Trafficking in Illicit Firearms for Criminal Purposes within the European Union

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1. Introduction
Illicit arms trafficking is considered within the European Union to be a particularly serious form of criminality with a frontier-transcending dimension. In the draft of the European Constitution, therefore, illicit arms trafficking is mentioned in one breath with, for example, trafficking in humans and the sexual exploitation of women and children, the narcotics trade, money laundering, corruption, and terrorism.

Illicit arms trafficking is generally and in the first instance associated with weapons being shipped to combatants in divergent irregular conflicts with the emphasis on the Third World. These weapon flows receive much attention from the United Nations and from international humanitarian organizations.1 Also in the framework of the EU, measures have been taken in the past years to rein in these weapon flows.2

1) I. Davis, C. Hirst and B. Mariani, Organised Crime, Corruption and Illicit Arms Trafficking in an Enlarged EU (London 2001).
Within the Union itself, however, illicit arms are smuggled that are intended for the Member States themselves. The buyers of these weapons are, for the most part, criminals and, but to a lesser extent, European separatist movements in for instance Northern Ireland, the Basque regions, and Corsica.\textsuperscript{3} The illicit possession of firearms among criminals has come higher on the agenda in recent years in several Member States.

To begin with, in past years in various countries such as the United Kingdom, Germany, and Belgium, the weapon laws were tightened on the occasion of serious incidents with legal firearms.\textsuperscript{4} The Netherlands have, since long, one of the most restrictive weapon laws in Europe.\textsuperscript{5} To the extent that obtaining a license for private weapon possession is less simple, people with criminal intentions have it less easy to obtain such a license. In addition, there are fewer weapons in circulation so people who cannot obtain a license, perhaps because of a criminal record, have more difficulty acquiring an illicit weapon by means of theft or fraud. The reverse side to this coin, however, is that new market opportunities are thereby created for arms traffickers.

Second, in some EU Member States, a hardening has been noted in the criminal milieu that is accompanied by increasing weapon possession and use. This is the case, for example, for the United Kingdom and the Netherlands.

Finally, since September 2001, the threat of Islamic terrorism has been high on the agenda and with it the potential problem of arms trafficking for terrorist groups in the EU.

Although illicit arms trafficking is thus receiving more attention, relatively little is known about the nature and extent of the problem specifically in relation to the EU. For example, Europol was unable to make a closer analysis of the problem in the \textit{EU Organised Crime Threat Assessment of 2006} for lack of data.\textsuperscript{6} Moreover, hardly anything has been published on the subject in the scholarly literature. However, there are exceptions: in the Netherlands, a number of studies

\textsuperscript{3} D. Sagramoso, \textit{The Proliferation of Illegal Small Arms and Light Weapons in and around the European Union (2001)}, Centre for Defence Studies, Kings College, University of London.

\textsuperscript{4} In the United Kingdom, a restrictive weapons law already went into force in 1997 after sixteen children and a teacher were shot dead in a school in Dunblane in Scotland. Germany tightened its law after a comparable event in April 2002 in Erfurt, where a student killed a teacher and two fellow students. In Belgium, a new weapons law was quickly passed in 2006 after a young man, at random, shot dead a child of two-and-a-half years old and her baby-sitter in Antwerp.

\textsuperscript{5} Private individuals can obtain a license for a lethal barrelled firearm, including hunting rifles, only under strict conditions. Moreover, the possession of non-lethal firearms and even imitation weapons is also forbidden.