

LESSONS FROM MENA

**APPRAISING EU TRANSFERS
OF MILITARY AND SECURITY EQUIPMENT
TO THE MIDDLE EAST AND NORTH AFRICA**

**A CONTRIBUTION TO THE REVIEW
OF THE EU COMMON POSITION**

November 2011

Edited by An Vranckx, Frank Slijper and Roy Isbister

Published with generous support of

Oxfam GB, Joseph Rowntree Charitable Trust and Amnesty International UK

Academia Press, Gent



**ACADEMIA
PRESS**

An electronic version with hyperlinks to sources is hosted at
www.conflictresearchgroup.be.

Printed by Academia Press, Gent (Belgium)

ISBN 978 90 382 1870 0

U 1699

D/2011/4804/24

Cover design by Studio Kmzero, Firenze
www.studiokmzero.com

All rights reserved. No part of this book may be reproduced in any form by any electronic or mechanical means (including photocopying, recording, or information storage and retrieval) without permission in writing from the publisher or the author.

Executive Summary

The arsenals that several regimes in the Middle East and North Africa (MENA) deployed to repress democracy movements in 2011 were seen to contain European-supplied arms. This observation challenges the arms exports control system that EU Member States have developed to ensure their decision-making on military exports takes into account political and moral concerns that are being raised in their constituencies. The current events in the Arab world provide grounds to evaluate and possibly rethink the EU arms export control system.

While the system is a distinct improvement on what went before, and the level of control exercised in the EU is in many ways setting the global lead, the deployment of European arms to repress the demands for democracy in several countries in MENA, and more broadly the willingness to transfer arms where the risk of such behaviour was very real, suggest that the EU system is still far from perfect.

This report analyses EU arms exports to MENA, in recent years both from an overarching perspective as well as detailing specific transfers. While the particular timing and nature of the Arab Spring itself could not be predicted, the potential for trouble at some point and the responding State repression could hardly be a surprise given the nature of these authoritarian regimes. While NGOs over the years have questioned a number of arms sales to undemocratic regimes with a history of violating human rights, the Arab Spring appeared to be a necessary condition for EU governments to recognise that the implementation of their export control policies had failed on numerous occasions. This analysis probes the level of caution EU exporting authorities demonstrated. The aim is to identify patterns of poor decision-making on arms exports where they exist, to consider why such patterns exist and to suggest remedies. Demands for socio-economic improvements as well as civil liberties, as they emerged in numerous Arab countries over the past year, are not likely to die soon, nor are these demands constrained to the Arab world.

Standing slightly apart from some of the other issues raised herein, the report also considers what appears to be a longstanding loophole of the EU system, whereby non-military equipment is exported with the intention of being converted to military specifications and for military or security use in the destination state, without the need for authorisation.

This report urges EU Member States to take advantage of the opportunity provided by the forthcoming review of the Common Position to improve the existing system and adapt their current export policies, implementing more comprehensive measures to prevent military goods from being used to oppress legitimate demands for democratic reform.

Recommendations

The following is a list of recommendations that flow from the events and repercussions of the Arab Spring, and that we would hope can be considered in the context of the forthcoming review of the Common Position. In some cases they merely point to a potentially productive line of enquiry for the review to pursue. In other instances they are more concrete.

The recommendations also address both the future substance of the EU arms transfer control regime, and the process of the review itself.

1. **The review of the Common Position should be thorough and comprehensive, with a view to producing substantive recommendations for change.** It should follow a lessons-learned approach, with some concentration on events in MENA (including generating an historical perspective) but with a view to applying those lessons more widely. The review should be transparent, and seek the views of external actors by inter alia interactive means, such as workshops and the taking and interrogation of evidence. The review should have an interim stage, at which preliminary findings can be shared with external stakeholders and responses requested and considered.
2. Member States should examine how to manage what is at its core a permissive licensing process when considering licence applications for transfers to states where there are particular 'reasons to be concerned'. A useful way forward could be to **establish a list of 'countries of concern'**, updated regularly, drawing on work done on related issues such as conflict prevention, early warning, conflict-affected and fragile states, security sector reform, good governance etc., but also drawing upon the specific experience and understanding of licensing authorities (note that this would be in addition to countries under embargo, not instead of or as a means for extending the application of embargoes).

For transfers to these states, Member States would then **operate a policy of 'presumption of denial'**. This would still involve a case-by-case approach, but instead of the current practice of approving a licence application unless there is a specific reason for refusing it, licences would be refused unless a legitimate defence need can be demonstrated, and the applicant can satisfy the licensing authority that the equipment will be used only in support of that need.

Information currently circulated among Member States regarding licence denials would be circulated for licences granted to countries on the list of concern. As well, information would be shared about the legitimate defence relevant to the transfer.

3. Consideration should be given to establishing a new criterion, or elaborating on existing criteria to **explicitly consider governance as a risk factor**. Much work has been done on this since the eight existing criteria were agreed, and it is incumbent on Member States to ensure that the transfer control system keeps pace with relevant developments.

The Worldwide Governance Indicators (WGI), which consider six dimensions of governance (voice and accountability; political stability and absence of violence; government effectiveness; regulatory quality; rule of law; and control of corruption) may be of interest here.¹ Looking at the indicators for Libya, for example, would have given great cause for concern well ahead of the Arab Spring.

1 'Governance indicators on 1996-2011' are available from the Worldwide Governance Indicators Project that is managed by Daniel Kaufman (Brookings Institution), Aart Kraay (World Bank Development Research Group) and Massimo Mastruzzi (World Bank Institute).

A governance criterion might also be of assistance in the context of the message that arms sales deliver about the way the transferring state views the importing regime. Supplying arms can be seen as conferring legitimacy on or at least acknowledging the legitimacy of a regime that may be completely unrepresentative and potentially predatory. Linking this together with the above mentioned list of countries of concern and the application of a presumption of denial for those countries would help give some direction to the circumstances where this is likely to be relevant.

4. States need to look at how to ensure that assessment processes **take account of longer-term or over-the-horizon risks**. This is likely to require greater external input into the provision of relevant information. Meaningful longer-term analysis will almost certainly require more detailed knowledge and contextual understanding than a licensing official could be expected to have. Consulting with geographical desks within government would be a start, but involving external, independent experts will be critical to the quality of the analysis. Member States should consider how to co-operate to generate this analysis in the most efficient way possible without compromising quality.
5. Member States need to be much clearer regarding the way **the relationship between the restrictive criteria and economic, foreign policy and strategic interests** works in practice. When questioned about individual authorisations, EU Member State governments will typically insist that they are always assessed with equal rigour against the Common Position criteria, but as is demonstrated by cases described in this report, refusing to admit that sometimes other issues take precedence strains credibility. As part of the review, Member States should have a frank discussion regarding the way they manage the competing interests relevant to licensing decisions, and how this needs to change to minimise the risk that any arms transfers will have negative consequences.
6. As hinted at by several of the previous recommendations, **EU Member States should be using a joined-up government approach to arms transfer controls**, linking policy and decision-making in this area with new thinking on issues around development and security, governance, peace-building, conflict prevention, conflict-affected and fragile states, security sector reform, etc.
7. **Current information-sharing and -exchange procedures among COARM need to be improved.** With the stakes involved, once again as demonstrated by events in MENA, it is not acceptable that EU Member States are limiting themselves to the periodic circulation of a CD containing licence denial information and to information-sharing through personal contacts. While these contacts are irreplaceable in terms of level of detail and nuance in specific cases, they are also arbitrary and subject to frequent disruption due to staff turnover. Consistency of information shared is not feasible, nor can longer-term institutional memories be developed. Systematic information sharing must be developed for, for example, assessments of risks to certain end-users, countries or regions; problematic trade routes, brokers or transporters; on situation of unauthorised end-use, end-users, or problematic re-export. Better information-sharing could be used to identify spikes or unusual patterns in a purchaser's or end-user's efforts to procure controlled items from different states. Modern digital data-management systems need to be developed so that this information can be uploaded and circulated in real time.

All this information could be of critical importance with regard to certain licence applications, and is being held within national structures, but advantage is not being taken of it. Better information-sharing would not only improve decision-making, but could, if well-managed, reduce the workload of licensing officials. It may also help to develop the aforementioned personal contacts, in that officials would be given more reason to contact COARM colleagues to find out more about why certain export licensing decisions were taken, or what they mean. As mentioned above, we would also recommend

developing a greater level of information-sharing regarding licences issued to those on the list of countries of concern.

8. A **further improvement in transparency** is necessary, not least so that regional experts could have better information on which to base any approach to governments regarding the wisdom and risks of actual or proposed transfers. EU Member States should be giving greater detail on the proposed end-users of the items being licenced, the quantities of equipment being delivered and on transfer policies and their implementation to specific states.
9. The **Dual-use Regulation should be updated to make it completely clear that goods which would normally not be subject to controls but which were to be adapted for a military or security end-use would become subject to transfer controls**, regardless of the final destination. If the company concerned knew or should have reasonably been expected to have known that this was going to happen, then it would be the responsibility of the company to advise the licensing authority accordingly. And of course if the authorities knew about the revised end-use, they would be required to alert the company that licences would have to be applied for.

No doubt the course of the review will throw up other ideas and opportunities to improve the existing system. Civil society looks forward to participating in a constructive process that delivers those improvements in a way that helps protect the rights and freedoms of people from all around the world.

Table of Contents

Executive Summary	3
Recommendations	4
List of tables	7
Glossary	8
Introduction	10
Lessons from the Arab spring	11
Possibilities for improvement	12
Acknowledgements	13
Profiling EU transfers of military and security equipment to MENA	14
Oversized business	15
EU transfers of major weapon systems to MENA	17
No restraint?	18
Conclusion	23
EU arms transfer control since the Arab Spring 25	
Conclusion	28
Business around the Gulf	29
Just saying “no” to the Saudis?	29
Major conventional weapons	31
Country of ‘five-armed soldiers’?	34
Conclusions	35
Supplying the Libyan stockpile	36
A brief non-embargoed interval	36
Small arms and light weapons (SALW)	39
Selling on economic and humanitarian crises	41
A Maltese connection	43
Cluster munitions	44
Anti-tank missiles	46
Embargoed again	46
Conclusions	48
‘Civilian vehicles that can be militarised’ and the EU arms embargo on Sudan	50
Involvement of Renault	51
Involvement of MAN	54
Conclusion	55
ANNEX: Criteria of the Common Position	56

Tables

Table 1: Population and expenditure on defence and arms of selected MENA countries, in 2009.
Table 2: Arms transfers from EU Member States, by destination region, in 2009.
Table 3: MENA market share and value of arms exports from EU Member States, 2001 – 2009.
Table 4: Selected EU transfers of major conventional weapons to MENA, 2001 – 2010.
Table 5: Export licences EU Member States issued and denied, by destination region, in 2009.
Table 6: Export licences EU Member States issued and denied for North Africa, 2001 – 2009.
Table 7: Export licences EU Member States issued and denied for the Middle East, 2001 – 2009.
Table 8: Export licences EU Member States issued and denied for Libya, 2001 – 2009.
Illustration 1: Criteria assessment sheet, filled out by Dutch authorities in their assessment of a licence for export of night vision equipment to Libya.

Glossary

Arab Spring

The Arab Spring is a revolutionary wave of demonstrations and protests occurring in the Arab world. Since 18 December 2010 there have been revolutions in Tunisia and Egypt; a civil war in Libya resulting in the fall of its regime; civil uprisings in Bahrain, Syria, and Yemen; major protests in Algeria, Iraq, Jordan, Morocco, and Oman, and minor protests in Kuwait, Lebanon, Mauritania, Saudi Arabia, Sudan, and Western Sahara. The protests have shared techniques of civil resistance in sustained campaigns involving strikes, demonstrations, marches and rallies, as well as the use of social media to organise, communicate, and raise awareness in the face of state attempts at repression and internet censorship. Many demonstrations have also met violent responses from authorities.

COARM

Working Party on Conventional Arms Exports, where the 27 EU Member States' representatives convene at level of the EU Council.

EU Code of Conduct

European Union, the Council, Code of Conduct on arms exports, as adopted on 5 June 1998. 8675/2/98, REV 2, DG E - PESC IV. This instrument outlined eight minimum criteria against which arms transfers should be checked. In 2008, this EU Code was superseded by the Common Position.

Common Position

European Union, the Council, Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, as published in *Official Journal of the European Union* on 13 December 2008 as L 335/99. The Common Position criteria are copied in the annex with this report.

Consolidated Report or Annual Report

From 1999 onwards, the EU Council publishes annual reports on Member States' compliance with its arms export control regime. The latest issues report on compliance with the Common Position. These reports are compilations of trade figures from the

EU Member States' national reports sorted into EU Common Military List categories, and can include information on the number of export licences the Member States have issued in a specific year, value of these export licences and value of actual exports, although not all states provide all the information. The report also includes the licence applications the Member States formally denied and the grounds for these denials. The most recent, 12th Annual Report, that covers trade year 2009, was published in the *Official Journal of the European Union* on 13 January 2011 as 2011/C 9.

Dual-use Regulation

EU Council Regulation (EC) No 428/2009 of 5 May setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items. The instrument is the latest recast of the Regulation that set up the Community regime for that control in 2000. As a Regulation rather than a Directive, a Common Position, or Code of Conduct, this regime is automatically incorporated in all EU Member States national systems of control.

GCC

Gulf Cooperation Council, or Cooperation Council for the Arab States of the Gulf. Member States are the Kingdom of Bahrain, the Kingdom of Saudi Arabia, Kuwait, Qatar, the Sultanate of Oman and the United Arab Emirates (UAE).

Licence Denial

In the specific context of reporting on arms exports, 'denial' refers to the non-approval of an export licence application by an EU Member State and the sending of notification to COARM for inclusion in a confidential 'denials database'. However the reservoir of denial notifications does not cover all exports of military products and technologies that EU Member States refuse to authorise, as applicants may receive a 'preliminary notification' or 'informal denial' that causes further steps in the licence process to be aborted. In that case, the EU Member State will not issue a 'formal denial' subject to notification to COARM.

Major Conventional Weapons

As used here the term covers a wide range of military goods, including military aircraft and helicopters;

armoured vehicles; surveillance systems; fire-control radars, anti-submarine warfare and anti-ship sonar systems for ships and helicopters; air defence systems; powered, guided missiles and torpedoes with conventional warheads, ships with a standard tonnage of at least 100 tonnes and/or armed with artillery of 100mm calibre or more, torpedoes or guided missiles; engines for military aircraft, for combat vehicles and for most armoured vehicles; turrets for armoured vehicles and for ships; and artillery (naval, fixed, self-propelled and towed guns, howitzers, multiple rocket launchers and mortars, with a calibre of at least 100mm).

MENA

Acronym commonly used to refer to the countries that constitute the **M**iddle **E**ast and **N**orth **A**frica, that is Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, the Palestinian controlled territories, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates (UAE), the Western Sahara and Yemen. Some institutions additionally categorise Sudan and/or Mauritania in North Africa, and hence in MENA.

Common Military List

The most recent version of the Common Military List (ML) of the European Union was adopted by the Council on 15 February 2010 and published in the *Official Journal of the European Union* on 18 March 2010, C69/19-51. The List describes 22 categories of equipment covered by the Council Common Position. These categories are referred to as ML1, ML2, and so on.

SALW

The acronym SALW, for small arms and light weapons, refers to any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive.

Small arms are weapons designed for individual use. They include small calibre firearms, such as revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and man-portable machine guns. The EU Common Position and Military List system categorises these small arms as ML1: Smooth-bore weapons with a calibre of less than

20 mm, other arms and automatic weapons with a calibre of 12,7 mm (calibre 0,50 inches) or less and accessories, and specially designed components therefore.

Light weapons are weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. These are described under ML2: Smooth-bore weapons with a calibre of 20 mm or more, other weapons or armament with a calibre greater than 12,7 mm (calibre 0,50 inches), projectors and accessories, and specially designed components therefor. They include medium machine guns, heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems, portable launchers of anti-aircraft missile systems, and mortars of a calibre of less than 100 millimetres.

Transfer system

The term is used in this report in a broader sense than 'arms export control system', as it also incorporates brokering licences and transits.

UAV

Unmanned Aerial Vehicle.

UN Register of Conventional Arms (UNROCA)

The Register was established by UN Resolution 46/36L on Transparency in Armaments and adopted on 9 October 1991. It calls on all UN Member States to report the number of arms in seven categories (battle tanks, attack helicopters, armoured combat vehicles, large calibre artillery systems, combat aircraft, warships) exported or imported from their territory during the calendar year. There is also optional reporting on SALW imports and exports. Information contributed by country to UNROCA is available to all countries and is compiled by the Secretary General in a report to the UN General Assembly. Unfortunately, not all States report.

User's Guide

The User's Guide to Council Common Position 2008/944/CFSP defines common rules governing the control of exports of military technology and equipment.

Introduction

The system of arms transfer controls agreed by EU Member States is widely regarded as among the most elaborate and sophisticated in the world. The centrepiece of the control system is the 2008 legally-binding *Common Position defining common rules governing control of exports of military technology and equipment* (Common Position), which replaced the politically-binding 1998 EU Code of Conduct on Arms Exports. It is supported and elaborated through a number of other instruments and documents such as the 2003 *Common Position on the control of arms brokering* and the periodically-updated *User's Guide to the Common Position*.

The key purpose of the Common Position is to ensure that EU Member States do not transfer strategic goods and technology that will then be used in breach of various criteria. These criteria address issues such as human rights and international humanitarian law, regional peace, security and stability, and sustainable development.

However recent revelations about arms transfers authorised by EU Member States to the Middle East and North Africa (MENA) suggest that no matter how sophisticated the EU system may be, there are flaws in its implementation and possibly in terms of the language and content of its underlying documents. In light of these apparent problems, it is perhaps fortuitous timing that Member States are obliged, by Article 15 of the Common Position, to review its implementation starting no later than December 2011. This report is intended to be a constructive contribution to the review; the civil society community from which it springs looks forward to an ongoing engagement on this issue with EU Member States and the review process as it moves forward.

The conflicted Common Position

The Common Position is an imperfect instrument. This is probably inevitable, as it is a negotiated attempt to capture in one place a set of complicated and sometimes competing objectives by states with different perspectives and interests.

Included among the goals and objectives of the Common Position are to:

- develop high common standards of arms transfer control and strengthen EU export control policy;
- prevent the export of arms which might be used for internal repression or international aggression or contribute to regional instability;
- improve information-sharing;
- reinforce cooperation and promote convergence in the field of arms exports;
- maintain and strengthen a European defence and industrial base and a defence capability.²

The two clearly contrasting drivers of the Common Position are immediately apparent, i.e. to place limits on trade where it would have a negative outcome and to promote trade so as to strengthen economic and strategic capacity in EU Member States.

Attempts are made within the Common Position to prioritise among these competing objectives. Two references stand out:

Article 2.5 (a) requires states to consider: the potential effect of the military technology or equipment to be exported on their defence and security interests as well as those of Member State and those of friendly and allied countries, while recognising that this factor cannot affect consideration of the criteria on respect for human rights and on regional peace, security and stability.

Article 10 allows that Member States may “take into account the effect of proposed exports on their economic, social, commercial and industrial interests”, however it directs that “these factors shall not affect the application of the [Common Position] criteria.

2 See the preamble to the Common Position.

Less immediately obvious is another tension. The notion of convergence, co-operation and harmonisation is promoted but decision-making is taken at the national level. When these different tensions are considered in combination with the fact that the wording of the Common Position has been purposefully crafted so as to allow room for judgement and interpretation, it should come as no surprise that consistent and rigorous application of the Common Position will mean different things to different authorities at different times. Different actors operating in good faith may therefore arrive at different decisions in the same circumstances. However this also gives an excuse for poor decision-making, and it is not at all clear how the articles 2.5. (a) and 10 referred to above are managed in practice.

NGOs have long argued that EU Member States have not got the balance right, and the revelations that have attended the Arab Spring support this assertion. Moreover, the events of the Arab Spring are a reminder of the consequences of getting this wrong: people's and whole societies' lives, livelihoods and futures are at stake. The conclusions are obvious: Member States need to improve implementation, or the Common Position and accompanying documents are in need of amendment. Or both.

Lessons from the Arab Spring

As mentioned above, and discussed in more detail in the sections that follow, the current EU regime does not appear to have generated the necessary restraint among Member States in terms of arms supplies to MENA. The case-by-case approach to licensing which is set out in the Common Position allows authorities to ignore the broader picture with regard to, for example authoritarian rule and a poor general human rights record, on the grounds that the risk of misuse of the particular equipment proposed for transfer is not high enough to merit refusal. When coupled with the approach widely-used in EU Member States, whereby the default position is that licences are granted unless there is a compelling reason to deny, it is easy to see how a culture of approving marginal cases could develop. This raises the prospect of considering an alternative approach

where the nature of the recipient state is such that it might be regarded as higher risk in general.

As will be set out in more detail below, other issues that the Arab Spring has thrown up include the related question of how to develop a licensing policy appropriate to a state that is apparently stable, or at least in the sense that for an extended period there has been no large-scale political violence, when that stability has been created by an oppressive regime. In this context it might be useful for licensing authorities to reimagine the concept of 'stability' along the lines as set out in the July 2011 UK Building Stability Overseas Strategy (BSOS), which characterises stability in terms of:

political systems which are representative and legitimate, capable of managing conflict and change peacefully, and societies in which human rights and rule of law are respected, basic needs are met, security established and opportunities for social and economic development are open to all. This type of 'structural stability', which is built on the consent of the population, is resilient and flexible in the face of shocks, and can evolve over time as the context changes.³

Another pattern that seems to be emerging out of the response to the Arab Spring relates to the issue of the tension between applying the restrictive criteria and promoting economic and strategic interests. Most obvious is the way in which business with the largest customer in MENA, Saudi Arabia, seems to be business-as-usual, despite, for example, their willingness to crack down hard upon internal dissent, their dispatch of armoured vehicles to Bahrain and their earlier use of aircraft in Yemen. This is examined in more detail below.

It may also be the case that Member States need to reconsider how to assess the risk of use of certain types of equipment against domestic populations in protest situations. The use by Libyan troops of all kinds of military equipment to quell protests, the use

3 Department for International Development, Foreign and Commonwealth Office and Ministry of Defence, 'Building Stability Overseas Strategy' (BSOS), July 2011, p. 5.

of tanks and heavy weaponry to do the same in Syria, suggest the traditional understanding of the risks that are associated with this more major equipment may need to be rethought.

Hopefully the Arab spring will turn out to be a wake-up call for European governments that more needs to be done to avoid the risk of weapons supplied with their consent being used against peaceful protesters, as happened on the streets of numerous towns in MENA this year.

Critically, there is a need to assess whether the EU-supplied arms that were deployed against civilians on the streets in MENA were the fruits of the accidental few stray deals, or a tip of an iceberg, or the logical outcome of trade in military goods with recipient states to which we 'could have attributed' a profile likely to turn violent towards their own civilian populations either sooner or later. Is it fair to conclude the EU regulatory system 'failed' to prevent such deals? Did it fail because not all EU States followed the agreed rules with enough rigour or because the corpus of agreed rules themselves is inadequate, incomplete and in need of improvement or tightening? What lessons can these apparent failures inspire to avoid similarly problematic arms trade deals to these same recipients and/or to end users in other regions that stand a risk to develop a similar security problem?

In order to address these and similar questions, the first chapter profiles EU trade in military goods and technology with MENA, comparing it with EU trade in these goods with other regions, calculating its financial value and assessing the level of restraint that EU authorities were seen to exert in assessing export licence requests for that region. The report then moves on to discuss a number of deals that went through in recent years that proved controversial. For this section, we have revisited several reports that NGOs from several EU Member States published in the recent past.

The mechanics that ensured these deals took place are examined in some detail, with an aim to identify the more fundamental problems EU Member States may be having in applying their agreed rules. In addition the report identifies problematic cases

even where arms transfer licensing rules have been followed, which suggests that the rules themselves are not always good enough. The report then seeks to identify the main problem areas in existing EU arms transfer control policy and practice, to help improve compliance with the relevant instruments, and to suggest possible remedies where the system is not achieving its designated goals.

Possibilities for improvement

With a review of the implementation of the Common Position scheduled to start before the end of 2011, this report hopes to contribute to that review process, presenting critical evidence-based analysis by a number of arms transfer control researchers.

For a robust arms trade policy, EU Member States should realise that national self-interest should not overrule the ethical guidelines of the criteria of the Common Position. If they are serious with their expressed determination to "prevent the export of military technology and equipment which might be used for internal repression or international aggression or contribute to regional instability" they should make sure their human rights, development and conflict prevention policies include a strong position on arms trade. The Arab Spring has shown that if arms exporting states fail to do so, the consequences can be severe.

Acknowledgements

We like to thank Oxfam GB, Amnesty International UK and the Joseph Rowntree Charitable Trust for their generous financial support for this report. Additionally, we need to acknowledge Belgian official development cooperation resources that supported research by the International Peace Information Service.

The material compiled for this report, was obtained from Action Sécurité Ethique Républicaines (France), various sections of Amnesty International (AI) as well as its International Secretariat, Article 36, Berlin Information-center for Transatlantic Security (BITS, Germany), Campaign Against Arms Trade (CAAT, UK), Campagne tegen Wapenhandel (The Netherlands), Civil Society Conflict Prevention Network (KATU, Finland), Groupe de Recherche et d'Information sur la Paix et la Sécurité (GRIP, Belgium), International Action Network on Small Arms IANSA, International Peace Information Service (IPIS, Belgium), Omega Research Foundation (UK), Oxfam France, Peace Research Institute Oslo (PRIO, Norway), Rete Italiana per il Disarmo (Italy), SaferGlobe (Finland), Saferworld, Stockholm International Peace Research Institute (SIPRI, Sweden), Svenska Freds- och Skiljedomsföreningen (SPAS, Sweden), Tavola della Pace (Italy), Transarms (US & Italy) and Vlaams Vredesinstituut (Belgium).

Authors who have contributed to this report include An Vranckx, Anne Koivula, Benoit Muracciole, Brian Johnson-Thomas, Cédric Poitevin, Federico Santopinto, Frank Slijper, Helen Close, Jarmo Pykälä, Ken Matthysen, Oili Alm, Oliver Sprague, Otfried Nassauer, Pamela Baarman, Peter Danssaert, Rima Chemirik, Rolf Lindahl, Roy Isbister, Timmy Trümpeler and Wendela de Vries. Not all these authors, the organisations they are affiliated with and other organisations whose material was sampled, would necessarily agree with all points made in this report.