

The Small Arms and Light Weapons Problem in the Balkan Region

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Abstract

Large availability of small arms and light weapons in the Balkan region functions as a facilitator of criminal activities and violence, undermining efforts to move toward liberalization and democracy and, ultimately, representing a serious threat to human security and to the overall security of the state. Despite this, knowledge about the existence and the dynamics of an illegal market in firearms in Europe is scant and incomplete. While this is partly due to the covert nature of the phenomenon, lack of standardized firearms registration systems and databases, an event-driven tendency to develop legal and policy frameworks as well as pitfalls in the estimation system, all contributed to the lack of reliable information on the overall size of the illicit market in firearms in Europe, patterns and routes of illicit trafficking as well as on who and how is involved in this trade. A challenge, this, that needs to remain the focus of competent bodies at the EU and national level, since reliable and comprehensive knowledge on the issue remains crucial precondition for the development of efficient strategies to counter illicit trafficking and related forms of serious and organized crime.

Introduction

The Small Arms and Light Weapons problem in the Balkan region refers mainly to the illegal ownership, misuse and proliferation of weapons. Triggered by chaos and instability which followed the collapse of the Eastern Bloc and conflicts in Yugoslavia, smuggling and illicit trafficking in firearms intertwined at first with the process of state-building in the region, to evolve during the post-conflict years into a profitable business primarily conducted by organized criminal networks.

Although the influx of weapons into the European Union is not overwhelming, a regular inflow of small arms coming primarily from the Balkans negatively impacts on the European internal security, fueling activities of organized crime and providing terrorists with the means to carry out attacks on European soil. While the Union is striving to address the problems caused by uncontrolled proliferation of firearms within and outside its borders, a large amount of weaponry continues to exist in the Balkan region, with economic, political and security costs at the regional and European level.

This paper attempts to analyze the small arms problem in the Balkan region, exploring past and present initiatives the EU and the Balkans' governments have undertaken to address the issue, in order to understand to what extent, at present, they have been successful in developing and implementing measures to increase the effectiveness of their firearms control efforts. The paper proceeds as follows: the first sections present an historical overview of key aspects related to the proliferation of small arms and light weapons in the Balkans, focusing on the period that followed the end of the Cold War and the outburst of violence in former Yugoslavia. The second part of the paper discusses main legal and policy documents adopted by the European Union to counter illicit trafficking, while, in conclusion, the paper presents an analysis on the current state of affairs as regards the implementation of legal, strategic and operational steps to effectively counter firearms trafficking in and from the Balkan region.

1.1. The Illegal Trade in Smalls Arms and Light Weapons

The illegal trade in Smalls Arms and Light Weapons (SALW) constitute one of the most dominant form of crime. While there is no universally accepted definition of SALW, the majority of competent institutions refer to the definition adopted by the 1997 UN Group of Expert on Small Arms, which considers portability a defining characteristic. According to the Report definition, SALW are all weapons that can be used and carried by one or more people, pack animal or vehicle. They can be distinguished from major weapon systems because of their portability, concealability, accessibility and relatively low prices, while they require little maintenance and training to be used.¹ Most of illicit firearms enter the black market by means of diversion and conversion. In the first case, they are diverted to the primary licit market mainly through leakage from surplus stocks, loss of control over government stockpiles, transport diversion and theft. In the second case, items not classified as a firearm are altered so that they can fire live ammunitions.²

Since the end of the Yugoslav Wars, the Balkan region has been a major source of illegal flows of arms into Western European markets. Fostered by instability and conflict, illicit trafficking in firearms still remain a significant problem in the region, with direct consequences on the Balkan and European security situation. The following section outlines key historical developments in the Balkan region with regard to the proliferation of SALW, focusing on the period that followed the collapse of the Soviet Union and former Yugoslavia. The historical trajectory of the Balkan route and its significance will be discussed as well. All in all, large availability of weapons, high demand in firearms triggered by the Yugoslav Wars and the relaxation of border controls which followed the end of the Cold War, all resulted in an excess supply of firearms, most of which have found their way into European markets and other conflict-ridden areas of the world.

1.1.1 Historical Aspects of SALW Proliferation in the Balkans

The problem of small arms trafficking, proliferation and misuse is a long-standing one. However, the issue emerged on the international and European agendas not until the end of the Cold War, a period that coincided with an exponential increase of trans-border crime in Southeastern Europe.³ While in the pre-1989 world small arms trafficking was to a large extent controlled by the two superpowers – whereas major security issues concerned WMD proliferation – the collapse of the Warsaw Pact in late 1980s and the withdrawal of the Red Army from Eastern Europe resulted in greater availability of conventional military equipment, which flowed into black markets with dramatic consequences.⁴

¹ William D. Hartung, The International Arms Trade, in Paul D. Williams (ed.): Security Studies. An Introduction, Routledge, 2008. In the following sections, the terms “small arms and light weapons”, “small arms” and “firearms” are used interchangeably.

² Ernesto U. Savona and Marina Mancuso (ed.), Fighting Illicit Firearms Trafficking Routes and Actors at European Level. Final Report of Project FIRE, Transcrime – Università Cattolica del Sacro Cuore, 2017.

³ Marko Hajdinjak, Smuggling in Southeast Europe. The Yugoslav Wars and the Development of Regional Criminal Networks in the Balkans, Center for the Study of Democracy, 2002.

⁴ Robert J. Kelly, Jess Maghan, Joseph D. Serio, Illicit Trafficking. A Reference Handbook, ABC-CLIO, 2005.

In the Balkans, and particularly in the countries of the former Socialist Federal Republic of Yugoslavia (SFRY)⁵, instability and conflicts resulted in the re-activation of circuits of illicit trade for different “commodities” – especially arms – which contributed to make of the region a central node of criminal activity in Europe and beyond.⁶ It is widely recognized that chief motives behind the exacerbation of the SALW proliferation issue in the Balkans are mainly related to the Yugoslav Wars of the 1990s – particularly in Bosnia and Croatia – and relative embargoes, as well as to the troubled process of post-socialist transition that followed, which did contribute to the strengthening and penetration of criminal networks within the social and state structures.⁷ However, structural features, such as the very organization of the former Yugoslav People’s Army (YPA), and others benchmark events, such as the 1997 collapse of the pyramid scheme in Albania, did also function as further incentives for SALW to easily proliferate in the region.

Non-aligned and independent Yugoslavia had indeed one of the largest army in Europe. Moreover, in accordance with Tito’s Total National Defense doctrine, the YPA was organized into four military regions which were responsible for the construction and maintenance of military facilities. Hence, highly decentralized and independent military formations – the Territorial Defense (TD) – were organized and funded by the governments of each Yugoslav constituent republic, with the main task of mobilizing the population in case of a major aggression.⁸ The possibility that someday these separate units might oppose the YPA in an act of secession was already a topic of discussion before the 1990s events. What actually happened at the end of the century did ultimately confirm this concern. Indeed, following the outbreak of civil/ethnic conflicts in SFRY, the TD’s stockpiles soon became primary source of weapons for paramilitary formations. Chaos and political turmoil resulted in the sudden availability of large amounts of military equipment outside government control, the majority of which was locally manufactured in accordance with Tito’s doctrine of self-sufficiency. High availability of weapons was also a consequence of the accumulation of obsolete but fully functional firearms from mid-1900s, which remained stored in secret depots throughout the country and were formally under the control of the TD. Secondly, and as a consequence of this structural feature, the imposition by the international community of arms embargoes on all six republics in 1992 further exacerbate the problem, contributing unintentionally to an expansion in the demand of firearms, since then mainly satisfied through illicit channels.⁹ Indeed, while Serbia was in control of the former YPA – being it previously under responsibility of the central

⁵ These are Slovenia, Croatia, Bosnia and Herzegovina (BiH), Serbia, Kosovo, Montenegro and the former Yugoslav Republic of Macedonia (FYROM). In this paper, the terms “Balkans” and “Western Balkans” are used interchangeably and refer to the former SFRY’s countries with the inclusion of Albania and the exclusion of Slovenia. See also European Commission, Communication to the Council and the European Parliament: The Western Balkans and European Integration, COM/2003/0285 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52003DC0285>

⁶ Kimberley L. Thachuk (ed.), *Transnational Threats: Smuggling and Trafficking in Arms, Drugs, and Human Life*, Praeger Security International, 2007.

⁷ Iztok Prezelj, *The Small Arms and Light Weapons Problem in the Western Balkans*, in Wolfgang Benedek, Christopher Daase, Vojin Dimitrijevic and Petrus van Duyne (eds.): *Transnational Terrorism, Organized Crime and Peace-Building*, Palgrave Macmillan, 2010.

⁸ Dejan Anastasijevic, *Organized Crime in the Western Balkans*, Paper presented at the First Annual Conference on Security, Terrorism and Organized Crime in the Western Balkan Region, organized by HUMSEC project in Ljubljana, 23-25 November 2006.

⁹ Aaron Karp, *The Rise of Black and Gray Markets*, *The Annals of the American Academy of Political and Social Science*, Vol. 535, No. 1, September 1994.

government in Belgrade – Bosnia and Croatia, which were fighting for independence, remained seriously hit by the embargo and turned to black markets to obtain weapons, often with the support of local politicians and criminal groups.¹⁰ Finally, the collapse of the Albanian government in 1997 resulted in the looting of vast quantity of small arms previously under government control. These ended up mostly in the hands of the Kosovo Liberation Army (KLA), whereas a large amount of them is still supposed to be stored clandestinely in the country, incentivizing small arms proliferation and violence.

Albeit not the only reasons behind the emergence of illicit criminal networks in the Balkans, the outbreak of war in Bosnia and Croatia, the imposition of arms embargoes as well as political changes throughout the region – and particularly in Albania and Kosovo – did provide opportunities for SALW trafficking to reach unprecedented levels of activity.¹¹ In addition to this, the complex process of economic and political transition which followed constituted, as mentioned above, another key motive behind the strengthening of illicit criminal networks and channels related to SALW trafficking. The weak and permeable newly constituted states had to face not only high inflation, financial uncertainty and significant unemployment – features these common to all countries in transition – but the Balkans countries had also to deal with the reality of a strong criminal system in evolution and expansion, which was seriously undermining efforts to recover from years of conflict and to move toward liberalization and democracy.¹²

1.1.2. The Balkan Route(s)

The geographical position of the Balkan Peninsula, historically at the crossroads of empires and military blocs, turned the Balkans into an ideal transit zone, which naturally performed the role of *point de passage* for the licit and illicit journey of various goods from Asia to Europe and vice versa.

What has become known as the “Balkan Route” historically linked Istanbul to Sofia, then crossed Belgrade, Zagreb and Ljubljana to reach the European markets. Mainly used for the trafficking of heroin from Afghanistan via Turkey, during the 1990s the route started to perform the role of principal conduit for illicit arms transfers, expanding later to all sort of other “commodities”.¹³ Immediately after the breakup of Yugoslavia, however, the unpredictability caused by the war contributed to a bifurcation of this main route, with smuggling networks that were diversifying supplies and itineraries. Thus, during the conflict business was obstructed but not interrupted, with the “Balkan Route” splitting up into a “northern” and “southern” one, the former crossing Central-Eastern Europe via Ukraine or Bulgaria to reach Slovakia and Austria, the latter crossing

¹⁰ Dejan Anastasijevic, *Organized Crime in the Western Balkans*, op. cit.

¹¹ Small Arms Survey, *Handgun Ownership and Armed Violence in the Western Balkans*, Issue Brief No. 4, September 2004.

¹² Giulia Tarantini, *The Balkan Route: Organized Crime in South-Eastern Europe – Root Causes, Current Developments and Future Prospects*, UNU-CRIS Working Papers, United Nations University, W-2016/4; Anton Bebler, *Regional Security in South Eastern Europe*, Center for European and North Atlantic Affairs, 2013.

¹³ Francesco Strazzari, *The Decade Horribilis: Organized Violence and Organized Crime along the Balkan Peripheries, 1991-2001*, *Mediterranean Politics*, Vol. 12, No. 2, 2007.

Macedonia and Albania via Greece to reach Italy.¹⁴ It is worth mentioning here the strong connection between firearms and drug trafficking routes. Indeed, established smuggling channels – in this case for heroin – are often used for the two-way passage of a variety of different goods, whereas the existence of a connection and overlap of illicit trafficking in firearms activities with other forms of serious crime (i.e. drugs or human trafficking) is generally acknowledged.¹⁵

As soon as the demand in firearms decreased in former Yugoslavia, however, the surplus of weapons started to be diverted toward those regions of the world where the demand for firearms was still strong – that is, conflict zones and Western Europe.¹⁶ Moreover, after peace was restored, the main illicit flows started once again to cross the classic “Balkan Route”, with the centers of illegal trade relocated in those countries where the process of political stabilization was proving to be less successful (e.g. Kosovo).¹⁷ The years 1995 and 1996 in particular represented a crucial point in the development of illegal trade in the region. While trade in weapons diminished considerably if compared to the period of active conflicts, a reorientation toward new commodities developed progressively, in concomitance with a shift from state-sponsored trafficking activities to mafia-led ones.¹⁸

All in all, if originally the “Balkan Route” mainly performed the function of transit hub for the smuggling of drugs from Asia, all the smuggling routes established during the Yugoslav Wars can, by extension, be referred to as “Balkan Routes”. In a similar fashion, the same name can be used to include routes crossed by any type of smuggled goods which cross several countries of the region.¹⁹ Hence, routes and techniques employed for the smuggling of goods and weapons during the wars turned out to be profitable in the post-war context, with criminal groups that soon readapted themselves to the changed conditions at the regional and international level.

2.1. EU Initiatives to Counter SALW Trafficking in the Balkans

The issue of illicit trafficking in SALW started to receive international and European attention only during the last decades of the 20th century. Especially by mid-1990s, a complex process of norm-building started slowly but steadily to develop within the UN General Assembly, reflecting the international community becoming conscious of those drastic changes that were affecting the structure of the international system. The post-Cold War era inaugurated indeed a change in the nature of conflicts, which shifted from prevalently inter-state confrontations into a proliferation of civil/ethnic unrests mainly fought with SALW. Moreover, many more actors besides governments

¹⁴ Kole Krasniqi, *Organized Crime In The Balkans*, European Scientific Journal, Vol. 12, No. 19, July 2016.

¹⁵ Ernesto U. Savona and Marina Mancuso (ed.), *Fighting Illicit Firearms Trafficking Routes and Actors at European Level*, op. cit. p.; Dejan Anastasijevic, *Organized Crime in the Western Balkans*, op. cit.

¹⁶ Major recipients of firearms from the Balkans in Western Europe are France, Germany, Greece, Ireland, Italy, the Netherlands, Scandinavian countries, Spain and UK. There are no explanations in the literature regarding the reasons behind a high demand for illicit firearms in these countries. Exception is Italy, where the national organized criminal groups purchase firearms both to traffic them and to commit crimes. See Ernesto U. Savona and Marina Mancuso (ed.), *Fighting Illicit Firearms Trafficking Routes and Actors at European Level*, op. cit.

¹⁷ Vera Stojanova, *Organized Crime in the Western Balkans*, HUMSEC Journal, No. 1, 2007.

¹⁸ Marko Hajdinjak, *Smuggling in Southeast Europe*, op. cit.

¹⁹ Giulia Tarantini, *The Balkan Route*, op. cit.

were now able to supply weapons, with intermediaries operating often on the edge of legality. Finally, and relatedly, the normative framework developed to address WMD proliferation was not only inadapted for SALW, but its subject was not anymore the chief threat to international peace and security, as during the Cold War.²⁰

However, it was not until peace was restored and reconstruction started in the Balkans that the European Union (EU), directly threatened on its own territory by weapons and criminals transiting via the Peninsula, acknowledged the interconnectedness between the European internal security and stability in the region. Triggered by a concrete threat and incentivized by the then ongoing institutional developments at the Union level, by mid-1990s the EU was compelled to address the SALW issue more consistently and to actively contribute to the norm-building process that was developing at the UN level.

The next sections describe key legal and policy documents adopted by the EU to address the problem of SALW trafficking and proliferation and to tackle organized criminal groups involved in such activities. In conclusion, the last section presents an overview on the current state of affairs as regards the implementation of legal, strategic and operational steps to effectively counter illicit small arms trafficking in the Balkan region.

2.1.1. Legal Framework

The commitment of the European Commission (EC) to address the problem of illicit trafficking in firearms dates back to the adoption of the 1991 Firearms Directive (FD), which was enacted as a measure accompanying the establishment of the EU internal market. It laid down minimum conditions for the acquisition, possession and transfer of weapons and ammunition within the EU, ultimately aiming at harmonizing the different national weapons legislations in view of the removal of border controls among Member States (MS). While initially designed to facilitate intra-community movement of civilian firearms, the FD was reviewed and amended in 2008 to take into account the 2001 UN Protocol on Firearms. The amendment reinforced the security aspects of the former 1991 FD, requiring, among other things, the establishment of a data system to strengthen traceability. Moreover, new obligations were set up for MSs with regard to the making, registration and deactivation of firearms, while at regular intervals the EC has been providing reviews and impact assessments of the FD.²¹

Despite strategies and *ad hoc* initiatives promoted by mid-1990s, the recent terrorist attacks on European soil provided an unprecedented incentive for the improvement of the EU's SALW regulatory framework and for a more vigorous promotion of regional cooperation in the Balkan region.²² Specific actions to combat terrorist access to illicit firearms had already been promoted

²⁰ Denise Garcia, *Small Arms and Security. New emerging International norms*, Routledge, 2006.

²¹ Ernesto U. Savona and Marina Mancuso (ed.), *Fighting Illicit Firearms Trafficking Routes and Actors at European Level*, op. cit.

²² The Paris attacks were carried out using deactivated Yugoslav-era rifles coming from the Balkans. See Stefan Canda et al., *How EU Failures Helped Paris Terrorists Obtain Weapons*, Spiegel Online, March 24, 2016, <http://www.spiegel.de/international/europe/following-the-path-of-the-paris-terror-weapons-a-1083461.html>; The

through the European Agenda on Security; however, in the light of the Paris attacks, the EC immediately announced the introduction of a package of measures directed to combat firearms trafficking on European soil. Hence, the Commission announced a revision of the FD to be imminent and, by December 2015, it adopted a new Deactivation Regulation.²³ Critiques from the European Parliament, however, led to the forwarding of a new proposal for revision of the FD – the EC Proposal for amending the Firearms Directive – which aimed at smoothing over problems of clarity, coordination and common standards provided by the Deactivation Regulation. Moreover, the Proposal was aimed at strengthening the criteria for acquisition of firearms, strengthening cooperation, information sharing and addressing the new threat coming from SALW sales through the dark web.²⁴ After an year-long discussion, the FD was effectively amended in 2017 to include, for instance, alarm and acoustic weapons under its scope in order to strengthen deactivation rules, reduce legal loopholes and smooth over differences in the regulatory regimes between MSs.²⁵

2.1.2. Actions

In the late 1990s and early 2000s SALW trafficking became also an important focus in the EU's Common Foreign and Security Policy (CFSP). In particular from early 2000s, the EU started to address more consistently the SALW problem from a broader political/strategic perspective, making efforts to translate the growing global attention on the issue into policy prescriptions.

The 1998 Joint Action in support of the UN Program of Action was the first EU political initiative to address the issue of SALW in the Union's CFSP. Replaced in 2002, the document established key general objectives to counter the proliferation and misuse of SALW. In particular, efforts were directed to fight against firearms accumulation, to contribute to the reduction of firearms surplus and their ammunition, and to help solving problems which derive from such accumulation. These three main objectives would remain at the heart of the EU's key documents addressing the SALW problem. Finally, and as a consequence of developments at the regulatory level, a new EU Strategy to Combat Illicit Accumulation and Trafficking of Small Arms and Light Weapons (SALW) and their Ammunition was adopted in 2005, drawing inspiration from the broader 2003 EU Strategy against WMD proliferation.²⁶ The 2005 EU Strategy strongly emphasized the need for a more preventive and proactive approach to tackle illegal supply and demand in firearms, classifying as priority

Economist, The Balkan arms trade: Ask not from whom the AK-47s flow, April 16, 2016 <https://www.economist.com/europe/2016/04/16/ask-not-from-whom-the-ak-47s-flow>

²³ Ernesto U. Savona and Marina Mancuso (ed.), *Fighting Illicit Firearms Trafficking Routes and Actors at European Level*, op. cit.

²⁴ Nils Duquet, Kevin Goris, *Firearms acquisition by terrorist in Europe. Research findings and policy recommendations of Project SAFTE*, Flemish Peace Institute, 2018.

²⁵ Directive (EU) 2017/853 of the European Parliament and of the Council of 17 May 2017 amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32017L0853#ntr3-L_2017137EN.01002201-E0003

²⁶ Nils Duquet, Kevin Goris, *Firearms acquisition by terrorist in Europe*, op. cit.

regions Sub-Saharan Africa, listed as one of the area most affected by SALW proliferation, and Eastern and Southeastern Europe, listed, by contrast, as key regions of origin and transit.²⁷

Despite the 2005 Strategy did not set out strong operational plans to strengthen, for instance, export controls – identified as key preventive tool to counter small arms smuggling –, attempts to refine the EU’s initiatives in the field continued through the 2000s, while the SALW issue become one of the Union’s strategic priorities in the 2014-2017 Policy Cycle to tackle serious and organized crime, to be reconfirmed as such in the 2018-2021 one.²⁸ Importantly, by summer 2018, the EC presented a revised SALW strategy, aiming at replacing the earlier and partly obsolete one, in order to take into account the evolving security context, developments in conventional arms control as well as recent EU policies directed to implement the 2015 European Agenda on Security.²⁹

²⁷ Council of the European Union, Strategy to combat illicit accumulation and trafficking of SALW and their ammunition, 5319/06, December 16, 2005, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%205319%202006%20INIT>

²⁸ The elaboration of four-year plans represent a methodology adopted by the EU and directed at optimizing cooperation and coordination among MSs, the EU institutions and agencies and third parties in the fight against serious international and organized crime. Through threat assessments elaborated after revising data from different sources – at the Union and national levels – the EU adopts crime priorities and drafts multi-annual strategic plans containing a list of “strategic goals”. These are later implemented by operational action plans overseen by national coordinators and EUROPOL. See Council of the European Union, The EU Policy Cycle to tackle organized and serious international crime, <https://publications.europa.eu/en/publication-detail/-/publication/fb6229b9-d5a3-11e8-9424-01aa75ed71a1/language-en/format-PDF/source-78510168> ; Council of the European Union, Council conclusions on setting the EU’s priorities for the fight against organized and serious international crime between 2018 and 2021, 9450/17, <http://data.consilium.europa.eu/doc/document/st-9450-2017-init/en/pdf>

²⁹ European Commission, Elements towards an EU Strategy against illicit Firearms, Small Arms & Light Weapons and their Ammunition – “Securing Arms, Protecting Citizens”, JOIN(2018) 17 final, June 13, 2018 https://eeas.europa.eu/headquarters/headquarters-homepage/46396/joint-communication-elements-towards-eu-strategy-against-illicit-firearms-small-arms-light_en; European External Action Service, Arms trade: EU adopts comprehensive approach to scourge of illicit weapons, June 13, 2018, https://eeas.europa.eu/headquarters/headquarters-homepage/46425/arms-trade-eu-adopts-comprehensive-approach-scourge-illicit-weapons_en

2.1.3. Current State of Affairs

The adoption by the EU of strategies and policy prescriptions to fight SALW trafficking and proliferation gave a significant stimulus to the promotion and implementation of EU assistance programmes related to the control of firearms. As mentioned above, the strategies prioritize two geographical areas, namely Sub-Saharan Africa and Eastern and Southeastern Europe. The focus on Eastern and Southeastern Europe aims to promote stability by supporting the improvement of national firearms control capacities, national weapons legislation and the destruction of large stockpiles that still exist in the region. Hence, the EU has favored operational and institutional capacity-building of national and regional structures, promoting initiatives at the regional and sub-regional level, and urging for a more structured and effective cooperation among Balkan countries' governments and their respective law enforcement agencies.³⁰

This notwithstanding, at present civilian possession of firearms still remains a major issue in the region. A recent report from Small Arms Survey estimated that in the Western Balkans (WB) nearly 90% of weapons are in possession of citizens, a data far higher than the world average – around 75%. According to the Survey, Serbia, Montenegro, Bosnia and Herzegovina, Macedonia, Kosovo, Croatia and Albania are among the top countries as regards the rate of civilian possession per 100 inhabitants, whereas more than 6 million weapons are estimated to be present in the region.³¹ Other Eastern Balkan countries, such as Bulgaria or Romania, also showed a significant level of firearms ownership. While numbers provided by the Survey do include both licit and illicit firearms, the majority of citizens owned illegal weapons, rather than legal ones.³²

Table 1: Civilian-held firearms in the Western Balkans

Country or territory	Civilians (total)	Civilians (registered)	Civilians (unregistered)	Per 100 citizens
Serbia	2,719,000	1,186,086	1,532,914	39.1
Montenegro	245,000	103,536	141,464	39.1
B&H	1,185,000	353,000	832,000	31.2
Macedonia	621,000	169,687	451,313	29.8
Kosovo	436,000	43,206	392,794	23.8
Croatia	576,000	390,000	186,000	13.7
Albania	350,000	65,747	284,253	12.0

Source: Small Arms Survey 2018.

³⁰ Cedric Poitevin, European Union initiatives to control small arms and light weapons: towards a more coordinated approach, SIPRI, Non-Proliferation apers, No. 33, 2013. One major initiatives includes SEESAC, created in 2002 in the framework of the Stability Pact for South Eastern Europe. SEESAC's activity includes awareness raising and SALW collection campaigns, stockpile management, surplus reduction and improving marking and tracing capabilities. See <http://www.seesac.org/>

³¹ Aaron Karp, Estimating Global Civilian-held Firearms Numbers, Briefing Paper, Small Arms Survey, June 2018.

³² Exception is Croatia, where majority of owned weapons are registered.

The high prevalence of civilian-held firearms not only hinders the institutional reform process in the Balkans, but it also represents a dangerous threat to stability in the region, since easy access to weapons undermines the overall security of the state while favoring organized crime's activities, the latter largely perceived as chief source of insecurity in the WB.³³

Albeit several initiatives promoted by the EU at the European and regional level as well as improvements of the Union's SALW regulatory and policy frameworks, weak points still exist both at the regulatory and strategic-operational level. In the first case, despite the recent amendment to the 1991 Firearms Directive and the introduction of stricter deactivations standards, loopholes in the legislation that could be exploited by criminal groups and differences in the regulatory regimes between MSs still persist. If, for instance, the new legislation includes under its scope firearms previously classified as deactivated, and therefore not subjected to declaration, the new rules for deactivation do not apply to a whole range of weapons which could, eventually, be converted to shot live ammunitions.³⁴ Moreover, given the resilience of the phenomenon, MSs' delay in compliance as much as different interpretations of the EU common position, often led to disparities in the national legislations which could be exploited, thus decreasing the overall effectiveness of the EU regulatory framework. The need of harmonized national legislations is even more important if we consider the multitude of demand-supply mechanisms that characterized the various regional variants of illicit firearms markets within the EU, as well as the numerous cases of intra-EU trafficking.³⁵

With regard to the strategic-operational level, the proposal for a revised EU SALW Strategy rightly recognizes the need for stronger EU norms, better stockpile management and improved information sharing and data collection, while it urges coherent cooperation between the Union and the WB countries, where inadequate stockpile management, widespread firearms ownership and gaps in implementation continue to limit the effectiveness of SALW control efforts in parts of the region.³⁶ However, many long-standing problems continue to hinder effective cooperation both among MSs and between the EU and the WB's governments. This can be exemplified by the regular repetition of long-standing issues in policy documents aimed at combating firearms trafficking, such as the lack of a good intelligence picture, loopholes in the regulatory framework, and inadequate information sharing and operational cooperation.³⁷ Moreover, the very fact that

³³ Small Arms Survey, *Handgun Ownership and Armed Violence in the Western Balkans*, op. cit.

³⁴ Nikolaj Nielsen, 'Flobert' guns – Europe's latest terror loophole, *EUobserver*, April 2018, <https://euobserver.com/justice/141626>

³⁵ Nils Duquet, Kevin Goris, *Firearms acquisition by terrorist in Europe*, op. cit.

³⁶ JOIN(2018) 17 final.

³⁷ Ibid.; See also European Commission, *Implementing the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives*, COM(2015) 624 final, December 12, 2015 https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/legislative-documents/docs/20151202_communication_firearms_and_the_security_of_the_eu_en.pdf; European Commission, *Recommendation of 17.4.2018 on immediate steps to improve security of export, import and transit measures for firearms, their parts and essential components and ammunition*, COM(2018) 2197 final, April 17, 2018, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20180417_commission-recommendation-immediate-steps-improve-security-firearms-ammunition_en.pdf; Council of the European Union, *Operational Action Plan 2018 related to the EU crime priority "Firearms"*, 14318/1/17 REV 1 EXT 1, September 11, 2018 <http://data.consilium.europa.eu/doc/document/ST-14318-2017-REV-1-EXT-1/en/pdf>

peaks in attention on the issue often follow major incidents, as in the case of the 2015 Paris attacks, quite well illustrates a tendency in event-driven policy development, as opposed to the implementation of a long-term, structural strategy which could comprehensively and proactively address recurrent issues that still hinder cooperation between the EU and third countries as well as substantial progress on the ground.³⁸

In the framework of the 2018-2022 Policy Cycle, the ability to effectively involve the EU neighborhood and other key partners is still described as the main challenge the Union faces.³⁹ While the WB have been included in operational activities under the Policy Cycle, the way toward a synchronization of the European and national policy cycles into a consolidated process is still undergoing.⁴⁰ Moreover, despite the decision to widen the scope of Europol's SOCTA Report to add firearms trafficking among the list of crime priorities,⁴¹ this is exclusively related to the disruption of organized criminal groups, thus narrowing its scope and excluding, indirectly, a wide range of unauthorized actors that could be involved in the business but not necessarily related to major organized criminal networks.⁴²

At the regional level, as already mentioned, various initiatives and projects have been promoted and financed by the EU in the Balkan region. In the framework of the Berlin Process, the Union expects WB countries to effectively cooperate on several security issues, the majority of which are in the EU interest to be resolved. Initiated on the verge of the migration crisis, the Berlin Process linked *inter alia* the future enlargement of the EU to the WB to the stepping up of regional cooperation on key security priorities, such as the fight against serious and organized crime and, in particular, illicit firearms and drugs trafficking.⁴³ The EU, for instance, incentivized the posting of Europol's liaison officers in the region, as well as the signature of status agreements to enhance operational cooperation with the European Border and Coast Guard Agency (FRONTEX). Albeit most of the WB countries signed operational agreements with Europol, Bosnia and Herzegovina – a key country of origin and, to a lesser extent, of transit – failed to establish a national contact point for cooperation with the Agency, hindering in this way the deployment of liaison officers in the country and the effective coordination between European and Bosnian law enforcement agencies.⁴⁴ Moreover, at present, only Albania, Macedonia and Serbia have signed a status

³⁸ Nils Duquet, Kevin Goris, Firearms acquisition by terrorist in Europe, op. cit.

³⁹ 14318/1/17 REV 1 EXT 1.

⁴⁰ Integrative Internal Security Governance (IISG), 5-6 September 2018, Workshop "Enhancing cooperation with the Western Balkans within the EU Policy Cycle to tackle Organized and Serious International Crime – synergies, challenges and ideas", Belgrade, 2018, <http://wb-iisg.com/blog/2018/09/12/workshop-for-enhanced-cooperation-with-the-western-balkans-within-the-eu-policy-cycle-to-tackle-organised-and-serious-international-crime/>

⁴¹ European Commission, Sixth progress report towards an effective Security Union, COM(2017) 213 final, April 12, 2017, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20170412_sixth_progress_report_towards_an_effective_and_genuine_security_union_en.pdf

⁴² 9450/17.

⁴³ European Commission – Press release, EU-Western Balkans summit: improving connectivity and security in the region, May 17, 2018, http://europa.eu/rapid/press-release_IP-18-3821_en.htm; European Commission, A credible enlargement perspective for and enhanced EU engagement with the Western Balkans, COM(2018) 65 final, February 6, 2018, https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf

⁴⁴ Delegation of the European Union to Bosnia and Herzegovina, Local EU Statement on EUROPOL National Contact Point, September 26, 2018, <http://europa.ba/?p=59351>

agreement with FRONTEX, despite being this an essential step in order to tackle cross-border crime in a synchronized manner.

This notwithstanding, a common interest in fighting cross-border crime, coupled with the incentive of EU membership, led the Balkans' governments to increase political commitments, which resulted in the adoption of a Roadmap to deal with the illegal possession, misuse and smuggling of small arms and light weapons, endorsed at the 2018 London Summit dedicated to the Western Balkans Six (WB6).⁴⁵ Developed with the support of Germany, France and the UK, the Roadmap represents a consensual strategic framework for improving operational cooperation among WB's governments in order to solve, or at least reduce, the SALW problem in the region. Key points concern the harmonization of arms control rules to European standards, the collection and processing of data in order to identify risk areas in the region as well as the promotion of *ad hoc* programs and awareness-raising activities to incentivize weapons' surrender by citizens to the police.⁴⁶ Although national authorities are the primary responsible for effective implementation of the Roadmap, the EC plans to financially support the initiative by providing technical assistance to arms control and law enforcement agencies and by facilitating, *inter alia*, the exchange of expertise between the Balkans' governments and Eastern European countries facing similar challenges. Importantly, the document sets out specific targets to be reached, a timeline of actions to be undertaken as well as commonly agreed level of performance at the strategic, political and operational levels.⁴⁷ Moreover, key performance indicators have been provided in order to monitor measures undertaken to satisfy strategic goals. Some of these include the cross-referencing of reported firearms seizures within the EU with reported seizures by national authorities at the EU external borders, the number of legal frameworks harmonized with European standards as well as the amount and quality of policy documents addressing the SALW issue developed at the national level.⁴⁸

Overall, the initiative demonstrates the WB6's rising awareness of the consequences of uncontrolled SALW proliferation and their willingness to cooperate actively, setting out specific targets to be address in a long-term perspective. It remains to be seen, however, to what extent the WB governments will be equally efficient in the implementation of the Roadmap. If, on one hand, it would be not the first time positive initiatives turned out to be just rhetorical exercises, on the other hand, the very fact that the Roadmap became officially part of the Berlin Process should function as an incentive for future implementation. This would not only enhance the overall security situation in the region, but it would also translate into the fulfillment of the EU conditionality clauses, at least in the fields of justice and security.

⁴⁵ Sasa Djordjevic, Weapons are the Target Again, Belgrade Center for Security Policy, 2018, <http://www.bezbednost.org/All-publications/6864/Weapons-are-the-Target-Again.shtml>

⁴⁶ Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of Small Arms and Light Weapons (SALW) and their ammunition in the Western Balkans by 2024, July 2018, <http://wb-csf.eu/documents/roadmap-for-a-sustainable-solution-to-the-illegal-possession-misuse-and-trafficking-of-small-arms-and-light-weapons-salw-and-their-ammunition-in-the-western-balkans-by-2024/>

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

Conclusion

The EU and its Western Balkans partners share an interest in enhancing their cooperation against common threats posed by the illicit trafficking of SALW. If, looking in perspective, cooperation at the European and regional level has reached results that would have been unthinkable before, several problems do persist at present.

The Union, as the main promoter and stakeholder in the fight against SALW proliferation in the Balkans, should improve its regulatory and policy frameworks in the light of the above mentioned shortcomings. To address loopholes in the legislation – at the European and national levels – is the first necessary step in order to avoid nasty consequences. To address these *post facto* reflects lack of proactivity and long-term vision. Moreover, and perhaps most importantly, it is fundamental to monitor the implementation of the European firearms legislation, while investing efforts in the harmonization of national legislations. The Union policy framework should also be improved. The call for better intelligence, information sharing and operational cooperation at regular intervals do demonstrate a certain degree of inertia in the development of substantial progress on the ground. While not denying notable improvements since the problem emerged on the international scene and in the Balkan region in particular, it is nevertheless undeniable that the recurrence of long-standing issues in key policy documents denotes a gap between declared commitments and concrete action. To monitor the implementation of key strategic goals at the operational level and effectively penalize negligence and inefficiency, at least among MSs, it is essential in order to translate policy prescriptions into actions.

The Balkans, by contrast, should speed up cooperation with FRONTEX and Europol, as suggested by the EC.⁴⁹ Moreover, efforts should be directed towards the implementation of positive cooperative initiatives, preventing them from being remembered just as declaratory exercises. In this context, effective implementation of the Roadmap will be a challenge for the WB6. Indeed, differently from previous European and regional initiatives, the document clearly sets out agreed levels of performance and key indicators to monitor its actual implementation. A timetable is also provided for translating into concrete actions each fixed strategic goal. As regards the ownership problem, for instance, national governments should ensure that by 2020 legal measures facilitating the surrender of weapons are in place.⁵⁰ At present, clear legislation and powerful incentives to encourage weapons' surrender are lacking, while citizens appear to be less and less willing to collaborate with law enforcement agencies.⁵¹ Roadmap makers should address this challenge, while by 2020 it would be possible to assess improvements in this regard.

All in all, continuous improvement at the European and national level is axiomatic. Considering the resilience of the phenomenon, the EU and its WB partners are inevitably engaged in a struggle against time to adapt and re-adapt regulation and policy prescriptions to developments, for instance, at the technological level, or to counter criminals' ability to find creative and alternative

⁴⁹ COM(2018) 65 final.

⁵⁰ Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of Small Arms and Light Weapons (SALW) and their ammunition in the Western Balkans by 2024.

⁵¹ Sasa Djordjevic, Weapons are the Target Again, op. cit.

solutions in order to evade up-to-date rules. Constant efforts to improve legislation and policy documents as much as to effectively monitor their implementation remain necessary precondition to obtain long-term, tangible results. In this context, implementation of the Roadmap will be a litmus test for the WB6. This time, national authorities are stakeholders accountable for the execution of agreed-upon strategic goals. To appreciate concretely their actual level of commitment would be already possible by 2020.

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