1. INTRODUCTION

The European Union (EU) has developed the most advanced regime for the control of the conventional arms trade existing in international society. This control regime has inspired procedures such as the First United Nations (UN) Conference on the Arms Trade Treaty (ATT), held in July 2012 in New York, which led to such an advanced treaty, in terms of control criteria and mechanisms, that it failed to be open for signature because some of the most powerful states in the global arms trade rejected the adoption of the text. Likewise, the EU has become a constant advisor in technical and administrative matters as well as a generous sponsor of initiatives aimed at improving control mechanisms or, rather, establishing control mechanisms in states and regions where the arms trade is unrestrained and the danger it poses to human security is increasing.
However, what is most striking is not the EU arms trade regime itself but rather its origin, nature and development, especially taking into account that EU Member States have an equal, or perhaps even greater, interest in the international arms trade than other major arms exporters, and yet they have gradually decided to renounce these interests in order to alleviate the negative consequences of an unregulated, or poorly regulated, arms trade. Such a decision is no doubt motivated by many different factors, but this paper seeks to demonstrate that one of the most decisive factors in determining the characteristics of such a regime has been the activism of European civil society, developed by significant non-governmental organizations (NGOs) in the territory of the Union. These have implemented information and awareness campaigns of such importance that they have gradually influenced the internal and external action of EU and its Member States on the trade in conventional weapons.

In order to prove this initial assumption mentioned above, this will first analyse Member States’ political, economic, commercial and strategic interests in the arms trade as well as the position they occupy in the global market. Secondly, an overview of the EU arms trade control regime and its evolution over time will be provided in order to illustrate its development and increasing sophistication, to the point of becoming the most advanced regime of its kind in international society. Thirdly, it will address the main reactions of European civil society to the consequences of the arms trade, the reasons that strengthen Europe’s participation in arms trade matters, and the instruments used to influence EU institutions and the governments of Member States. Finally, it presents some conclusions about the relations between the EU arms trading system and European civil society activism on arms trade controls.

2. EUROPEAN UNION MEMBER STATES’ INTERESTS IN CONVENTIONAL ARMS TRADE

Since the 1990s the international arms trade has turned into an increasingly open, smooth and wide market, since once the Cold War logic was overcome it imposed a strict control on each superpower bloc. The arms trade now operates on a global level with a significant increase in the number of participating states and intermediaries. Even more worrying are the illegal actors which, whether or not supported by

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governments, are unlawfully taking over a growing share of the international arms trade.\textsuperscript{4}

In this context, multinational arms-producing companies are undergoing more and more changes, in the form of mergers and acquisitions, with the sole purpose of maintaining their turnover and profit in relation to new producers, with either public or private capital, that have entered the market.\textsuperscript{5} These constant changes in the arms-producing companies cause a series of difficulties when trying to conduct research into the significance of certain EU Member States in the arms trade for a number of reasons\textsuperscript{6}. Firstly, not all arms companies registered in Europe have exclusively European capital and in some cases, even have a major public capital shareholding. Secondly, companies in this sector have recently undergone frequent change in order to adapt to global arms market developments.\textsuperscript{7} And thirdly, it is always a difficult task to interpret data on total sales and the different product categories within the arms market.\textsuperscript{8}

\textsuperscript{4} This supply is obviously due to military expenditure made by the states, even though military expenditure fell in 2014 to $ 1776 billion, i.e. by 0.4 per cent of GDP in real terms. This fall in 2014 is essentially attributable to a 6.5% decrease in USA military expenditure, but is till 69% higher than in 2001. In addition, Western and Central European countries reduced military spending by 8.3% between 2005 and 2014. However, this period ended in positive figures because Russian military expenditure rose by 8.1% and further rises are planned, and China’s military expenditure increased by 9.7%. Likewise, there were significant increases in military spending in the Middle East and North Africa, while in sub Saharan Africa it fell for the first time since 2003. In 2015, military expenditure rose by 1.0 per cent in real terms and was estimated in 1.676 billion. Military spending decreased in North America, Western Europe, Latin America and the Caribbean, and Africa. Military expenditure in the USA fell by 2.4 per cent to $596 billion—a slower rate of decline than in recent years, mainly due to steps taken by the US Congress to mitigate the impact of the spending reductions imposed by the 2011 Budget Control Act. The decline in military spending in Western Europe slowed to 1.3 per cent, while countries in Central Europe increased spending by 13 per cent, largely prompted by fears of Russian aggression following the Ukraine crisis (Sam Perlo-Freeman, Aude Fleurant, Pieter D. Wezeman y Siemon T. Wezeman, “Trends in World Military Expenditure, 2014”, (Apr. 2015), SIPRI Fact Sheet, http://books.sipri.org/files/FS/SIPRIFS1504.pdf, and “Trends in World Military Expenditure, 2015”, (Apr. 2016), SIPRI Fact Sheet, http://books.sipri.org/files/FS/SIPRIFS1604.pdf, accessed 19 April 2016).

\textsuperscript{5} In fact, the increase in competitiveness of the industry together with economic constraints as a result of the economic crisis and the gradual drawdowns in Iraq and Afghanistan—in addition to embargoes imposed on Libya and Syria since 2011—have led many of these companies to make a number of adjustments in order to stay in the market. The general fall in US and Western European companies’ revenues is partially off set by a 25.1 per cent growth in revenues for 36 companies in the Top 100 based in other parts of the world, including Russia. In “SIPRI Top 100 Arms Sales Decreased in 2014: Companies Pursue Diverse Strategies in Response to Austerity Measures”, SIPRI in the Media, 18 February 2013. Many of these companies, especially American and Western Europeans, accounted the 84.2% of the total arms sales (“The SIPRI Top 100 Arms-Producing and Military Services Companies, 20143 (excluding China)”, Dec. 2015 and SIPRI Fact Sheet, http://www.sipri.org/research/arms/production/Top100), accessed 17 April 2016).

\textsuperscript{6} “In the Union, defence industries are marred by economics and structural problems such as fragmentation and divergence of capabilities, excess production capability in certain areas and shortages in others, duplication, short production runs, and failure to engage in increasingly costly research” (Panos Koutranos, The EU 2013 Common Security and Defense Policy, (Oxford EU Law Library, 2013), 250.

\textsuperscript{7} After all these changes, 43 American companies are still in the Top 100 list of arms-producing companies in the world, which accounts for 60% of total world-wide sales. 37 companies based in
In any case, the EU’s regime for the control of the arms trade requires Member States to provide information on their exports, in the same way as they must with their political institutions under the democratic control processes they are subject to. Finally, the UN Register of Conventional Arms (UNROCA) requires Member States to provide a report of their purchases and sales. These elements are sufficient to aver, as is done by the researchers at the Stockholm International Peace Research Institute (SIPRI) in its Exporters Database 2015 that three Member States of the EU rank among the six largest arms exporters in the world. Germany ranks third as a global arms exporter with a turnover of 12.332 million dollars over the period 2008-2014. France is the 4th largest exporter, with a turnover of around 11.326 million dollars over the same period, and United Kingdom ranks 6th, just after China, with 8239 million dollars turnover. Spain and Italy rank 7th and 8th respectively, and among the world’s 25 largest arms exporters are EU states, such as the Netherlands, Belgium, Austria, Finland, Sweden or Poland. These figures indicate that, after USA and Russia, a significant number of EU countries accounts for a considerable part of the global arms market.9

Of course, the figures referred to above are linked to a number of Member States’ commercial interests, and they have social and employment implications as well, because the activity of these companies has a significant economic and social impact in many EU regions, especially in the current context of the socio-economic crisis.10 It should also be kept in mind that the arms trade remains a major external policy

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9 Western Europe, which remained mostly stable at the regional level with a very slight decrease of 0.9%, are also in the Top 100 accounting for 29% of global exports, most of them British, French, German or Italian. “The SIPRI Top 100 Arms-Producing and Military Services Companies, 201”, (2014) SIPRI Fact Sheet, http://www.sipri.org/research/armsments/production/Top100, accessed 15 May 2015.


9 The five biggest exporters in 2011–15 were the USA, Russia, China, France and Germany. Together, they accounted for 74 per cent of the total volume of arms exports. Combined, the USA and Russia supplied 58 per cent of all exports. French arms exports decreased by 9.8 per cent between 2006–10 and 2011–15, and German exports fell by 51 per cent. The five biggest importers in 2011–15 were India, Saudi Arabia, China, the UAE and Australia. Together, they received 34 per cent of all arms imports (SIPRI Arms Transfers Database, http://armstrade.sipri.org/armstrade/html/export_toplist.php, accessed 18 May 2015 and Trends in International Arms Transfer 2015, February 2016, http://books.sipri.org/files/FS/SIPRIFS1602.pdf, accessed 19 April 2016.

instrument that Member States have been using, even today, as shown by arms embargoes on countries in the Middle East, like Iran or Syria, while stimulating sales to other countries in the region like Saudi Arabia or Qatar.\(^{11}\) This will undoubtedly have an impact on the fight for dominance in the region between Sunnis and Shias. EU Member States, using the instruments provided by the Common Foreign and Security Policy of the EU, have applied arms embargoes imposed by the UN Security Council. They have even adopted individual decisions where they undertake the commitment not to transfer arms to States not subject to such actions, just as they have decided to transfer arms to non-governmental groups, as has been the case with Syria.\(^{12}\) However, despite the economic, commercial, political and strategic interests of Member States in this area, the EU was one of the largest promoters of the ATT. Since the General Assembly launched that initiative, the EU took part in the working groups and submitted proposals on the draft text.\(^{13}\) In addition, the EU made efforts to export its arms control regime to


other regions, funding training seminars and providing consulting and technical services to help put control systems in place in countries that have none or have one but wish to improve it.\textsuperscript{14} And, finally, encouraged all UN Member States to sign and ratify the ATT adopted in April 2013.\textsuperscript{15}

In those circumstances, it is interesting to analyse the views on arms trade control defended by Member States, especially compared to the remaining States with interests in this field. If we consider the views expressed by the Participating States at the two Conferences on the ATT in July 2012 and March 2013, in addition to the results of the voting which took place at the General Assembly for the adoption of the text of the ATT, it may be concluded that there are two major groups of States with different positions with regard to the international regulation of the arms trade.\textsuperscript{16}

The first group consists of those countries in favour of a strict international regulation of the arms trade—the countries with no strong commercial interests in this field and that are not top-ranked exporters or importers but which suffer the negative consequences of an unregulated arms trade within their territories, notably in terms of criminal violence and human rights violations. This is the case of many Latin American and African States, which supported regulation with more restrictive criteria when

\footnotesize{\textsuperscript{14} Thus, technical and legal assistance is crucial, as has been recognised by the UN and the EU; the two bodies have been organizing and funding information and training seminars for several years to staff from Participating States in the 2012 Conference. But it is very likely that the control of brokering is not one of the easiest aspects to deal with and a priority for the Arms Trade Treaty—as underlined in the conclusions drawn up by the Group of Governmental Experts. Werners Bauwens, EU Statement in International Cooperation and Assistance, First Session of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty, New York, 21 July 2010, par. 3-5. The EU Council subsequently adopted a series of decisions necessary for the implementation of the EU Action Plan where corresponding budget items were approved for the organization of training seminars on arms trade control to third countries (Decision 2009/1012/CFSP), and also for activities in support of the Arms Trade Treaty (Decision 2010/336/CFSP).}

\footnotesize{\textsuperscript{15} In the Council Joint Action on the EU’s contribution to combating the destabilizing accumulation and spread of small arms and light weapons and repealing Joint Action 1999/34/CFSP (2002/589/CFSP, OJ L191/1, p.1)}

approving license applications and even proposed that when accepting or refusing a license the impact of an export on the protection of human rights and the development of the importing States should be included as an evaluation criterion. Within this same group, but with more moderate positions, are States that do not occupy a prominent position in the global arms trade but do not suffer the consequences of the lack of international controls in the arms trade within their territories to an alarming extent.\textsuperscript{17}

The second group is composed of those countries which are more reluctant to accept the global regulation of the arms trade. The countries which have been firmly against arms trade control are those involved in an international conflict situation; they are even subject to sanctions imposed by other States and international organizations too. This is the case with Syria, North Korea and Iran, which regard arms trade control merely as a mechanism for foreign powers to interfere in their internal affairs. Therefore, these three countries were the only ones to vote against the ATT.\textsuperscript{18} Also included in this group are large-scale arms exporters like the United States, Russia and China; their opposition to the proposed text at the First Conference in 2012 led to its failure, the change of the Chairperson and the convening of a new international conference. Those three States are the world’s first-, second- and fourth-largest arms exporters respectively. Their interest in being free to decide with whom to trade is not only for economic and commercial purposes but also for the geo-strategic reasons behind their foreign and security policies. States, especially international powers, have traditionally used arms transfers as an instrument of foreign policy to influence events outside their territories. Finally, there is another group of countries reluctant to bring the arms trade under control—those occupying a significant position as new buyers or sellers; they regard the Treaty as a present or future obstacle for their political and economic interests. This is the case with India, Pakistan and other countries which voted

\textsuperscript{17} The number of deaths caused by small arms as a result of criminal violence is alarming; this figure amounts to 490,000 a year, especially in Latin America, the Caribbean, and the West and South-East African region. In Mexico alone it is estimated that 50,000 people have died as a result of firearms over the past six years “Urban Armed Violence”, (2012) 23 Small Arms Survey 1. See also the data on violence against women and girls—with a focus on post-conflict Liberia and Nepal- Keith Krause, Small Arms Survey, (Cambridge University Press, Geneva, 2014).

against the 2012 draft text and abstained from the vote on the ATT approved and open for signature on April 2013.\(^\text{19}\)

States with strong interests in the international arms trade that do not suffer the consequences of an unregulated trade in arms within their territories are usually against imposing tighter restrictions on arms transfer; this should in theory be the position of the EU and its Member States. Indeed, in the EU Treaty itself, the arms trade is subject to exception in the field of the common commercial policy because it is considered a sensitive issue for Member States’ security. For this reason, from the very beginning, the Member States decided to have the greatest possible freedom when using conventional arms transfers as an instrument to protect their trade and foreign security policy interests. However, as the effects of the end of the Cold War had a significant impact on diversification, lack of control and expansion of the global arms market, the Member States—fully consistent with the principles and values that inspire the EU Common Foreign and Security Policy—decided to develop a non-legally binding Code of Conduct. The aim was to establish a number of criteria to limit export licensing and provide an internal procedure of information and cooperation in order to ensure the uniform application of those criteria by all Member States. Since the adoption of this Code of Conduct in 1988, the EU has been improving its control mechanisms to the point of giving a binding effect to this Code.\(^\text{20}\)

The behaviour of Member States regarding arms trade control can be explained by a number of ethical constraints governing their foreign policies. These have been firmly demanded by European civil society, which is fully aware of the need for EU States—which include some of the world’s major arms exporters—to help ward off the evil effects of unregulated arms transfers. The next section explains how Member States and the EU itself have had to implement the governing principles when adopting decisions to approve or refuse certain arms export licenses and supporting international initiatives favouring international arms trade control.

### 3. EUROPEAN UNION’S IMPROVEMENTS IN ARMS TRADE CONTROL

\(^\text{19}\) In addition to the States voting against—Syria, North Korea and Iran—, 23 countries abstained, including Russia, China, Cuba, Bolivia, Belarus, Egypt, India, Indonesia and Ecuador, while 154 voted in favour. The treaty opened for signature on 3 June 2013, and entry into force from 24 December 2014. In April 2016, 130 States had signed it and 82 had ratified (States voting against or abstained and United States have not ratified the treaty yet).

\(^\text{20}\) COREPER, on 30 June 2005, agreed at the technical level the text of a Common Position with the aim of transforming the Code into an efficient instrument to control arms exports from EU territory and by EU companies (Council Joint Decision 2008/944/CFSP of 8 December (2008) OJ L335/99).
Since the 1990s the UN, through the General Assembly, has continuously made proposals to design a control system for conventional weapons, the most important milestones being the Plan of Action for the Prevention of Light Weapons and Small Arms of the UN Conference held in 2001\textsuperscript{21} and the subsequent establishment of an Expert Group through its Resolution 61/89 of 6 December 2006, responsible for assessing the possibility of measures that would regulate the arms trade on the basis of consensus and balance that benefits all States\textsuperscript{22}. The group conducted the preliminary work for the two conferences for the conclusion of an ATT that took place in 2012 and 2013 and ended with the adoption of a draft treaty open for signature and ratification from 3 June 2013, in force from 24 December 2014\textsuperscript{23}.

The EU has distinguished itself by assisting and promoting within and outside its borders the UN proposals to control trade in conventional arms with a much higher intensity and rhythm than other regional and international organizations participating in these processes\textsuperscript{24}. Backed by its progress in the design of control measures of the arms trade, the EU has contributed largely to promote similar processes in other regions of

\textsuperscript{21} “UN Conference on Illicit Trade in Small Arms”, (2001) 95 The American Journal of International Law, 901.


international society. However, Member States never intended to develop a system for controlling conventional weapons subject to Union law. In addition, they wanted to make it clear that the trade in conventional weapons should not be part of the common market, considering that arms transfers were a matter of political significance and had serious implications for security and state defence, as stated in Article 346 of TFEU (former Article 296) and in fact, on 15 April 1958, the Council developed a list of products subject to that exception. However, the changing international political circumstances, from the 1990s on, destroyed the legitimacy of secrecy and freedom which the Member States had enjoyed throughout the Cold War. National parliaments began demanding information on arms sales, which sometimes were justified as part of cooperation to development, and thereafter, it was the NGOs that linked such sales with the suffering of the recipients as a consequence of the use of such weapons. The result was none other than serious violations of human rights and the perpetuation of violence and conflict.

Many of the arms sales operations being undertaken by Member States were inconsistent with the principles and values underlying the external action of the EU, so the first step taken in this regard was the development of a Code of Conduct, in 1998, which only consisted of a political agreement by which the parties agreed to respect a number of criteria when authorizing the export of arms.

In 2002 the need to develop a policy of controlling the trade in weapons consistent with all EU principles and activities in the field of conflict prevention resulted in a Joint

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25 “The provisions of the Treaties shall not preclude the application of the following rules: (a) no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security; (b) any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material; such measures shall not adversely affect the conditions of competition in the internal market regarding products which are not intended for specifically military purposes.” (Art. 346, TFUE, former Art. 296 TCE). Between 1991 and 1992, in the European Councils of Luxemburg and Lisbon, the Member States had agreed certain “Common Criteria” for the export of arms, which served as the basis for the Code of Conduct on the Arms Trade adopted on 5 June 1998.


Action by which the Member States were committed to combat destabilizing action and the proliferation of light weapons and small arms in response to the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small arms and Light Weapons (SALW) in all aspects, adopted in 2001. Given the disturbing facts that campaigns for the control of trade in light weapons and small arms offered to the public, the EU decided to adopt a strategy to combat illicit accumulation and trafficking of SALW and their ammunition adopted by the European Council on 15 and 16 December 2005. This had as its main aim the implementation of an action plan, subject to review every six months, able to ensure consistency between the common foreign and security policy of the EU and its cooperation to development policy, through a series of actions at national, international and domestic level. Thus, Member States had made a legally binding commitment in the framework for the control of light weapons; however, for the rest of the categories of conventional weapons it only had the political agreement offered by the Code of Conduct. This situation ended when in 2008 the Council decided to translate the Code of Conduct it had been using since 1998 into a Common Position 2008/944/CFSP, giving it a legal and therefore binding character on all Member States.

Among the benefits of the control system of arms trade that the EU has developed over the last 16 years is the scope of those criteria that Member States have to consider when authorizing exports and the control measures established to unify the interpretation of the criteria, thus being able to develop an effective control over the arms trade. Indeed, the criteria that Member States have to consider when authorizing an export license are much more stringent than those contained in any of the similar existing international instruments on the control of the arms trade, including that of the ATT itself. The Common Position 2008/944/CFSP reminds Member States that they must comply with the resolutions of UN Security Council containing sanctions against third countries in the field of arms transfers, as well as the sanctions that have been agreed in the framework of the Organization for Security and Cooperation in Europe or the EU itself. Similarly, the criteria set out in the Common Position remind Member

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28 EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition, adopted by European Council on 16 December 2005 (3066/05 CFSP 833 CODUN 19 COARM 38). See also Council Conclusions on the inclusion of a SALW article in agreements between the EU and third countries, 17 December 2008.
30 The ideas that follow were set out at length in Inmaculada Marrero Rocha, “El régimen de comercio de Armas de la Unión Europea”, (2012) 40, Revista de Derecho Comunitario Europeo, 669.
States of their obligations undertaken in cooperation forums in which they participate that are intended to ensure international security through arms control, in addition to international agreements which have been concluded on the same subject. Moreover, the criteria also take into account the situation of the states to which it is intended to send the weaponry, especially in terms of violations of human rights that can be caused by such weapons, the possibilities that they may serve to continue an armed conflict that endangers the stability of the area, that the recipient may be an intermediary of or sponsor international terrorist groups or organized international crime, which will use the weapons for offensive and not defensive purposes, and to act as an intermediary for a State to obtain weapons indirectly that would never be able to receive them under the terms of the criteria. Finally, the criteria address the need to prevent Member States’ transactions from impairing their foreign relations and those of the Union itself. Moreover, the EU also has mechanisms for consultation, information and transparency that allow States to progress to an increasingly homogeneous interpretation of the criteria contained in the Common Position and always to know the reasons why other states have denied an export license, thus having more information about the circumstances of the recipients and ensuring widening compliance with the Code of Conduct.\footnote{Operative Provision 8 of the Code mentioned the need for Member States periodically to submit their reports on the implementation of the eight criteria contemplated in the Code and, in turn, an annual global report would be drawn up for all the Union (Annual Report according to Article 8(2) of Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment. The last report was the Sixteenth Annual Report (2015) OJ C103/1 (http://eeas.europa.eu/non-proliferation-and-disarmament/arms-export-control/index_en.htm). Such reports form an overall assessment of the implementation of the Code, now the Common Position, where the major weaknesses are identified and, more importantly, propose a series of targets for improvement including specific mechanisms to achieve them the following year.}

As mentioned previously, despite the importance of the Member States’ positions in the international arms trade and its most advanced arms trade control system, many of its shortcomings have been revealed thanks to the political control that European citizens exercise over their States and Union institutions. The involvement of European citizens in matters relating to the arms trade in the form of movements, associations or campaigns, among others, is a determining factor in the development of the Union’s control system over the arms trade and its implementation and improvement by those applying it, for the reasons set forth in the following section.
4. EUROPEAN CIVIL SOCIETY’S REACTION TOWARD AN UNCONTROLLED CONVENTIONAL ARMS TRADE

Changes in the international arms trade since the end of the Cold War have contributed to the increase in the number of actors involved in the business, and moreover, have worsened the security of individuals, since many parts of the world are engaged in protracted conflicts, where the weaponry is not subject to any control, especially in the case of so-called failed states. This increase in conflict areas, accompanied by greater involvement of civilians and combatants who are not part of regular armed forces, has expanded the demand for conventional weapons, especially small arms and light weapons. The spread of conventional weapons creates a culture of violence that greatly hinders peace processes. Afghanistan is a case in point, since there are over ten million small arms and light weapons in circulation in its territory. These arms in practice have greater lethal power, are easy to carry and hide, so that their transfer has increased as compared to operations of heavy conventional weapons. And, in response to that growth in demand there has also been an increase in supply by the arms industry and even the emergence of small arms industries in undeveloped countries.

In this context, the aim of the EU is that the weapons coming from its territory should reach the right hands and be legally acquired, although determining who are the legitimate and legal recipients is always a complex issue. However, European civil society has refused to remain aloof from the progress made by the Union to develop an

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efficient and effective control system in the weapons trade. Europe has a long tradition of involvement and desire for citizen participation in public affairs. Since 1968 there have been various movements of Europeans citizens that have spread to other parts of the globe and have been the subject of major studies by the doctrine. As Flesher and Cox have said: “European social movements have been central to European history, politics, society, and culture and have had a global reach and impact”. More recently, European social movements have been the forerunners of contemporary movements such as the anti-globalization movement or global justice movements. And in recent years, especially in Greece, Iceland, UK, Spain or Portugal, European citizens have staged major protests against the measures of financial austerity that have spread to other societies like the US, through the ‘take Wall Street’ movement. However, these new movements coexist with others with decades of experience that have been involved in major campaigns on issues of peace and disarmament. Both new and old European social movements have made Europe a contagious space which has given birth to transnational protests that have served as sources of inspiration, information and learning and undoubtedly have led to a network of international promotion and condemnation. Moreover, in the case of the control or the disappearance of certain types of weapons, the efforts of European citizens have not proved to be an abstraction but a framework of action with important implications.

The social initiatives for the control of the arms trade are rooted in the 1990s, in a context of European pacifism, which demanded the end of military conscription and a fundamental reduction in defence expenditure that had cornered much of the budgets of EU Member States belonging to the North Atlantic Treaty Organization. It is true that

Mary Kaldor defines civil society as "a concept linked to the notion of reducing the violence of social relations, the public use of reason to manage human affairs", in Mary Kaldor, ‘The global civil society. An answer to war’ (Tusquets Publishers 2005), 16 and 17 to 19. (Author’s translation).

Cristina Flesher Fominaya and Cox Laurence, Understanding European Movements, (Routledge 2013) 7.


On the Post Cold-War pacifist movements and their influence on the International Relations structure of their times see Daniel Levy, Max Pensky and John Torpey, Old Europe, New Europe, Core Europe: Transatlantic Relations After Iraq War, (Verso 2005) and Jackie Smith, Charles Chatfield and Ron
the effects of weapons of mass destruction remained a major concern, especially with regard to the spread of uncontrolled nuclear material in the territory of the former Soviet Union, as well as the need to enforce existing treaties that prohibit the transfer, development and storage of chemical, biological and nuclear weapons. However, the new factor consisted in exposing the damage that conventional weapons caused, especially their uncontrolled sale\(^\text{41}\). Conventional weapons are not questioned as an essential tool for national defence, but their irresponsible transfer to territories in conflict, States suffering criminal structural violence or in any other circumstances in which these weapons, directly or indirectly, causing serious violations of human rights, is a matter of grave concern. The first campaigns against conventional weapons were designed within the framework of various NGOs, in the early 1990s, and were aimed at eliminating from International Relations some types of weapons that were particularly harmful to humans, such as anti-personal mines, cluster bombs and blinding lasers\(^\text{42}\).

Once these campaigns ended with the signing of international agreements prohibiting such weapons, the next target focused on the control of trade in other conventional weapons, in particular, light and small arms, which are the easiest to transfer and divert for uses other than to ensure strictly the security of states\(^\text{43}\).

The group of NGOs that became interested in the consequences of conventional weapons and the need to put some limits on their transfer is called ‘Arms NGOs Community’ and its main activities are in the field of research, design of public policy, assessment, advising, protest, awareness and education\(^\text{44}\). NGOs implementing activities in the field, besides information, awareness or protest campaigns, belong to this

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Pagnucco, Transnational Social Movements and Global Politics: Solidarity Beyond The State, (Ed. Syracuse 1997).


\(^{44}\) In Peter Batchelor, ‘NGO Perspectives: NGOs and the Small Arms Issue’, (2002) 1, Disarmament Forum, 37.
community as do a series of think tanks that are dedicated to research, analysis and preparation of independent reports on security, arms control and disarmament. The Arms NGOs Community identifies more with the characteristics of all social movements that began in the 1960s, such as environmentalism, feminism or anti-militarism, and makes use of the established media and direct contact with institutions to enforce their demands and put pressure on states with the aim of addressing the appropriate legislative changes at national and international level. This is in contrast with more contemporary social movements that are a form of collective action, based on the pre-existence of a conflict, due to structural tensions, organized informally with participation based on equality, and which reject established channels to voice their demands. These often use unconventional means, such as civil disobedience, questioning the ability of institutions to exercise their power against individual autonomy, rejecting the very division between public and private, and disputing the system of norms and established values. Moreover, since 1989, European civil society participates in that more global concept of civil society in the context of groups and networks using world-wide social media, enabling formal and informal organizations to negotiate, cooperate and join together to achieve a common goal and connect people who belong to different worlds, with various training and professional developments but which ultimately conduct an activity of advocacy centered on what and on whom the states have forgotten.

The UN, especially its General Assembly, has enhanced the activities of the Arms NGOs Community from the time in which it uses the information it provides on the relationship between the increase in the volume of transactions of different types of weapons, many them beyond government control, and the increase in violence, human rights violations and the loss of human lives, especially civilians. Previously, other initiatives developed within the UN framework on certain types of weapons like anti-


personnel mines, cluster bombs or blinding lasers have used the reports and proposals submitted by NGO Arms Community. The NGO Committee on Disarmament, Peace and Security has been responsible for over 30 years for facilitating the contact and the relationship between UN activities in this field and that carried out by hundreds of citizens, associations and groups. Among conventional weapons, small arms and light weapons are those that began to seize the attention of many participants in the NGOs Arms Community. In fact a large group of NGOs, some with previous experience in the campaign for the prohibition of anti-personnel mines, decided to create the International Action Network on Small Arms (IANSA). This network began its work in May 1999 and, according to its founding document, its activity is to facilitate civil society’s capacity to act in order to improve the security of individuals and prevent the growth and spread of small arms, creating a network of important civil organizations capable of achieving the objectives set. But within this broad spectrum, as Rogers points out, not all organizations and not all citizens of IANSA have participated and collaborated in the campaign with the same intensity. IANSA has carried out advocacy and lobbying activities and has offered to inform and advise government officials, although not all governments have given the same response to this invitation. Throughout its work one of the most significant results have been two reports entitled Biting the Bullet Project, through which IANSA assessed states’ compliance with the existing international legislation on small arms and implementation of UNPoA in the light of the UN Small Arms Review Conference of 2006. Since 2003, IANSA has formed part of a larger network called Arms Control Coalition (ACC), which has brought together a very large number of NGOs and NGO networks to promote the adoption of ATT. The main features of ACC are its geographic scope that crosses state borders and reaches more than 100 countries, its global objectives, and its composition, in which organizations with ties to other institutions (trade unions, political parties, churches or education

50 ACC has been working for more than a decade and has collected million of signatures of citizens from all over the world in favour of controlling the arms trade. See Damien Rogers, Postinternationalism and Small Arms Control, Theory, Politics, Security, (Ashgate Publishing Group 2009) 173.
centres are included), NGOs and more informal citizen movements that communicate through the network\textsuperscript{51}.

ACC is not a movement only of European civil society, but also, since the 1990s, the term civil society is used in a different way from the past, and is not restricted geographically. But while ACC has a wide geographical distribution of participants, it can be said that an important part of the weight of the network is formed by partnerships, organizations and networks of EU citizens, also called European Arms NGOs Community, who have managed to develop an influence quantitatively and qualitatively superior to the institutions of the EU and its Member States more than other ACC participants in their respective States and regional organizations\textsuperscript{52}. In this context, it is necessary to explain why this has happened and how this influence has manifested itself throughout the development of the EU arms trade control system and the conclusion of the ATT.

4.1. \textbf{Reasons for European Civil Society’s Influence on European Union Arms Trade Controls}

The ability of European civil society to mobilize their governments politically and to exercise the necessary influence on the processes of national decision-making and in the framework of the Union is the main reason why it can be considered an actor in international relations. And its participation in the development of foreign policy decisions of the Member States can be analysed from a Kantian logic, which interprets the action of citizenship as a fulfilment of moral duties contracted with future generations and other citizens who are outside the EU space\textsuperscript{53}. Obviously, this

\textsuperscript{51} On the characteristics of these types of social movements, see Martin Shawn, “Civil Society and Global Politics: Beyond a Social Movements Approach”, (1994) 23, \textit{Millennium. Journal of International Studies}, 647.

\textsuperscript{52} Within the European Arms NGO Community there are certain differences, above all, featuring the European Network against Arms Trade, which carries out Campaigns Against Arms Trade (CAAT) that are particularly strong in the UK. Their aim is not to develop an effective monitoring of the arms trade but rather to end it. In Anna Stavrianakis, \textit{Taking Aim At The Arms Trade. NGOs, Global Civil Society and the World Military Order}, (Zed Books, 2010), 33.

\textsuperscript{53} As Linklater says: “(...) the political theory of cosmopolitan democracy and recent accounts of possible futures for Europe argue that the nations-state is neither the sole nor the most important moral community. Post-sovereign arrangements which increase the role of sub-state and transnational political authorities in Europe have been defended as a normative ideal by exponents of a range of different ethical and political arrangements (...). The ethical principles which require the development of a transnational citizenry in Europe invite deep concerns about the harms and injustices which the region can do to outsiders. To take the project of world citizenship seriously, any European societies which embark on the experiment of breaking the nexus between citizenship, sovereignty, territoriality and nationality have to
conception of European citizenship is far from the idea that strictly links it with the State in terms of political, social and economic rights, and that European citizens have gone beyond as a result of their experience of participating in the process of European integration and their desire to influence the development of its external action, including the arms trade, although this continues to be considered one of the sensitive areas of security and defence policy of the states where no limitations on sovereignty are allowed. The campaign of the European Arms NGOs Community in favour of an ATT was developed not only in the holding of the conference but was also the product of a long process of prior awareness directed to the Member States, especially those with greater weight in the international arms trade, and recently building on a commitment among ATT parties to an effective implementation. The regional context of the Union has a number of features and offers a set of opportunities that European citizenship has taken advantage of to make their voices heard on issues of such importance as the control of arms trade. Three elements can be identified that differentiate the EU context from other national or regional contexts, and that make it more permeable and receptive to the participation of civil society.

First, unlike other States, EU Member States have a long tradition of citizen participation in public affairs. European civil society has always played a very important role in the political, economic and social life, a consequence of the liberal political philosophy that inspired European political systems and bourgeois societies. This participation has been slowly spreading to more areas of the internal and external policies of states, and hence from the beginning of the process of European integration, civil society has claimed an increasing intervention in the competences the States have attributed to the supranational organization. Therefore, the growing desire of citizens to participate in political affairs is no surprise to EU institutions, which have had to display compassion in their dealing with the non-European world, but they have to do more than that for the reasons already mentioned” (Andrew Linklater, “Cosmopolitan Citizenship” (1998) 2, Citizenship Studies, 25 and 30).

54 Enara Echart Muñoz, Movimientos Sociales y Relaciones Internacionales, (n 47) 55.
articulate mechanisms to meet these aspirations. If, at first, civil society was more sensitized to the promotion of human rights from the EU and its cooperation to development, it later also focused on a line of pacifist action centred on the elimination of certain types of weapons and now on the control of trade in conventional arms.\(^{56}\) While campaigning for an ATT does not have a clear territorial demarcation, the truth is that organizational impulses have a major Western base, especially from the meeting of civil movements in Western Europe and Eastern Europe from the late 1980s, in a pacifist context endorsing what happened in the Helsinki process.\(^ {57}\) This explains why most of the organizations that make up the ACC have a very strong European dimension, such as the relevance of the offices that have been established in EU member countries and the number of EU citizens who participate, support or simply sympathize with their activities.\(^ {58}\) On the contrary, some part of civil society participating in an ACC and that suffers the consequences of irresponsible and uncontrolled trade in conventional arms is found in regions where there is no tradition of citizen engagement in matters of foreign and security policy and where political elites are against this happening, so participation mechanisms are virtually nonexistent and citizens have no opportunity to assert their claims against the political institutions closest to them.

Secondly, civil society in the European Union, unlike other societies, has the ability to enforce their ideas, proposals and claims against state institutions exercising external

\(^{56}\) We must bear in mind that Europe was the birthplace of the concept of civil society, understood as a polite, well-mannered and peaceful society. Bourgeois society was the centre of public life between the state and the family, a model that was gradually exported to Eastern Europe during the 1970s and 1980s. Thus, it was a phenomenon associated with liberalism, where associational life was an important sector of activity (Adam Ferguson, *Ensayo sobre la historia de la sociedad civil* (Akal, 2010)). However, postmodern civil society, by associationism, attempts to correct the problems facing victims of globalization. In this new civil society associations of individuals and their actions are based on tolerance, pluralism and contestation, but some postmodernists criticize the concept of civil society, considering it Eurocentric.

\(^{57}\) On the union of social movements in Western and Eastern Europe at the end of the Cold War, the study by Hara Kouri and Eduardo Romans, *Protest beyond Borders Contentious Politics in Europe since 1945*, (n 45) is recommended.

\(^{58}\) In the case of IANSA, the European base is very important, and fundamentally consists of the NGOs registered in the Union territory: Belgium (Africa Europe Faith & Justice Network (AEFJN), Groupe de Recherche et d’Information sur la Paix et la Sécurité (GRIP), Pax Christi Flanders/Vlaanderen, Pax Christi International), Finland (Civil Society Conflict Prevention Network (KATU), Committee of 100), France (Action Sécurité Éthique Republicaines, Caritas - France), Germany (Aktionsbündnis Amoklauf Winnenden), Netherlands (IKV Pax Christi, Transition International), Portugal (Observatory on Women and Armed Violence), Spain (Fundacio per la Pau, Plataforma per la Pau Lloret), Sweden (Amnesty International - Sweden, Swedish Fellowship of Reconciliation (SweFOR)) and United Kingdom (Acronym- Institute for Disarmament Diplomacy, Action on Armed Violence (AOAV), Africa Center For Prevention and Resolution of Conflict (ACPRC), Amnesty International - International Secretariat, Amnesty International - UK, Gun Control Network, Omega Research Foundation, Oxfam International, Saferworld).
political control. For example, we can mention some of the actions that have taken place in the United Kingdom, the Member State where ACC and IANSA exerted the greatest influence and where the pressures on state institutions regarding the control of the arms trade are strongest. Amnesty International called on leaders of the major political parties in the UK to commit to supporting a strong and effective Arms Trade Treaty. In Belgium, activists including IANSA members, Pax Christi Vlaanderen, will mark Belgian National Peace Week and they focussed ‘on the harm caused by the uncontrolled trade and diversion of arms, and the call for a strong and robust ATT’ and organized a roundtable that was held at the Belgian parliament where civil society met politicians and urged the Belgian government to speak out for a robust ATT. In Sweden, the Swedish Fellowship on Reconciliation (SweFor), in June 2012, developed a campaign to collect signatures of Swedish parliamentarians in favour of an ATT, which were later handed over to the Swedish government delegation at the ATT conference. But the pressure of European civil society is not only developed in state offices; the European Arms NGOs Community also makes use of the mechanisms of access to Member States’ institutions, especially through the participation of citizens’ associations in national parliamentary scrutiny processes to enable them to assert their opinions and information. It also has some access to the EU institutions, especially the Commission and the European Parliament.

Within the institutional framework of the Union, it is the Commission that has paid most attention to the issues of citizen participation as a remedy for the crisis of legitimacy, assigning a key role to civil society in the good governance of the Union, as stated in the White Paper on European Governance, 2001, and encouraging its participation in the development of legislative initiatives, given that the challenges that

59 The actions of IANSA, ACC and its participating organizations have been the most relevant in involving the governments of some states and even the main political parties. This was the case of the marketing campaigns such as Gun Destruction Day in 2004, which resulted in some governments conducting the destruction of weapons, such as South Africa and Cambodia, as well as in Latin American states. In addition, regular meetings and collaborations with western Governments are maintained, capable of curbing the trade in small arms, mainly from European countries, such as Holland, Norway, Finland, Switzerland and the UK, which have included advisors from civil society as represented in IANSA (Damien Rogers, Postinternationalism and Small Arms Control, Theory, Politics, Security, (n 50) 175-178).

60 Anna Stavrianakis has carried out important research on the means European NGOs working in the field of arms control have used to influence state Institutions (Anna Stavrianakis, ‘Missing the Target: NGOs, Civil Society and the Global Arms Trade’ (2011) Journal of International Relations and Development, 1, http://www.palgrave-journals.com/jird/, accessed 26 April 2015). See also Carolyn M. Stephenson, "Non State Actors in the Global Security World", The Ashgate Research Companion to Non-State Actors (Routledge, 2016), chapter 29.

the Union faces are increasingly complex and the participation of civil society organizations in governance is becoming evermore relevant. Furthermore, the European Parliament, especially in the context of the Subcommittee on Security and Defence, regularly listens to the views, information, and claims of the European Arms NGOs Community, particularly useful for the exercise of its function of political control over the Common Foreign and Security Policy.

The third reason that justifies the role of European civil society in monitoring the arms trade is the absence of weighty civil organizations in favour of the free trade in weapons, contrary to what happens in the US and Canada, whose pacifist social movements are very active. However, ACC and IANSA encounter resistance there from what is known as the ‘Fireman Community’, represented mainly by the World Forum on the Future of Sport Shooting Activities (WFSA), which includes associations of hunters, target shooters and manufacturers of firearms and ammunition from 13 countries, although the predominant network organization is the American National Rifle Association. And indeed, both ACC and WFSA have played an active role in two international conferences for the conclusion and entry into force of an ATT. In the first conference alone, 177 NGOs applied for accreditation and over 40 participants went to the special meeting of 13 January 2012 with the intention of making critical comments, offering opinions and information, but the only action that changed the position of a government during the conference was the opinion of the US National Rifle Association. The sudden disagreement with the Obama administration’s first


64 Mary Kaldor, La sociedad civil global, (n 35) 38-39.

draft treaty presented at the conference in July 2012, and which without doubt contained a much stricter control regime over the arms trade, was a result of the support the National Rifle Association had managed to gather internally, which made it impossible for the US government to get approval from the Senate to ratify the future treaty.\textsuperscript{66}

4.2. European Arms NGOs Community’s Contribution to European Union Regime on Arms Control

As the concern of European arms companies is to increase their sales of materiel, especially since there is overproduction and some duplication of goods produced in the territory of the Union, requiring States to develop more adequate control mechanisms for their arms trade has not been easy. This is especially so considering that in the conventional arms trade not all states play the same game, not everyone has arms industries and among those who have them, there are great differences, leading to different levels of compliance with the criteria and procedures of the control system of the EU arms trade.\textsuperscript{67}

However, since the late 1990s, the European Arms NGOs Community has exercised an important external control over the activities carried out by Member States, identifying situations in which the interpretation of the criteria of the system of control and transparency of the actions of States has been very inadequate. This control contributes to the progress and improvement of the system of arms trade by Member

\textsuperscript{66} Global Solutions has analyzed US failure to ratify ATT generates high costs in terms of global leadership, including lost of international credibility and weaker political authority (Adam Chelseth, Filza Nasir, John Steies and Patrick Lobiejko, \textit{United States on the Road to Isolation: The Coast of Non-Ratification}, (University of Monnesota 2004)

\textsuperscript{67} The interests of the Member States relating to the arms trade are so important that they affect military capabilities of the Common Security and Defence Policy of the Union. Panos Koutranos explains the difficulties in developing EU peacekeeping missions if Member States’ arms companies are determined to continue producing and selling, following a business logic and are not planning on security (Koutranos Panos, \textit{The EU Common security and Defence Policy}, (Oxford European Union Law Library 2013) 253. After ATT entry into force, Europeans think tanks, such as Chatham House, have been trying to involve European defence industries in the implementation of the ATT: “As a global supply chains continue to spread and evolve, the ATT is an opportunity for the new emerging power and future exporter and importers of defence material to develop their control systems so that they are ATT-compatible, reliable and effective”. In Elii Kytömäki, “The Defence Industry, Investors and the Arms Trade Treaty”, (Dec. 2014), \textit{Research Paper}, Chatham House, 3.
States, especially those who are tempted to apply internal political and economic criteria in their transactions rather than humanitarian principles. The European Arms NGOs Community has developed its activity in several areas among which are, firstly, research and advice and, secondly, the lobbying and denunciations that have been crucial in detecting faults in the EU control system of the arms trade, improving their mechanisms and procedures and ensuring consistency, as shown by some examples.

Regarding research and advice a number of recent cases can be highlighted that show that without the work of the European Arms NGOs Community on the regime of controlling arms the Union would have remained the most advanced but on paper only

68 Zeray Yihdego, (n 27), 281.
69 EU Non-Proliferation Consortium is an European Network of Independent Non-Proliferation Think Tanks, which houses a number of think tanks very superior to those of other international regions. The network includes: Aberystwyth University - David Davies Memorial Institute of International Studies, United Kingdom, Institute for Disarmament Diplomacy, United Kingdom, British American Security Information Council - BASIC, United Kingdom, British Pugwash Group, United Kingdom, Carnegie Europe, Belgium, Center for International Security and Arms Control Studies - CESIM, France, Center for Transnational Studies, Foreign and Security Policy - ATASP, Germany, Centro interuniversitario Machiavelli - CIMA, Italy, Danish Institute for International Studies - DIIS, Denmark, Egmont - The Royal Institute for International Relations, Belgium, European Centre for Space Law - ECSL, France, European Leadership Network for Multilateral Nuclear Disarmament and Non-Proliferation - ELN, United Kingdom, European Space Policy Institute - ESPI, Austria, European Union Institute for Security Studies - EUISS, France, Flemish Peace Institute, Belgium, Foundation for Strategic Research - FRS, France, French Institute of International Relations - IFRI, France, Geneva Centre for Security Policy - GCSP, Switzerland, German Institute for International and Security Affairs - SWP, Germany, Group for research and information on peace and security - GRIP, Belgium, Hungarian Institute of International Affairs - HIIA, Hungary, Institute for International Legal Studies - ISGI, Italy, Institute of International Relations Prague - IIR, Czech Republic, International Affairs and Foreign Policy Institute - INCIPE, Spain, International Centre for Defence Studies - ICDS, Estonia, International Institute for Strategic Studies - IISS, United Kingdom, International Security Information Service Europe - ISIS Europe, Belgium, Istituto Affari Internazionali - IAI, Italy, King's College London - Centre for Science and Security Studies - CSSS, United Kingdom, King's College London - International Centre for Security Analysis - ICSA, United Kingdom, Landau Network Centro Volta - LNCV, Italy, Latvian Institute of International Affairs - LIIA, Latvia, Luxembourg Institute for European and International Studies - LIEIS, Luxembourg, Netherlands Institute of International Relations 'Clingendael', Netherlands, Observatoire des armements, France, Peace Research Institute Frankfurt - PRIF / HSFK, Germany, Research Center of the Slovak Foreign Policy Association - RC SFPA, Slovakia, Royal Higher Institute for Defence - RHID, Belgium, Royal United Services Institute for Defence and Security Studies - RUSI, United Kingdom, School of International Studies - University of Trento, Italy - SIS, Italy, Stockholm International Peace Research Institute - SIPRI, Sweden, The Austrian Institute for International Affairs - oiip, Austria, The German Council on Foreign Relations - DGAP, Germany, The Hague Centre for Strategic Studies - HCSS, Netherlands, The Hellenic Foundation for European & Foreign Policy - ELIAMEP, Greece, The Institute for Peace Research and Security Policy - IFSH, Germany, The Polish Institute of International Affairs - PISM, Poland, University of Aarhus - Department of Political Science and Government, Denmark, University of Antwerp - Research Group in International Politics, Belgium, University of Hamburg - Carl Friedrich von Weizsäcker Centre for Science and Peace Research - ZNF, Germany, University of Innsbruck - Department of Political Science, Austria, University of Kiel - Institute for Security Policy - ISPK, Germany, University of Ljubljana - Defence Research Centre, Slovenia, University of Southampton - Department of Politics and International Relations, United Kingdom, University of Warsaw - Institute of International Relations, Poland, University of Westminster - School of Law, United Kingdom, University Pantheon-Assas Paris II - Centre Thucydide, France, Verification Research, Training and Information Centre - VERTIC, United Kingdom, Vienna Center for Disarmament and Non-Proliferation - VCDNP, Austria, Wilton Park, United Kingdom.
since, in some cases, Member States have been particularly benevolent with the incorrect application of the system made by some of its partners. For example, the European Network of Independent Non Proliferation Think Tanks warned that third States that were recipients of economic and humanitarian assistance from the Union were also the final destination of exports of small arms from Member States, bearing in mind that such weapons could only worsen the humanitarian circumstances of the recipients and that such operations are contrary to European Union Programme for Preventing and Combating Illicit Trafficking in Conventions Weapons and the Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition. Nicolas Rousseau’s work, in the same line of research on the EU and small arms and light weapons in Africa, revealed inconsistencies between the foreign policy of the EU and the business of its armaments companies, which contravenes the objectives and principles of European law on arms trade control.

As regards the lobbying and denunciations developed by European Arms NGOs Community its contribution to the EU is outstanding and the Union remains the region that provides most information to the United Nations Register of Conventional Arms (UNROCA). The information UNROCA obtains is crucial to analyse the individual and regional capacities of States, while eliminating suspicions and developing confidence-building measures. However, in recent years there has been a dramatic decline in the States offering reports to UNROCA. Only 37 of the UN Member States have deposited their reports in the Registry each year, 174 have done so at least once between 1992 and 2013, and 22 have never made that report. Of the 50 European countries that have made their UNROCA reports, 25 have done so every year, including the main EU exporters. It is true that there is no obligation to include light weapons and small arms in these reports, but it is useful to contrast them with the information provided by other states.


European think tanks, such as SIPRI, often develop analyses of the registration data provided by Member States and data from countries in other regions that have been involved in such transactions and indicate the manifest inconsistencies between the resulting figures. Similarly, the Groupe d'Information et Reserche sur la Paix et la Sécurité (GRIP) denounced subterfuges used by states like Italy to circumvent the system of export licenses to Libya, selling 6,000,000 euros in light weapons and small arms in 2009, but doing so via Malta, making it seem that the latter state was the beneficiary of the transaction without informing the EU, because according to the Italian authorities, 7,500 revolvers and automatic pistols and 3706 rifles and carbines sold to Tripoli cannot be considered military materiel. Although this transaction was not discovered until 2011, thanks to UNROCA detection of the sale, the only state that appears as the principal arms dealer to Libya, worth 79,689, 691 euros is Malta, which has no military industry and in fact only granted transit licenses for Italian exports. Some of the Italian NGOs such as Rete per il Disarmo or Tavola per la Pace denounced the situation, bearing in mind that the Italian government did not even report these sales to its own parliament. GRIP has also exposed some arms transactions from Belgium to Tripoli, where the arms ended up in Sudan and were used in the conflict in Darfur, as a result of a number of gaps in the end-user certificates that Libya should have required. Moreover, after the publication of the Thirteenth Annual Report on Exports Control of Military Technology and Equipment, published on 30 December 2011, European Arms NGOs Community discovered that the Member States had increased the value of their weapons sales by 21% compared to 2009, designed

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especially for emerging powers, but also for totalitarian regimes in the Middle East and North Africa, so that the transfers were contrary to the criteria of the EU’s arms trade.74

5. **FINAL CONCLUSIONS**

1. Some EU member states occupy a key position within the group of major arms exporters in the world and want to continue producing and selling conventional arms to increase their margin of economic gain and maintain the ability to influence the course of crises and conflicts elsewhere in the international society in which they have interests. The principles and criteria underlying the external action of the EU and its control system for arms trade curb many of the import licences that third parties request of the Union’s states and that could directly or indirectly lead to serious violations of human rights or end up by diverting the weapons to an unauthorized destination. But in other cases, Member States either do not properly interpret or apply these criteria and yet the EU still has the most advanced control system of trading weapons that exist in international society.

2. At the European level there is a strong tradition of civil society’s participation in domestic and international affairs. Many of Europe’s civil movements in the field of human rights, environmentalism, disarmament and social justice have even influenced citizens elsewhere. Within the international networks of NGOs and think tanks that promote arms control, European leadership is indisputable. Furthermore, European NGOs have channels and mechanisms to access national and European institutions that can seldom be found in other states and regions. Moreover, within the Union, associations in favour of unfettered arms trade are virtually nonexistent or do not have sufficient force to counteract the efforts of the European Arms NGOs Community. This is in marked contrast to what happens in the U.S. and Canada, whose NGOs and networks in the area of disarmament and non-proliferation are also very active but are counterbalanced by the Fireman Community.

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3. The European Arms NGOs Community has offered alternative and independent information on the consequences of some of the arms sales operations undertaken by Member States, and reported the violations of the control regime which have been committed and offers advice to improve procedures and mechanisms. Thus, Member States are subject to an external control which is able to highlight inconsistencies and incoherencies of their actions much more strictly and independently than the EU institutions and the Member States themselves can develop.

4. The work of the European Arms NGOs Community has been fundamental in improving the system of arms control in the EU, and the representatives of the Member States and the Union have proved to be the most progressive group among the participants at the two conferences on ATT when designing the Treaty, despite the interests of the international arms trade. However, other organizations and networks of citizens active in the control of the arms trade have neither the experience nor the channels of participation in their own states and regions to be able to transform or influence the policies of their states and boost the control of the international arms trade to the same extent and results that have been obtained in Europe.