



## **National Controls of Air Transportation of SALW A Study by ISIS Europe, SIPRI and CICS, Bradford University\***

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*\*The International Security Information Service (ISIS Europe), the Stockholm International Peace Research Institute (SIPRI) and the Centre for International Cooperation and Security (CICS) at the University of Bradford have conducted a joint seven-month study for the French Ministry of Defence on the National Controls of Air Transportation of Small Arms and Light Weapons and Munitions. This is a summary of the study results.*

### **The problem**

There is wide international concern about inadequately regulated flows and holdings of small arms and light weapons (SALW), particularly with regards to the risks of diversion to unauthorised end-users. All States have committed themselves to a wide range of measures to promote and ensure effective controls on SALW transfers and holdings.

Effective controls on air transportation of SALW are important in this context. Numerous UN Security Council reports on arms embargoes and non-governmental investigations have identified air transport as one of the main channels for the illicit or uncontrolled spread of SALW. According to one European Union Member State, around 80 per cent of all illicit SALW shipments are delivered via air.

In December 2007, and under a French initiative, the members of the Wassenaar Arrangement (WA) adopted the “Best Practices to Prevent Destabilising Transfers of Small Arms and Light Weapons (SALW) through Air Transport” (*Best Practices*), to contribute to efforts to prevent and reduce risks of diversion or destabilising SALW transfers through weaknesses in controls on air transportation. In 2008, the OSCE adopted a similar set of guidelines.

Limited knowledge about States’ regulations, procedures and practices in this area prompted the French Ministry of Defence to commission a study of the topic. To date, there has not been a study that systematically examines how governments in the European Union monitor, assess and control the air transport of SALW, and there is limited understanding of how States are implementing the WA *Best Practices* at the national level. Moreover, there is inadequate understanding of the opportunities and challenges for developing national and Europe-wide systems to facilitate and enhance implementation of WA *Best Practices* in this area.

### **Survey and analysis**

The study undertaken by ISIS Europe, SIPRI and CICS Bradford University, provides a systematic survey and analysis of the current regulations, procedures and practices for monitoring and controlling air transport of SALW of the 27 EU Member States, plus Belarus, Croatia, Norway, Russia, Switzerland, Turkey and Ukraine. It examined all key aspects of national controls, including SALW transfer licensing systems along with the roles of customs and civil aviation authorities. It also examined ways in which regional or international organisations and mechanisms contribute to such

controls, and how these might usefully be developed in order to further combat illicit and destabilising SALW transfers by air transport.

On the basis of this analysis, the study assessed progress towards establishing effective controls on air transport of SALW, including lessons learned and emerging good practices. It recommends an overall strategic approach towards improving such controls within the European area, and a number of specific recommendations for next steps.

SALW transfers by air transport and the related risks of diversion and illicit trafficking affect different States in different ways. Some States have significant exports of SALW, others have little or no such exports, while others act as significant transit points for SALW transfers by air transport. In addition, national level controls that could have a meaningful impact in this area are not focussed in any one authority, but are spread between the licensing, customs, and civil aviation authorities. For this reason, it is not possible to point to any one State that has 'solved' the problem of controlling SALW transfers by air transport. However, based on their national experiences, several States have developed areas of best practices in the field of export licensing, customs and civil aviation control that could provide models for other States.

The findings and conclusions of the study were based on desk research, field visits to five 'case study' countries (France, Netherlands, Sweden, the UK and Ukraine), and questionnaires sent to all the countries in the study. The study focuses and analyses four central points: 1) Surveying the design of European States' national control mechanisms; 2) Examining States' actual control priorities and practices; 3) Roles and possible options for international and regional mechanisms; and 4) A Strategic Approach for Enhancing Controls on Air Transport of SALW.

### **1) Surveying the design of European States' national control mechanisms**

The survey of existing national regulations, mechanisms and procedures for controlling air transport of SALW confirmed that all States have control systems covering SALW transfers, and aviation. However, these systems vary substantially in their design and implementation. The survey reveals important systemic challenges for controls in most States. In particular, the responsibilities, capacities and authority to gather information and assess risks, as well as to authorise and enforce controls relating to air transport of SALW, are not centrally located, but are almost always shared between the licensing, customs, and civil aviation authorities. This leads to gaps and weaknesses in overall national controls even if each element of the controls do function as intended.

Problematic is that only partial information relevant to controls, and risks of diversion, is normally available at any one stage in each national control process. For almost all States, at no point is all relevant information brought together in one place regarding the authorised supplier, consignee and end-users of the SALW; the shipment's transport methods, routes and transport actors; and the precise specifications of the SALW being shipped.

In general, there appears to be a systemic mismatch in numerous States between national authorities which have access to the most detailed information about the transport of a SALW cargo (usually customs and CAA authorities) and the national authorities empowered to prevent arms transfers on the basis of such risk assessments (usually separate transfer licensing authorities). Significantly, the current WA and OSCE Best Practices retain a focus on information being provided to licensing authorities at the point of licensing a SALW transfer, rather than on empowering customs or CAA authorities at the actual point of export.

## **2) Examining States' actual control priorities and practices**

Broadly speaking, States fall into one of three categories: i) Limited SALW exports, ii) Significant exporters of SALW and iii) Significant transit hub. There was a considerable difference between States vis-à-vis their consideration of the prevention of illicit or destabilising transfers of SALW by air transport to be a priority for their national authorities. These differences are mainly based on the size of its SALW industry and the volume of SALW exports that the State deals with on an annual basis: features which may not correlate with the volume of SALW brokered from that State, or transiting through it as a transport hub.

The study analysed and compared the powers of the national procedures for licensing SALW transfers and brokering, and discusses States' similarities and differences regarding the powers of customs authorities and national civil aviation authorities. Amongst other findings, the need and opportunities for greater coordination between CAAs and customs authorities was highlighted.

## **3) Roles and possible options for international and regional mechanisms**

The study outlined that international and regional mechanisms already play significant roles. They have the potential to contribute more in providing licensing, customs and civil aviation authorities with the information and capacities needed to control air transport of SALW effectively. The *WA Best Practices* place a strong emphasis on the utility of information sharing between governments (and between the private and public sectors ) in order to prevent cases of SALW diversion, as well as to combat illicit or destabilising SALW transfers. International and regional mechanisms can contribute to processes of risk-assessment by national licensing or customs authorities by generating or sharing information on the activities of air cargo carriers that have been involved in illicit or destabilising SALW transfers.

In addition, international and regional mechanisms can also serve to limit the activities of air cargo carriers that may be involved in illicit or destabilising transfers of SALW, in particular through placing limits on which air cargo carriers are permitted to carry SALW.

Furthermore, international and regional organisations can play an enhanced indirect role in controlling SALW air transport by helping to enforce established air safety standards. They could also play a direct role in this process, by helping to establish regulatory systems that would ensure that only certain air carriers are allowed to engage in the transport of SALW and related ammunition.

## **4) A Strategic Approach for Enhancing Controls on Air Transport of SALW**

One of the most significant findings was that the study was unable to identify any State which had actually completely altered its procedures following the OSCE Guidelines/WA Best Practices. However, some States were in process of updating standards and others claimed to have systems in place that already matched the standards. Although there is no simple solution to the control of SALW transfers by air transport, the most realistic option available is a pragmatic incremental approach of periodic awareness-raising initiatives and ad-hoc bilateral assistance projects within existing frameworks, in the hope of gradually enhancing adoption by a large majority of European States of at least the basic WA Best Practices and OSCE Guidelines for controlling air transport of SALW.

It is important to recognise that it is inevitable for the foreseeable future that national control systems on air transport of SALW will continue to be profoundly heterogeneous. A good overall strategic approach towards improving controls on air transport of SALW must therefore fully accommodate this diversity, and focus on developing and implementing elaborated best practice guidelines designed to ensure the overall effectiveness of national systems of controls as much as of the elements of such

systems.

The recommended strategic approach suggested in the study is to move away from a fragmented focus on different aspects of national controls on air transport of SALW. Instead, the focus should shift towards the overall way in which each State's national regulations, procedures and practices combine as systems. Furthermore, how these systems ensure adequate and effective gathering, analysis and use of relevant information and risk assessments at each stage of the control process: transfer licensing systems; authorisation and control of transportation routes, shippers and arrangements; and control of the physical delivery of SALW to the authorised end-user.

Thus, the recommended approach aims to build on existing WA *Best Practices* and to focus on measures and guidelines to promote and ensure that each national system not only has the key elements required for each different aspect of controls (customs and civil aviation authorities as well as transfer licensing systems), but also that the capacities and responsibilities for assessment and control are effectively linked.

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*\* This article is partly an extract of the summary of the final report, written by Mark Bromley, SIPRI; Owen Green, CICS Bradford; Giji Gya, ISIS Europe and Mike Lewis, CICS Bradford, submitted to the French Ministry of Defence in May 2009.*



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