States also agreed to set up a European Police College for the training of senior law enforcement officers.²⁴³ The birth of Europol has proved to be rather tortuous. Europol is a liaison body that collects, analyses and shares intelligence on international organised crime and terrorism in order to assist cross-border investigations and is not a proper investigative police force. It has a small staff of only 200 and a small budget of Euro 30m. It operates via national units which supply information upon request. However, the Amsterdam Treaty and the Tampere Summit granted Europol an expanded role which might allow it to work more effectively in the future, and to shift from an information resource to a body that instigates and co-ordinates investigations.

According to experts, EU Member States have made considerable progress so far as closer co-operation among national police forces is concerned, particularly in the context of the Schengen agreements. The centrepiece of Schengen's law-enforcement co-operation is the Schengen Information System (SIS) – an electronic network of national databases with a central secretariat in Strasbourg to ensure access of all Member States to the information stored. The SIS contains information on people sought for extradition, missing persons, stolen vehicles, illegal immigrants, etc., and has been widely used by police officers. However, a database on illegal firearms and firearms used in crime still lies a long way ahead, given that most EU States have not yet set up their own national databases. Schengen also provides for various kinds of bilateral police co-operation and important co-operative links have been set up, although progress still needs to be made. The decisions taken at Tampere will probably allow for further improvement.

Agreement was also reached at Amsterdam to accelerate co-operation between competent ministries and judicial authorities of Member States in relation to proceedings and enforcement of decisions, in order to better prosecute cross-border crime. Moreover, it was agreed to ensure compatibility of rules in order to improve judicial co-operation and to progressively adopt measures establishing minimum rules as far as criminal acts and penalties in the fields of organised crime, terrorism and illicit drug trafficking are concerned.²⁴⁴ At Tampere, the EU moved further down the road of judicial co-operation. EU States agreed to endorse the principle of mutual recognition of judicial decisions and judgements, thus adopting the British approach of developing a series of practical steps to facilitate co-operation between police and judicial authorities, and allowing for diverse systems to co-exist rather than creating a centralised and harmonised body of law. In addition, the European Council urged States to ratify the 1995 and 1996 EU conventions on extradition. EU States also agreed to abolish formal extradition procedures among Member States regarding persons fleeing from justice after having been finally sentenced, and to replace it by simple transfers.²⁴⁵ Member States also agreed to set up a unit composed of national prosecutors, magistrates, or police officers of equivalent competence, and detached from each Member State, named Eurojust. Eurojust is expected to facilitate co-ordination of national prosecuting authorities and support criminal investigations in organised crime cases, in liaison with Europol. It is also expected to co-ordinate closely with the European Judicial Network, in order to simplify the execution of letters rogatory.²⁴⁶ These moves might help overcome the reluctance – largely reflecting lack of experience – of national judicial authorities to co-operate with each other, and thus

243 Ibid, p 6.

244 'Title VI: Provisions on Police and Judicial Cooperation in Criminal Matters', *Consolidated Version of the Treaty on European Union*, p 25.

245 Ibid.

246 Ibid; Henri de Bresson and Philippe Lemaitre, 'L'espace judiciaire européen va voir progressivement le jour', *Le Monde*, 19 October 1999, p 4.

achieve an improvement in the fight against organised crime and terrorism, the two main users of illegal firearms in Europe.

The implementation of the Schengen agreements through abolition of internal EU borders was also accompanied by a move to strengthen external EU border controls. Member States were expected to enforce border controls with third countries according to uniform standards laid down in a confidential manual. The rules include minimum standards of control and surveillance of the external border, as well as common procedures when dealing with immigrants and refugees. However, doubts remain as to the effectiveness of controls at the common EU frontier. Whereas border states such as Italy and Austria have benefited from implementation of the Schengen agreements through increased financial and logistic resources, States with substantial inner EU borders like the Netherlands, the Benelux and France tend to feel less confident about the effectiveness of the system.²⁴⁷ For example, when Italy faced a major flow of illegal immigrants from Albania in 1997, the French government temporarily reintroduced passport controls along its Italian border. Fears exist that Greece, given the difficulty it faces in enforcing its external borders, will become a convenient entry point for illegal immigrants.²⁴⁸

Italy and Austria remain key entry points for illegal immigrants, drugs and weapons from the unstable and economically depressed regions of South-Eastern Europe. Although substantial efforts have been conducted in the past years to counter such illegal traffic, still more needs to be done, primarily in the area of intelligence gathering. EU States are increasingly reliant on intelligence and surveillance techniques as well as cross-border co-operation between law-enforcement authorities. Current efforts by the Italian government to prevent the departure of illegal immigrants from their countries of origin, such as Albania or Turkey through a series of bilateral co-operative agreements will help to stem the flow of refugees and reduce the entry of illegal arms. However, it is possible that more effective measures, especially in the case of Albania and former Yugoslavia, two major sources of weapons, might be needed. Although efforts have been conducted by the international community, especially the EU, to retrain and re-equip Albania's security forces, most of the weapons that ended up in the hands of the population in 1997 have still not been recovered. In former Yugoslavia, NATO peacekeeping forces managed to recover only a small number of the weapons in circulation. The market in illegal weapons is still booming, and a major international effort to address the issue is urgently required. Similarly efforts must be made to resolve the major sectarian or secessionist conflicts that are still undermining European security, namely in Northern Ireland, the Basque Country and Corsica. Agreements on disarmament or decommissioning need to be reached in order to ensure that weapons do not end up in criminal hands. In certain cases, however, movements have acquired strong criminal undertones and it is difficult to imagine how, for example, FLNC militants could be brought to hand weapons to the authorities when they can make substantial profits by selling the weapons on the illegal market.

On a more positive note, the EU Member States have recently developed three core initiatives for combating illicit arms trafficking and preventing the proliferation and misuse of small arms and light weapons. On 26 June 1997, under the initiative of the Dutch presidency, the Council of the EU adopted a *Programme on Preventing and Combating the Illicit Trafficking in Conventional Arms*. The Programme seeks to strengthen EU collective efforts aimed at preventing and combating the illicit trafficking of arms, particularly small arms, within the EU. The Programme also encourages exchanges of information within the EU as well as enhanced co-operation between intelligence, customs and other law enforcement agencies. Moreover, it encourages EU Member States to take concerted action in order to assist non-EU countries in preventing and

²⁴⁷ Interviews conducted throughout the project.

²⁴⁸ Ben Hall with Ashish Bhatt, *Policing Europe: EU Justice and Home Affairs Co-operation*, Centre for European Reform, London, 1999, p 15.

combating the illicit trafficking of small arms. It also envisages EU States providing help to suppress the illicit circulation of small arms in post-conflict situations.²⁴⁹ Although the Programme represents a step forward in the fight against the proliferation of light weapons, it has three major shortcomings. The programme is only a statement of intent requiring political will from each of the EU Member States if it is to be implemented. The demand factor is emphasised in comparison with the supply side, and finally, it does not tackle the lack of harmonisation between the EU Member States' arms transfers policies – one of the basic causes of trafficking within the EU.²⁵⁰

On 25 May 1998, following an initiative of the British presidency, the Council adopted a *Code of Conduct on Arms Exports*.²⁵¹ The Code, whose adoption was the result of a campaign led by a coalition of 600 NGOs, represents a major step forward towards harmonisation of EU Member States' policies and regulations on arms transfers. It builds on eight common criteria for arms exports and provides for a consultation mechanism between the Member States. The Code, however, is only a statement of intent and consequently not legally binding. Moreover, restraint in arms transfers remains largely a national decision that cannot be challenged by any EU partner. The exception is a bilateral consultation mechanism introduced to deter undercutting. Under this provision, when a Member State denies an export licence (on grounds relating to one or more of the eight criteria) it must notify all other member states. If another Member State is approached for the same transaction within three years, it first has to consult the country that denied it. After the consultation the export may proceed (there is no right of veto) but the exporting country must provide a detailed explanation of its rationale. It is hoped that these requirements will prevent (or at least reduce) undercutting. If it does, this will be a significant achievement.

The adoption of the Code has also allowed for some important progress in the area of transparency. Although information exchanges remain confidential, the adoption of the Code has resulted in an increased exchange of information among EU Member States, especially regarding sensitive cases, where licences have been refused.²⁵² Moreover, the Code has encouraged greater transparency at national level, leading EU countries to produce national reports on arms exports that are regularly presented to national parliaments. On 17 December 1998, under German initiative, the EU adopted a *Joint Action* to 'combat the destabilising accumulation and spread of small arms and light weapons'. In the Document, EU Member States have spelled out three main objectives: first, to combat and contribute to ending the destabilising accumulation and spread of small arms; second, to contribute to the reduction of current accumulations of these weapons to levels consistent with countries' legitimate security needs; and third, to help solve the problems caused by such accumulations. EU funds are currently being used to support a 'Weapons for development programme' in Albania.

These three EU initiatives have stimulated a number of new projects at the national level. For example, a number of EU countries, eg Belgium, the Netherlands, Sweden and the UK, and one EU candidate country – Poland – have introduced national interdepartmental co-ordinating committees aimed at regulating and controlling the possession and flow of small arms. In the Netherlands, the National Police Service has also launched a *National Approach to Illicit Firearms* project, which has sought to overhaul and revitalise existing national procedures against firearms-related crimes. Although all these efforts are aiming in the right direction, there still is need for much greater regional co-ordination, both within the EU and between EU Member States and candidate countries. Progress in improving intra-EU co-ordination is made more

249 *EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms*, Brussels, 1997, (<http://www.ib.bel/grip/bdg/g1657.htm>).

250 Bernard Adam, 'Efforts to Control the International Trade in Light Weapons', in *SIPRI Yearbook 1999*, Stockholm International Peace Research Institute, Oxford University Press, 1999, p 512.

251 *EU Code of Conduct on Arms Exports*, 8 June 1998, Brussels, (<http://europa.eu.int/comm/development/prevention/codecondarmsexp.htm>).

252 Bernard Adam, 'Efforts to Control the International Trade in Light Weapons', p 512.

difficult by the fact that illicit arms trafficking, particularly of small arms and light weapons, cuts across major institutional divisions and different 'pillars' of the EU.

2. What has been done and can be done to improve the situation in EU candidate countries?

The enlargement of the EU to include countries such as Poland, Hungary, the Czech Republic and Bulgaria, will mean that EU borders will move further eastwards, and that control of the external frontiers will be in the hands of the new members. Border control standards are already being strengthened as a condition of membership and substantial EU resources have already been devoted to providing the necessary financial support and expertise.²⁵³ However, a number of applicants have borders that are difficult, if not impossible to enforce fully. For example, Poland has a 1,000 km long border with Russia, Lithuania, Belarus and Ukraine much of which is sparsely populated and under-protected. The reinforcement of the border will require substantial financial investment and could result in the erection of a new border reminiscent of the Cold War iron curtain, leaving non-EU-members increasingly isolated and upsetting traditional cross-border transits. Close ties exist between Czechs and Slovaks and between Hungary and Hungarian minorities living beyond the borders. Efforts to harden border controls might have an impact on traditional trading links and movements of people.

Despite the complexities involved, EU candidate countries have made efforts towards reinforcing border controls. However, much work still needs to be done before EU standards are reached. The European Commission, in its 1999 report on *Progress Towards Accession* of the Czech Republic noted that border controls remained inadequate.²⁵⁴ Border guard patrols are under-staffed and badly equipped, thus turning the Czech Republic into a major transit country for illegal immigrants. A similar assessment on border control effectiveness has been made by the European Commission as regards Hungary and Poland. Although steps have been taken to improve border controls in these two countries, border control efficiency and immigration services still need to be improved, to meet EU requirements.²⁵⁵ In the Polish case, part of the problem lies in lack of funding, despite renewed efforts made by the government to improve the situation. Organised crime remains a major problem in the Czech Republic, primarily in the areas of prostitution, illegal immigration, drugs, stolen cars and money laundering. Efforts to counter the illegal possession and transfer of arms must therefore first address the issue of crime. Hungary seems to have taken significant steps in its fight against organised crime through the training of police officers and the adoption of new laws in March 1999, thus slowly reversing the negative image that the country had acquired after the end of the Communist regime.

So far as Bulgaria is concerned, efforts have been conducted to combat illegal immigration through adoption of a comprehensive strategy in 1997 which involved a new law on foreigners regulating the conditions of their entry and stay in the country, and new visa regimes in alignment with EU practices. However, efforts still need to be made to improve border controls. Nevertheless, the main problem as far as Bulgaria is concerned is the illegal flow of weapons out of the country to conflict areas around the world. Although Bulgaria signed up to the *EU Code of Conduct on Arms Exports*, it has thus far adopted a minimalist interpretation of the commitments contained in the agreement. According to the Human Rights Watch, no export permits have been denied since it joined the code.²⁵⁶ Effective regulation of Bulgaria's arms trade depends

253 Heather Grabbe, 'The Sharp Edges of Europe: Extending Schengen Eastwards', *International Affairs*, 76, 3 July 2000, p 524.

254 *1999 Regular Report: From the Commission on Czech Republic's Progress Towards Accession*, The European Commission, October 1999, p 51. (http://europa.eu.int/comm/enlargement/dwn/report_10_99/en/word/czech.doc).

255 *1999 Regular Report: From the Commission on Hungary's Progress Towards Accession*, The European Commission, October 1999, p 51, and *1999 Regular Report: From the Commission on Poland's Progress Towards Accession*, The European Commission, October 1999, p 52. (<http://europa.eu.int/comm/enlargement/>).

256 *Bulgaria: Money Talks: Arms Dealing with Human Rights Abusers*, Human Rights Watch, April 1999, p 31.

upon rigorous enforcement of Bulgarian law and stated policy. However, Bulgaria still faces serious problems so far as enforcement of laws is concerned, due to confused lines of authority, corruption and lack of transparency.²⁵⁷ Problems with implementing international agreements regulating the sale and transfer of arms are not limited to Bulgaria alone. All EU Member States and candidate countries face problems so far as exports of small arms are concerned. EU States are still far from having established effective and adequately-harmonised regulations and co-ordinated approaches and implementation often fall substantially short of agreed EU guidelines. Loopholes in export legislation are exploited by governments and industries that share an interest in selling arms to keep their small arms business going.²⁵⁸

However, efforts have been made by EU and EU candidate countries to address various problems associated with the illegal possession and trafficking of small arms among EU candidate countries.²⁵⁹ EU and EU candidate countries recently became involved in a number of wider regional initiatives, primarily through NATO and the Euro-Atlantic Partnership Council (EAPC), the OSCE and the Stability Pact for South-Eastern Europe. An ad-hoc working group on small arms was established within the framework of the EAPC in early 1999, and identified three main areas of work: improving arms stockpile management and security, including safe disposal and destruction of surplus arms; co-operating in strengthening controls on exports of small arms; and developing small arms collection programmes during peace missions. By early 2000, the EAPC process had developed very promisingly, particularly in the area of stockpile management. Within the EAPC framework, an initiative was launched by Germany to help Albania destroy weapons, beyond the Gramsh region. As regards the OSCE, in November 2000, as a follow up to the Istanbul summit, Member States adopted a *Document on Small Arms and Light Weapons*, which envisages exchange of information among OSCE States about small arms exports to, and imports from, other participating states, starting in 2002.²⁶⁰ Within the context of the Stability Pact, participating governments agreed a *Declaration on Small Arms and Light Weapons* which commits countries to intensify efforts in a number of areas, including destruction of surplus small arms, stockpile management and information sharing. In addition, a number of small arms workshops were organised during 2000 within the Stability Pact to further develop these initiatives.

The EU and candidate countries have also been involved in a number of global initiatives that will have an impact on the entire region. The 1997 report of the UN Panel of Governmental Experts on Small Arms, and the 1999 report of the UN Group of Governmental Experts on Small Arms agreed a series of recommendations aimed at preventing and reducing small arms proliferation.²⁶¹ However, the main focus of efforts at global level has now shifted to the UN Conference on the illicit arms trade in all its aspects. The Conference, to be convened in New York in July 2001, aims at adopting a comprehensive *Programme of Action* on SALW, which will envisage initiatives at national, regional and global level on aspects related to the manufacturing, stockpiling, transfers, and possession of SALW. Another positive development has been the adoption by UN ECOSOC Commission on Crime Prevention and Criminal Justice of a legally binding protocol on illicit firearms trafficking supplementary to the Convention against Transnational Organised Crime.²⁶² This 'Firearms Protocol' seeks to prevent and combat illicit manufacturing of and trafficking in firearms, their parts

²⁵⁷ Ibid p 33.

²⁵⁸ Tackling the Spread of Light Weapons: Deepening Collaboration between EU Member States and Associate Countries in Central and Eastern Europe, Ian Davis.

²⁵⁹ These next paragraphs draw extensively on the following report: Ian Davis and Owen Greene, 'Controlling Small Arms and Light Weapons Flows From and Through an Enlarged EU: Implementing the Warsaw Call for Action', in *Controlling Small Arms and Light Weapons Flows From and Through an Enlarged EU: Developing a Joint Action Programme for EU and Candidate Countries*, ed. Ian Davis, Saferword and the Polish Institute of Public Affairs, September 2000, pp 10–11.

²⁶⁰ OSCE Document on Small Arms and Light Weapons, FSC.DOC/1/00, 24 November 2000.

²⁶¹ Report of the UN Panel of Governmental Experts on Small Arms, A/52/298, 27 August 1997 and Report of the UN Group of Governmental Experts on Small Arms, A/54/258, 19 August 1999.

²⁶² Revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime, A/AC.254/L.147/Add.3, 27 January 2000.

and components and ammunition. It envisages enhanced co-operation among police forces to fight criminal weapons trafficking. The Protocol represents a step in the right direction, given its binding character in its attempt to combat illicit trafficking. However, it only applies to commercially traded firearms and ammunition, and excludes state-to-state transactions or transfers for the purposes of national security.

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