

BORDER WARS BRIEFING — July 2021

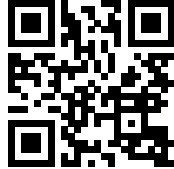
SMOKING GUNS

How European arms exports are forcing millions from their homes



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KEY FINDINGS

- Arms and military equipment manufactured and licensed in Europe and sold to third countries provokes forced displacement and migration. This arms trade is motivated by how highly lucrative the industry is and current control and monitoring mechanisms facilitate rather than curtail problematic licencing and exportation.
- The arms trade is political and is driven by profit but is under-regulated. Although other sectors, such as food and agriculture, do not undermine the fundamental right to life and other human rights in the same way that the arms trade does, they are far more stringently regulated.
- It is possible to methodically trace arms, military equipment and technology, from the point of origin and export to where these were eventually used, and document their devastating impact on the local population. The report confirms beyond any reasonable doubt that European arms are directly used not to defend populations or to enhance local or regional security as is often claimed, but to destabilise entire countries and regions.
- The arms industry is involved in clear violations of non-transfer clauses and end user agreements (EUAs) despite a supposedly robust system of controls. The evidence shows that once arms are traded, and although they may be traced, it is virtually impossible to control how they may eventually be used. Furthermore, although importing countries were known to have breached EUAs, EU member states continued to sell them arms and military equipment.
- Regardless of whether arms were exported to official state security forces or were eventually used by non-state armed actors, or whether EUAs and other control mechanisms were respected, the result was the same – European arms were used in military operations that led to destabilisation and resulting forced displacement and migration. The destabilisation, facilitated by arms supplied by Europe, then contributed to Europe hugely expanding its border security apparatus to respond to the apparent threat posed by refugees attempting to arrive and seek asylum.
- European countries are among the top exporters of lethal arms equipment worldwide, comprising approximately 26% of global arms exports since 2015. The top five European arms exporters are **France, Germany, Italy, Spain** and the **UK** – together accounting for 22% of global arms exports in the 2016–2020 period.
- Arms exports from **Bulgaria, Croatia** and **Romania** have soared in recent years, a large proportion of which is exported to **West Asian** countries. For example, before 2012, Croatia exported ammunition worth less than €1 million a year, but with the start of the Syrian war this surged every year to reach €82 million in 2016. The European Parliament called on Bulgaria and Romania to stop arms exports to **Saudi Arabia** and the **US** (if there was a risk that these arms may be diverted), so far to no avail.
- In **Syria** an estimated 13 million people need humanitarian assistance and more than half of the population remains displaced from their homes – including 6.6 million refugees living in neighbouring countries, such as Jordan and Lebanon, who subsequently attempt to flee to Europe in a reverse movement to the arms that displaced them. Another 6.7 million are internally displaced persons (IDPs) inside Syria.¹

Five case studies document that:²

- 1. Italian** T-129 ATAK helicopter components and production capacity were exported to **Turkey** and used in 2018 and 2019 in two attacks in the district of Afrin in Northern **Syria** as part of Operation Olive Branch and in Operation Peace Spring on the Turkish–Syrian border. According to UN figures, **98,000 people were displaced** during the Afrin offensive between January and March 2018, while **180,000, of whom 80,000 were children, were displaced**, in October 2019 as a result of Operation Peace Spring.
- 2. Bulgaria** exported missile tubes and rockets to **Saudi Arabia** and the **US**, which eventually ended up in the hands of IS fighters in **Iraq**. The equipment was diverted and used in Ramadi and the surrounding region, where the International Organisation for Migration reported that from April 2015, following the outbreak of the Ramadi crisis, **over half a million people were displaced** from Anbar province, of which Ramadi is the capital city, while **85,470** were displaced specifically from Ramadi City between November 2015 and February 2016. Around 80% of all housing in Ramadi was severely damaged after the offensive. In 2017 another missile tube originating in Bulgaria was found to have been used by IS forces in the town of Bartella, located to the east of Mosul. At least **200,000 people from minority groups were displaced** from the greater Mosul area between 2014 and January 2017. By July 2019, over two years after military operations had ended in Mosul, there were still over **300,000 people** displaced from the city.
- 3. British, French, and German** components and production capacity, including missiles, missile batteries, and a bomb rack, were exported to **Turkey**, where they were mounted on Turkish-made drones and exported to **Azerbaijan**. These same drones, loaded with European-manufactured arms components, were used in the 44-day conflict in Naghorno-Karabakh, which provoked the **forced displacement of half of the region's Armenian population – approximately 90,000 people**.
4. Between 2012 and 2015 **Bulgaria** exported assault rifles, large-calibre artillery systems, light machine guns, hand-held under-barrel and mounted grenade launchers to the **Democratic Republic of Congo's (DRC)** national police and military. The conflict in DRC is one of the world's longest, yet Europe continues to supply arms that are used to perpetrate gross human rights violations. In 2017, **Serbia** exported 920 assault rifles and 114 light machine guns that were originally manufactured in **Bulgaria**. That same year, **2,166,000 people were forcibly displaced**, making it one of the worst since the conflict began. Specifically, Bulgarian weapons were in use in North Kivu in 2017 coinciding with the forced displacement of **523,000 people**.
5. At least four **Italian** Bigliani-class patrol boats were donated to **Libya** and used by its coastguard to forcibly pull back and detain migrants who were fleeing its shores. In 2019, the Libyan coastguard mounted a machine gun on at least one of these boats and used it in the internal conflict against the Libyan National Army. Many of those fleeing Libya had most likely already fled other conflicts in other African and West Asian countries that may have purchased or were in receipt of European arms, so that at each step along their journey from displacement to migration, the European arms trade is making massive profits by firstly displacing them, and then later deterring and pushing them back.

The arms companies we identified in these case studies include: **Airbus** (Franco-German), **ARSENAL** (Bulgaria), **BAE Systems** (UK), **Baykar Makina** (Turkey), **EDO MBM** (UK), **Intermarine** (Italy), **Kintex** (Bulgaria), **Leonardo** (Italy), **Roketsan** (Turkey), **SB Aerospatiale** (France), **TDW** (Germany), **Turkish Aerospace Industry** (Turkey), and **Vazovski Mashinostroitelni Zavodi EAD** (Bulgaria).

INTRODUCTION

The arms trade is highly lucrative.³ In 2020, global military spending came to almost US\$2 trillion, with the United States (US), China, India, Russia and the United Kingdom (UK) accounting for 62%.⁴ The arms trade is a central component of this vast military spending. Since 2017, Europe's arms exports to countries in North Africa and West Asia have been valued at €35 billion, of which €14 billion was from French arms sales alone.⁵

War is highly profitable, and the war on migrants is becoming increasingly so.

By the end of 2020, 82.4 million people worldwide had been forcibly displaced from their homes, 48 million relocating internally and 34.4 million fleeing their countries of origin, often to neighbouring countries, to seek asylum, protection and a dignified life.⁶ The number of forcibly displaced persons globally has doubled since 1990⁷ and is likely to increase significantly in the coming decades due to a convergence of factors, including armed conflict and other forms of violence, as well as climate breakdown, which will compound pressures to migrate.⁸

Although there are many political, economic, and historic factors that lead to forced displacement, as this report will show, the ever-increasing number of forcibly displaced persons is directly linked to the expanding arms trade. Put simply – the arms trade is not only causing mass displacement, it is also an industry that is profiting from it by winning contracts to militarise borders in order to contain migrants and keep them out. Displacement is the consequence of a business model where profits are made first through the sale of arms that are instrumental in causing it, and secondly, in militarising migrant routes and borders. Alongside the steady increase in the value of the arms trade and the spiralling number of forcibly displaced persons, the market for border security is growing and is expected to be worth US\$65–68 billion by 2025.⁹ War is highly profitable, and the war on migrants is becoming increasingly so.

The European Union (EU) and its member states are among the top investors in and exporters of military and dual-purpose equipment and services. Arms exports from the EU-28 (including the UK because the figures are based on pre-Brexit calculations) amounted to some 26% of the global total over the 2015–2019 period, making the EU-28 collectively the world's second largest arms supplier after the US.¹⁰ Much of this trade, which has particularly devastating consequences for the countries and regions purchasing European arms, is poorly monitored. In many cases the sales go virtually unchecked.¹¹ On the back of this lucrative trade, authoritarian regimes are propped up and maintained and armed conflicts are prolonged, with local populations bearing the brunt.

Since 2016, TNI has carried out research and published on different dimensions of border politics and the global border industry. This 'Border Wars' research has examined the externalisation of European border and migration policies to third countries, aimed at deterring migrants from reaching Europe and containing them in unsafe conditions beyond its borders. It has consistently highlighted the active role of private arms and security companies and investors in these policies, deliberately shaping them so they can reap massive financial gains. The research has documented how the militarisation of migrant routes and borders is making migrants' journeys even more perilous, focusing on the impact of European policies along these migrant routes and at border crossings. This report brings in a new dimension to our Border Wars research, going back to where those journeys for survival began. It examines one of the root causes that provokes widespread destruction, instability, and mass forced displacement and migration – the arms trade.

While there has been invaluable research on the arms trade and on forced displacement, the causal nexus linking them has remained un(der)explored. This report addresses this gap and ‘joins the dots’ between how the export of arms and their subsequent use in conflicts leads directly to forced displacement and migration.

In publishing its New Pact on Migration and Asylum in September 2020, the European Commission acknowledged that ‘migration is a complex issue, with many facets that need to be weighed together’,¹² but fails to examine how European policies are a fundamental reason for why so many people have to flee their homes and migrate in the first place. The EU constantly reiterates its commitment to human rights principles and to upholding the rule of law, but in practice many of its policies and practices do the direct opposite – they are instrumental in propping up and maintaining authoritarian regimes, in facilitating armed conflict, and in exacerbating the suffering of entire populations.¹³ If the EU truly wanted to manage and reduce migration humanely, as it frequently claims it does, curbing the sale of arms that provoke mass displacement should be one of its main priorities.

This report tracks the specific armaments, technology, and know-how from the moment they are exported from Europe to the exact location where they are eventually detonated or discharged. Based on forensic and circumstantial evidence and rigorous data analysis, the four case studies – Democratic Republic of Congo (DRC), Iraq, Syria, and the disputed territory of Nagorno-Karabakh (currently controlled by Azerbaijan) – demonstrate that European arms exports were used in regions where mass migration occurred and were instrumental in provoking forced displacement. The report also examines research that shows how arms exported legally from Europe to the US and Saudi Arabia, which were subject to end-user agreements (EUAs), have ended up in the hands of the Islamic State (IS)¹⁴, a non-state armed actor that the EU and the US have listed as a terrorist organisation.¹⁵ It argues that there is a causal nexus between these findings and mass displacement and migration. The fifth case study examines how European military equipment was used to contain migrants after they were displaced in order to stop them from reaching Europe’s shores. The case study underlines how arms companies profit not only from provoking mass displacement but also from containing those travelling along migrant routes.

The nexus between the arms trade and forced displacement is rarely explored and the role of European arms trade policies that facilitate gross human rights violations in third countries is often absent from displacement and migration studies. This report joins the dots between Europe’s arms trade and forced displacement and migration.

THE NEXUS BETWEEN THE ARMS TRADE AND FORCED DISPLACEMENT

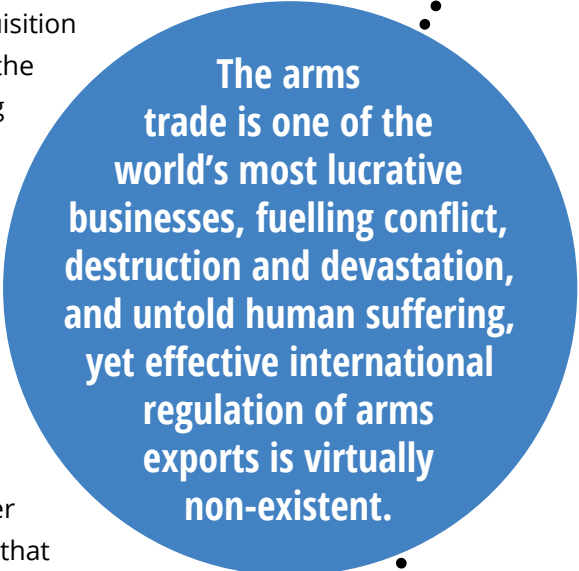
The arms trade

In his farewell speech before leaving office on 17 January 1961, US president Dwight Eisenhower warned that 'we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex'.¹⁶ Sixty years later this stark warning has become a reality – global military spending is estimated to be at almost US\$2 trillion, with international arms transfers worth almost US\$30 billion in 2020.¹⁷ The arms trade is one of the world's most lucrative businesses,¹⁸ fuelling conflict, destruction and devastation, and untold human suffering, yet effective international regulation of arms exports is virtually non-existent.

The most notable attempts at addressing this regulatory gap are the 2008 EU Common Position,¹⁹ amended in September 2019, and the Arms Trade Treaty (ATT),²⁰ a multilateral treaty that regulates the international trade of conventional weapons – both with such significant shortcomings that arms trade critics have described these instruments as not fit for purpose.²¹ The ATT entered into force on 24 December 2014 and to date has been ratified by 110 states, with a further 31 states having signed but not ratified it.²² Although both of these instruments include legally binding provisions that oblige exporting countries to respect International Humanitarian Law (IHL), and ensure compliance with export regulations, they do not include mechanisms that highlight the impact of arms exports on forced displacement and migration.

European countries are among the top exporters of lethal arms equipment worldwide, comprising approximately 26% of global exports since 2015.²³ The top five European arms exporters are France, Germany, Italy, Spain and the UK – together accounting for 22% of global arms exports in the 2016–2020 period, up from 21% in 2011–2015.²⁴ Furthermore, European states frequently supply countries involved in armed conflict or with worrying human rights standards, either directly, or by exporting arms through third-party proxy clients, allowing them to circumvent the already flawed regulatory procedures.²⁵

As part of our research, TNI contacted various European national authorities requesting information on how they monitor end-user information, as well as whether they incorporate additional feedback on the use of arms. We also inquired about risk-assessment procedures when considering export licences. Most countries were reluctant to address our questions directly. Those that did respond led us to conclude that there is a constantly evolving policy landscape, with considerable gaps in monitoring capacity, characterised by a lack of political will to address such gaps. The responses we received and our analysis of them are presented further on in this paper.



The arms trade is one of the world's most lucrative businesses, fuelling conflict, destruction and devastation, and untold human suffering, yet effective international regulation of arms exports is virtually non-existent.

The militarisation of European policies

Over the past five years, the EU has intensified its security agenda and significantly advanced its defence policies. Many of these have been at national level, but increasingly the EU has been actively developing collective policies in two areas in particular – asylum, borders and migration, and defence.

Following an unprecedented number of refugees reaching Europe, which peaked in 2015, the European Commission drafted a comprehensive migration and asylum policy. The process reached a political stalemate, however, following the failure of attempts to forge an agreement that was acceptable to all member states.²⁶ By 2019 a final compromise was still pending and eventually the 2016 draft proposal was abandoned.²⁷ It was replaced by an entirely new proposal, which the European Commission presented in September 2020. At the time of writing (July 2021), the New Pact on Asylum and Migration was pending negotiation.²⁸ Both the 2016 and the 2020 proposals envisage highly restrictive border control policies, increased border militarisation and a deepening of externalisation policies to include pre-screening procedures for asylum requests. The New Pact also provides for swift and expansive deportation procedures.

While EU member states were individually discussing how best to fortify their borders, the EU collectively was simultaneously devising sophisticated and largely obscure budget lines to support member states and third countries to expand their capacity to militarise their borders. Most notable are the EU's Internal Security Fund²⁹ and the EU Trust Fund for Africa.³⁰ The EU has also regularly bolstered the mandate and capacity of the European Border and Coast Guard agency – Frontex.³¹ The expansion of Frontex has continued unabated, despite repeated allegations of misconduct, questionably aiding and abetting actors³² and violating International Human Rights Law and International Maritime Law in the Central and Eastern Mediterranean.

Europe's border security and arms industry actively lobbies for and benefits from securitised border policies, as well as the expansion of the EU's defence agenda.³³ Between 2015 and 2020, under the leadership of former president of the European Commission, Jean-Claude Juncker, the EU took unprecedented steps in expanding its defence policy both in terms of Research and Development (R&D) and in increasing the provision of military equipment for use in regional conflicts, justified as a necessary measure to bolster regional stability.³⁴ For this purpose, a number of new funds and policies have been established on the basis that they are necessary for European defence and stability.

- A multi-billion euro European Defence Fund³⁵ was approved to 'promote defence cooperation among companies and between EU countries to foster innovation and develop state-of-the-art defence technology and products'.
- The European Peace Facility³⁶ is a €5 billion off-budget mechanism to 'fund the common costs' of the EU's military missions and operations. It can also provide military equipment, including lethal arms exports, to increase partners' defence capabilities.
- The Permanent Structural Cooperation³⁷ (PESCO) is a framework and process to deepen military cooperation between EU member states, aiming to 'enhance the EU's capacity as an international security actor, contribute to the protection of the EU citizens and maximise the effectiveness of defence spending'.

The strategy appears to be to militarise by any and all means possible.

EU member states, however were explicit that despite the billions of euros being poured into the development and sale of largely exportable arms equipment from the EU's budget, arms trade and export policies would remain a strictly national issue. Article 346 of the Treaty on the Functioning of the European Union³⁸ makes it clear that defence decisions taken by member states are outside the remit of EU law, and further provisions have been included in new EU legal texts to maintain this guarantee.³⁹

There is a sense that both the national and European drive towards greater militarisation is about being able to have your cake and eat it – funding is made available to national governments, but also at a European level, with provisions to militarise both collectively and individually. The strategy appears to be to militarise by any and all means possible.

The overhaul of Europe's migration and asylum, and defence policies has aligned both policy areas and moved them towards increased militarisation. Their interdependence has been largely presented as a given, within a logic of securitisation, characterised by the absence of robust public debate.

EU-level discussions on defence policy, including exports, take place primarily within the European Council's COARM committee,⁴⁰ but there is almost no engagement or exchange between COARM members and entities such as the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)⁴¹ or the Civil Liberties watchdog of the European Parliament (LIBE committee).⁴² As part of this research, TNI confirmed in an email exchange with a COARM official that the committee has never had meetings with SCIFA or LIBE and has 'never touched upon the issue of displacement/migration'.⁴³

Monitoring arms exports

Civil society organisations (CSOs) such as the peace movement or anti-arms trade groups are central in monitoring and analysing arms exports. Much of the information they gather is based on reports provided by member states within the following reporting mechanisms:

- The United Nations Register of Conventional Arms,⁴⁴ established in 1992, monitors the arms trade through annual reporting of information relating to its exports, imports, military holdings and procurement including national production of major conventional weapons as well as small arms and light weapons.
- The EU annual report on arms exports, a public information exchange mechanism in the framework of the European Council Working Party Control of Conventional Arms Exports (COARM). This annual report is published in fulfilment of an obligation from the 2008 European Council Common Position 2008/944/CFSP 'defining common rules governing control of exports of military technology and equipment'.⁴⁵ The Common Position is the key, legally binding, document that sets criteria and obligations for EU member states in considering an export application. The assessment of human rights compliance and preservation of regional peace, security and stability are among the criteria set out in the common position, but the contribution of the destination country to conditions that have enhanced displacement from the country or other countries is not explicitly mentioned in the document.

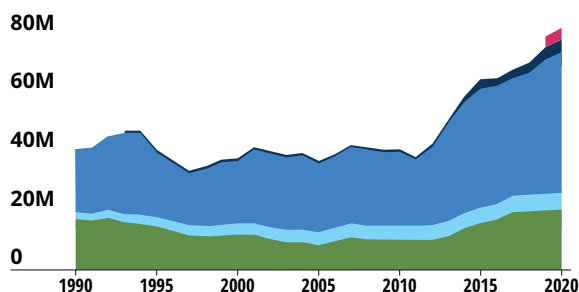
- States party to the Arms Trade Treaty must submit annual reports detailing arms exports.⁴⁶
- The Stockholm International Peace Research Institute (SIPRI) databases and annual fact sheets.⁴⁷ According to SIPRI fact sheet titled Trends in International Arms Transfers published in March 2021,⁴⁸ many EU countries are suppliers of arms to multiple countries involved in conflict either directly or by exporting military capacity to third parties, or by assisting proxy forces, including Egypt, Qatar, the United Arab Emirates (UAE), Saudi Arabia and Turkey.

Forced displacement

Forced displacement, as defined by the United Nations High Commissioner for Refugees (UNHCR), involves the involuntary or coerced movement of a person or people from their home ‘as a result of persecution, conflict, violence, human rights violations or events seriously disturbing public order’.⁴⁹ By the end of 2020, there were over 82.4 million such persons worldwide, of whom 20.7 million were refugees, 48 million were Internally Displaced Persons (IDPs) and 4.1 million were asylum seekers. A further 3.9 million were Venezuelan nationals displaced abroad. UNHCR also reported that there were 4.2 million stateless persons (based on 2019 figures). Children make up 42% of those who are forcibly displaced.

UNHCR Figures at a Glance – Global Trends 2020 report

82.4 million people worldwide were forcibly displaced at the end of 2020 as a result of persecution, conflict, violence, human rights violations or events seriously disturbing public order.



■ Refugees (under UNHCR's mandate)
■ Palestine refugees (under UNRWA's mandate)
■ Internally displaced people*
■ Asylum-seekers ■ Venezuelans displaced abroad**

Refugees (under UNHCR's mandate)

20.7M

Palestine refugees (under UNRWA's mandate)

5.7M

Internally displaced people*

48M

Asylum-seekers

4.1M

Venezuelans displaced abroad**

3.9M

18 June 2021

*Source: IDMC

**This number excludes Venezuelan asylum-seekers and refugees.

Source: UNHCR Global Trends 2020

Beyond the over 82.4 million forcibly displaced persons that the UNHCR has recognised as refugees, IDPs, asylum seekers or stateless persons, many more people have been forced from their homes to secure their survival and seek a dignified life. The term ‘migrant’ is not defined in international law, but the International Organization for Migration (IOM) uses it to refer to ‘a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons’.⁵⁰ It is beyond the scope of this report to delve into the legal intricacies and gaps in legal protection for those who do not meet the threshold defined under the provisions of the 1951 Convention Relating to the Status of Refugees⁵¹ and its 1967 Additional Protocol.⁵²

As in other Border Wars reports, we often use the terms migrant, refugee and asylum seeker interchangeably, but irrespective of the term used, all persons must be guaranteed the right to move or the right to remain, to seek asylum, and to live in dignity wherever they may find themselves, and it is the obligation of the host state ('duty bearer') to uphold these rights.

A UN concept paper on the issues and challenges regarding internal displacement published in 2020 highlighted shortcomings with regard to data-collection methodologies, quality and interoperability. The concept paper also identified a challenge in focusing only on a displacement event rather than on broader questions such as the person's subsequent journey, whether they experienced multiple displacements, or their status upon return. It also identified a lack of disaggregated data that could be used to identify particularly vulnerable groups within a displaced population.⁵³

Going back to UNHCR's definition of forced displacement, it identifies the following main factors in driving people from their homes:

- persecution
- conflict
- violence
- human rights violations
- events seriously disturbing public order

The consequences of forced displacement are catastrophic – the life of a displaced person revolves around survival, finding food and shelter, while being deprived of and struggling to access social services such as health care and education, as well as civil, political, social, economic, and cultural rights, which are so often dependent on residing in a particular place. Lives and livelihoods are turned upside-down and broken by displacement. The devastating knock-on effects have an impact not just on those immediately affected but on the many generations to come. It is therefore urgent to better understand the root causes driving forced displacement.

The UNHCR recognises these general phenomena as being the root causes of forced displacement, but offers little by way of understanding the cause of this violence. Beyond looking at who is on the receiving end of such violence, this report looks at who is thriving from it and what power structures allow it to happen.

In its fact sheet on forced displacement, the European Commission states that it takes a 'development-led approach to forced displacement' and in 2020 it made more than €900 million available for projects that address the needs of forcibly displaced persons.⁵⁴ Among those who received assistance were those displaced from or within DRC, Iraq and Syria. There is no reference to the arms trade between Europe and these countries. The EC's fact sheet exemplifies Europe's 'tunnel vision' approach towards other countries, whereby it commends itself for sending humanitarian aid, but fails to consider that if it were to stop sending assault rifles and rocket launchers, perhaps there would be much less need for the humanitarian aid packages in the first place.

The nexus between the arms trade and forced displacement

Until now, the link between the arms trade and forced displacement has largely gone un(der) explored and un(der)documented. Most data on the two phenomena exists within separate research silos and there is rarely crossover between the two. In researching whether it is possible to present a causal relation between the export of arms and their subsequent impact on displacement, we found there is currently no framework that combines datasets to extract verifiable results. Those who have attempted to bridge this gap have found it hard to definitively close the circle between the *export* of arms and the *import* of displaced peoples.

Civil Society

In looking at civil society and its monitoring of the nexus between the arms trade and forced displacement, we found virtually no links between the two questions in existing research and work presented to date.⁵⁵ Those working on the arms trade or on displacement generally seem to operate independently and rarely cross each other's paths. The Internal Displacement Monitoring Centre (IDMC), one of the leading organisations on the question of displacement, does not routinely seek out information on arms exports and the use of military equipment and so does not make the links between the arms trade and displacement. 'We don't include military exports and similarly relevant regional and global trade and regulation aside from specific cases, but would like to do so more systematically', said Bina Desay, IDMC's research director.⁵⁶ Similarly, organisations that document, trace, and monitor the arms trade and end use of military equipment do not routinely link their work to displacement.

European Union

With regard to public policy and political debate in Europe, as we highlighted above, European officials involved in arms trade institutions have no systematic contact with those involved in committees related to human rights or civil liberties. The two areas have essentially remained disconnected in documents and policies on regulatory frameworks and institutional interoperability. EU member states are among the main exporters of arms worldwide, representing approximately 26% of European exports in the last five years,⁵⁷ yet the direct consequences for people of such exports are rarely studied or understood.

United Nations

The UN Secretary-General established a High-Level Panel on Internal Displacement in February 2020, mandated to 'identify bold, concrete and practical recommendations for Member States, the UN system and other relevant stakeholders' with a view to preventing, responding to, and solving the world's internal displacement crises.⁵⁸ While the Panel may consider these issues in exploring the primary questions with which it has been charged, it has not been tasked specifically with the issue of military equipment exported by EU member states or diverted or recovered in regions impacted by displacement. Moreover, according to an email exchange with George Okoth-Obbo, ASG / Secretary and Head of Secretariat and UN Secretary-General's High-Level Panel on Internal Displacement, the Panel is not mandated with nor has it an authority on those questions.⁵⁹

Essentially, it appears that the experts on arms export controls and displacement have so far talked past each other, which invites the question: What are the barriers keeping those two policy fields apart and who is benefiting from this?

What does the jurisprudence say about arms exports and human rights violations?

Italian arms exported and used in the war in Yemen

In April 2018, the European Centre for Constitutional and Human Rights (ECCHR), Rete Disarmo, an Italian-based NGO, and Mwatana for Human Rights, a Yemeni-based NGO, filed a criminal case in the Italian courts requesting an investigation into the criminal liability of the managers and officials of RWM Italia S.p.A., a subsidiary of the German company Rheinmetall AG, and officials of Italian national arms export control authority UAMA. The subject of the complaint was the recovery of a suspension lug, which facilitates a bomb to be attached to a plane, which was manufactured by RWM Italia S.p.A. The recovery was made at a site that had allegedly been targeted in an air strike by the Saudi-led coalition, to which Italy had authorised multiple arms exports. The air strike in question took place on 8 October 2016, and struck a home in the Yemeni village of Deir Al-Hajari, killing a pregnant woman and her four children. Bomb remnants were found at the scene including the suspension lug.⁶⁰ In October 2019, the Italian public prosecutor's office requested that the case be dismissed, a decision that was appealed by the complainants.

Separately, it should be noted that following a four-year campaign, in January 2021, the Italian government revoked export licences for bombs to Saudi Arabia and the UAE, cancelling a shipment of over 12,700 bombs.⁶¹



German arms exported to Mexico and used in the killing of six persons, the forced disappearance of 43 students, and in severely injuring many others.

In February 2019, a case was taken before the Regional Court in Stuttgart against arms manufacturer Heckler & Koch regarding a shipment of Type G36 rifles to Mexico. Germany had not authorised these exports, but the shipment was made regardless, and the arms ended up in the hands of police officers in the State of Guerrero. They were subsequently used on the night of 26 September 2014 in the massacre of six people, the forced disappearance of 43 students from the Ayotzinapa teacher training college, and in severely injuring others, including one student who has been left in a vegetative state. Heckler & Koch received a large fine, but this has not been paid because both the public prosecutor and the defence lawyers lodged an appeal.⁶² Despite this, the case is significant because the court's burden of proof was met, which established the responsibility of the arms company and linked it to gross human rights violations.



THESE CASES EXEMPLIFY:

(1.) The difficulties involved in bringing legally verifiable evidence that will stand up in a court of law – most notable in the case involving Yemen.

But perhaps more importantly...

(2.) The lack of political will on the part of states to engage, in good faith, with a legal process which has identified that gross human rights violations were committed as a result of the export of arms – notable in the case involving Mexico, where the German Public Prosecutor, as well as the arms company, appealed the verdict.

So far, forced displacement does not appear to have been the basic legal argument for which legal redress has been sought with regard to arms exports, but nothing is stopping this from happening in the future, particularly if a reliable open-source investigative method is used.

We note however that legal action to curb arms exports, while important, must also be accompanied by fundamental political change that addresses the gaps in arms export regulation and monitoring, otherwise legal challenges will always be reactive, once the damage is done, rather than preventative before it happens. Moreover, the essence of the EU Common Position may be considered more political than legal because of the multiple interpretations that can be extracted from the vague language used. As such, the burden of proof to show that the Common Position was breached is difficult to establish and may be as broadly or narrowly interpreted as the judicial system it is being challenged under. This creates various difficulties for those challenging arms exports, while simultaneously providing avenues for circumventing controls for those responsible for exportation.

JOINING THE DOTS – THE EMPIRICAL APPROACH USED FOR THIS RESEARCH

There is an empirical gap in establishing a causal nexus between arms exports and their subsequent use in armed conflicts provoking forced displacement. For this research we set a high threshold in terms of tracing a specific piece of armament from where it was manufactured in Europe to where it was finally detonated or discharged in another country, with a specific view to documenting a linkage between the arms traded and cases of forced displacement. Our research findings provide sufficient evidence to prove a causal nexus between the two. With all research, and particularly considering that this is a relatively under-explored question, there will always be room for later progress and improvement. This report represents an initial endeavour to ‘join the dots’ between arms exports and forced displacement.

We set out to answer the following questions:

Is it possible to verify how European-produced armaments contribute to the displacement of populations? If so, how?

What are the barriers to producing additional conclusive evidence in this regard?

In 2018 and 2019, Lighthouse Reports, a Dutch-based consortium of investigative journalists, organised a number of workshops in which journalists were trained in the use of open-source intelligence-verification tools.⁶³ By using such methodology, Lighthouse Reports has successfully shown that EU-manufactured arms have been exported to and misused in third countries, leading to legal cases and policy debates as a direct response to these research findings.⁶⁴ Their research offered useful insights regarding the kind of monitoring evidence that new and independent investigations may aim to provide, and to the limitations of this approach.

We used a multidisciplinary approach, focusing on a number of case studies in which EU member states export arms, dual-use components, technology and services, and how these have been used by armed state or non-state actors in third countries to violate International Human Rights Law and International Humanitarian Law. We relied on open-source investigation, immersive technologies, digital imagery, documentary sources and interviews – all with a view to establishing a causal nexus between the arms trade and forced displacement.

CASE STUDIES

In setting out to determine the possible links between the arms trade and forced displacement we compiled data from five case studies of displacement events in the DRC, Iraq, Syria, and the disputed territory of Nagorno-Karabakh. The case studies established sufficient material and circumstantial evidence to prove a causal nexus between the sale of arms from Europe and forced displacement in third countries. A fifth case study on Libya highlights that European countries not only permit and actively sell arms that ultimately lead to displacement, but that they also provide military equipment to ensure that those displaced are firmly kept out of Europe. The displaced are effectively left in limbo, unable to return home, but equally unable to secure their survival.

Each case study provides circumstantial evidence linking the deployment of weapon systems, systems that carry components or technology, or ammunition, produced in the EU, with population displacement that took place within the same time-frame and geographical region. The case studies are accurate in that they place European-manufactured armaments in specific locations and situate these findings within a national or regional context.

1. ITALY > TURKEY > SYRIA



EQUIPMENT	T-129 ATAK helicopter components, training, services
MANUFACTURED BY	Leonardo, in collaboration with Turkish Aerospace Industry
COUNTRY OF EXPORT LICENCE	Italy
SOLD TO	Turkey
USED IN	Syria
DISPLACEMENT	Northern Syria: Operation Olive Branch 98,000
	Northern Syria: Operation Peace Spring 180,000

Equipment and Export

The T-129B (called the T-129 ATAK in Turkey) helicopter was developed through collaboration between Italian and Turkish companies dating from the late 2000s, focusing on transferring Italian technological and production know-how. Although **Leonardo**, the Italian company involved in the production of the T-129 helicopter, transferred much of its knowledge on the production and use of this system, it was still involved in the production of Turkish armaments. This is evident in SIPRI's trade register, which highlights that in 2018, Italy was still licensing the production of the T-129 ATAK helicopter.⁶⁵ As such, although the helicopter was assembled in Turkey, Italy provided the necessary reproduction licence.

In a 2018 official report to the Italian parliament regarding ongoing authorisations for the control of the export, import and transit of war materiel, Turkey was granted export licences to a total value of €362,297,579.01 for the year in question, divided in to 70 licences according to various categories of armaments.⁶⁶

Paese di Destinazione	n. Aut.	Valore (EURO)	Cat.	Descrizione Categoria Materiali
TURCHIA	70	362.297.579,01	002	ARMI O SISTEMI D'ARMA DI CALIBRO SUPERIORE A 12,7 MM
			003	MUNIZIONI
			004	BOMBE, SILURI, RAZZI, MISSILI ED ACCESSORI
			005	APPARECCHIATURE PER LA DIREZIONE DEL TIRO
			010	AEROMOBILI
			011	APPARECCHIATURE ELETTRONICHE
			013	CORAZZATURE O EQUIPAGGIAMENTI DI PROTEZIONE E COSTRUZIONI
			015	APPARECCHIATURE PER LA VISIONE D'IMMAGINI
			016	PEZZI FORGIATI, PEZZI FUSI E SEMILAVORATI
			018	APPARECCHIATURE E TECNOLOGIA PER LA PRODUZIONE
			021	SOFTWARE
			022	TECNOLOGIA PER SVILUPPO, PRODUZIONE O UTILIZZAZIONE

2018 Report to the Senate regarding the export of arms and military equipment, p. 430

Further analysis of the parliament report reveals that the category 'aeromobili' specifically includes 45 AW 129 ATAK helicopters. Since Leonardo no longer produces this model, the references are assumed to refer to related components or services and not the helicopter as such. The material refers to components for engines and radar, hydraulic systems, from instruments to technical documents, to gun turrets.⁶⁷

Categoria n.10 "Aeromobili" (Euro 2,655 mdi), 12 elicotteri multiruolo medio pesante NH90 NFH, 45 elicotteri d'attacco AW129 ATAK, 13 elicotteri medi multiruolo AW139 (15 posti), 6 elicotteri multiruolo AW109 (8 posti), 3 elicotteri multiruolo AW169 (10 posti), 1 elicottero multiruolo AW189 (19 posti), per un valore complessivo di Euro 2,328 mdi circa, i rimanenti 327 mln in parti di aeromobili.

2018 Report to the Senate regarding the export of arms and military equipment, p. 37

Furthermore, the Ministry of Defence granted licences to provide training and maintenance to Turkey in 2018.⁶⁸

N.	N. Ordine	Ministero	N. Autor.	Data	Paese di destinazione	Codice valuta e ammontare	Scadenza Autorizzazione	Stato avanzamento dell'operazione alla data del 31/12/2018
33	2018/0608	DIFESA	061837	23/04/2018	TURCHIA	1.500.000,00 €	22/04/2021	
34	2018/0713	DIFESA	071811	11/05/2018	FRANCIA	10.000.000,00 €	10/05/2021	133.392,00 €
35	2018/0743	DIFESA	070460	09/05/2018	UTUANIA	20.000.000,00 €	08/05/2021	880.775,60 €
36	2018/0749	DIFESA	071809	11/05/2018	CILE	200.000,00 €	10/05/2021	
37	2018/0750	DIFESA	071799	11/05/2018	SINGAPORE	130.000,00 €	10/05/2021	126.489,77 €
38	2018/0764	DIFESA	071903	11/05/2018	SINGAPORE	3.000.000,00 €	10/05/2021	
39	2018/0770	DIFESA	079496	24/05/2018	ARABIA SAUDITA	50.000,00 €	23/05/2021	32.953,00 €
40	2018/0804	DIFESA	082974	31/05/2018	TURCHIA	59.000,00 €	30/05/2021	
41	2018/0806	DIFESA	080712	28/05/2018	INDIA	2.000.000,00 €	27/05/2021	

2018 Report to the Senate regarding the export of arms and military equipment, p. 729

Two licences were granted in 2018 and were due to expire in 2021, while a third was granted in 2016 and concluded in 2019. According to account details on LinkedIn, many Leonardo employees appear to have been involved in different capacities until recently with the T-129.⁶⁹

Research published in December 2018 by #ItalianArms, which is part of the EU Arms Project, led by Lighthouse Reports, and the investigative collective Bellingcat, also concluded that:

- The Italian Ministry of Foreign Affairs granted Italian companies licences to sell fighter helicopters to Turkey, while simultaneously allowing the Turkish company, **Turkish Aerospace Industry** (TAI), to produce them locally.
- Until 2017, Italian companies were closely involved in the procurement of parts, armaments, training services and technical assistance.
- Official documents from the Italian Ministry of Foreign Affairs, the Ministry of Economic Development and the Customs Agency, show that Agusta, (which later became Agusta Westland and is now incorporated in to Leonardo's helicopters division), sold services and components to Turkey. Such shipments were registered until 2017 showing that Leonardo acted as a subcontractor. The data available in 2017 was the most recent available at the time of publication.
- Turkish National Land Forces used T-129 helicopters in Operation Olive Branch in the region around Afrin in northern Syria in January 2018. #ItalianArms has verified and geolocated two separate attacks carried out on Syrian territory using these fighter helicopters.⁷⁰

Open Source analysis shows that the collaboration between Italian manufacturers and the production of the T-129 ATAK helicopter in Turkey continued until at least the end of 2019, and that the same fighter helicopter was spotted in north-eastern Syria during Operation Peace Spring in 2019. Indeed, in its official Twitter account, Turkish Aerospace Industry declared that the 53rd T-129 ATAK helicopter was delivered to the Turkish Land Forces on 2 November 2019.

We have established that, via arms company Leonardo, Italy approved licences and exported materials, components, and training specific to the T-129 ATAK helicopter to Turkey, noting in particular the collaboration in 2017 and 2018.⁷¹

The Lighthouse Reports investigation published videos that show the T-129 ATAK helicopter operating in Afrin.⁷² In January 2018, the Turkish Land Forces used the T-129 ATAK helicopter in Operation Olive Branch in Afrin in northern Syria. These videos place the T-129 ATAK helicopter at the Turkish–Syrian border in the areas of Maskanli and Mamal Ushaghi.

Displacement

Operation Olive Branch

According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) there was considerable displacement from Afrin and the surrounding region in January 2018 in the context of Operation Olive Branch. Specifically, OCHA reported mass displacement from communities within the immediate vicinity, or within an hour's drive, of Maskanli and Mamal Ushaghi (specifically mentioning Raju, or Rajo as it is called in Syria). OCHA reported that this displacement had been provoked by airstrikes. According to a report published on 23 January 2018:

'Over the 21 and 22 January period, many incidents of **shelling and aerial bombardment** were reported. While the majority of bombardment was concentrated on communities close to the Syrian–Turkish border in Raju, Sharan and Jandairis sub-districts, airstrikes

on Afrin town and surrounding communities were also reported. **Hostilities reportedly caused people** – especially those residing in communities near the border – **to flee their homes** to nearby caves in pursuit of safety. Almost all shops and business are reportedly closed. The onset of the military operation was accompanied by an internet outage in most of the district, which severely impacted the ability of civilians to communicate.

On 21 January, hostilities and bombardment continued. Local sources reported an incident where **shelling on a poultry farm which hosted a number of IDPs** from southern rural Idleb within Afrin. The incident reportedly resulted in the death of seven people, including five children. **Airstrikes on the surrounding areas of Rubar Camp** (i.e. Baselhaya camp) were also reported. This resulted in the **displacement of 94 families** from the camp to the nearby towns of Kafer Naya, Deir Jmail, and Al-Shahbaa camp in Tell Refaat Sub-district.

As of 22 January, local sources reported the **displacement of an estimated 5,000** people from the border communities of Bulbul, Shankal, Admanli, Balal Kuy and Ali Bakki to the central parts of Afrin District. In the absence of an IDP registration mechanism in the area, the total numbers of IDPs could not be confirmed.⁷³

Another OCHA report of 30 January 2018 stated:

‘Reports indicate that internal displacement from the peripheral communities towards the central part of Afrin district continued during the reporting period. Since 20 January, an **estimated 15,000 IDPs** are reported to have arrived in Afrin town and surrounding communities according to local sources, but there is no monitoring mechanism or registration process to verify the exact number of IDPs in the area.’⁷⁴

By March 2018, OCHA had registered at least **98,000 people displaced from Afrin** during the previous two months while Operation Olive Branch was underway.⁷⁵

Operation Peace Spring

In October 2019, another Turkish military offensive was launched in north-eastern Syria, which was known as Operation Peace Spring. Similar to Operation Olive Branch, there is mounting evidence that the deployment of the T-129 ATAK helicopter in the region coincided with mass displacement. At least two such helicopters were spotted taking part in the first joint US–Turkish patrol within Syrian territory on 8 September 2019.⁷⁶ An official statement to this effect was issued by the Turkish Ministry of National Defence.⁷⁷

In the joint patrol, TSK troops on the Turkish side of the border met US troops on the Syrian side east of Akcakale, right in front of Turkish village of Ohali. The helicopters were active throughout this patrol.⁷⁸

Within a month of Operation Peace Spring, OCHA reported that:

‘Local sources report that more than 50 locations were affected on 9 October in Ras Al Ain (77km from Akcakale, approximately 45k from Ohali), Tell Abiad (39 km from Ohali, 5 km from Akcakale), Ain Issa, Al Malikeyyeh along the border between Syria and Turkey and areas 5 km east of Qamishli in north-eastern Syria... Initial reports indicate

large numbers of people are on the move in search of safety from Ras Al Ain to Al-Hasakeh city, Tal Tamr town and to villages south of Ras Al Ain District. People in Tell Abiad have also been reported to be **moving towards southern villages** in the district and to Ar-Raqqa City, while people in Qamishli city have **moved to areas in the countryside**. Prior to the offensive, **about 900 families reportedly left Tell Abiad city preemptively**. By evening, unconfirmed reports suggest that a large proportion of the population of Tell Abiad and Ras Al Ain and other areas along the border have fled with **estimates of 70,000 people newly displaced**.⁷⁹

Addressing a meeting of the UN Security Council on 24 October 2019, Ursula Mueller, Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator, said: 'In the last two weeks, almost **180,000 people including some 80,000 children have fled south from the border area between Turkey and Syria**. Most fleeing civilians are sheltering with friends and families, while others are in displacement camps or collective shelters. **More than 10,000 people have fled to Iraq** since the beginning of the recent operation'.⁸⁰

In a rapid-needs assessment of arrivals at the Bardarash Camp, Dohuk Governorate, in Iraq on 18 October 2019, the majority had been displaced from north-eastern Syria, specifically Quamishli (38%) and Ras al Ain (29%). Thirty-three per cent stated that they fled because of airstrikes while a further 27% said they fled because they feared future airstrikes.⁸¹ In another report of data collected in Bardarash on 25 and 26 October, it was estimated that 10,725 individuals (approximately 2,406 households) were being accommodated in the camp. Again it was found that people had mostly left Quamishli (43%) and Ras al Ain (38%) with 43% stating this was directly because of airstrikes and a further 17% for fear of future airstrikes.⁸² In both reports, the remaining respondents fled because they feared ground troops arriving in their area.

To conclude, in this case study we saw that:

- The T-129 ATAK helicopter was used in two Turkish-led military offensives known as Operation Olive Branch and Operation Peace Spring.
- OCHA reported significant forced displacement from the areas targeted in these military offensives, in which the T-129 ATAK helicopters were used.
- In data collected at a refugee camp across the border in Iraq, most arrivals following the military offensives stated that they had fled because of a fear of previous or future airstrikes.
- The export of components, training, and know-how for the T-129 ATAK helicopter can be linked directly back to Italy and arms company Leonardo.

2. BULGARIA > UNITED STATES AND SAUDIA ARABIA > IRAQ > IS FIGHTERS



EQUIPMENT	9M111MB-1 ATGW missile tube and 73 mm rockets
MANUFACTURED BY	Vazovski Mashinostroitelni Zavodi (VMZ) EAD
COUNTRY OF EXPORT LICENCE	Bulgaria
SOLD TO	US and Saudi Arabia
USED IN	Ramadi and Mosul, Iraq
DISPLACEMENT	Ramadi – by February 2016 85,470
	Mosul – as of July 2019 there were still 300,000 displaced

Equipment and Export

In 2017, a report published by Conflict Armament Research (CAR)⁸³ revealed that weapons produced in Central and Eastern Europe were being sold to Saudi Arabia and the US, before eventually ending up on the battlefields of Syria and Iraq in the hands of the Islamic State (IS). The report claimed⁸⁴ that shipments made to the US government or related US-operated entities, contravened end-user certificates (EUC) issued by the US to their European suppliers because the weapons eventually ended up in Syria and Iraq in violation of EUC terms. In these certificates, the US stated that it would be the sole end user of the materiel and undertook not to retransfer it without the supplier government's prior consent, which was never sought. The US procurement of arms that eventually ended up in Syria and Iraq formed part of what was known as the \$500 million programme, which saw the US attempt to train and equip a 5,000-strong rebel army with a view to defeating the Islamic State.⁸⁵ The programme was eventually dropped but while in operation it had disastrous consequences, even by the US's own standards, including arms ending up in the hands of the very enemy group that the US was trying to defeat.⁸⁶

Non-transfer clauses are explicitly designed to provide a measure of confidence for the exporting state that the purchaser will not re-transfer the materiel. In the case of EU member states, the clauses align with commitments made under Criterion Seven of the EU's Common Position, which defines common rules governing the control of weapons exports and commits member states to assess 'the record of the recipient country in respecting any re-export provision' before issuing licencing exports.⁸⁷ They serve to prevent weapons ending up in third-party hands, but without adequate monitoring and controls, and virtually no accountability mechanisms, it is easy to circumvent such EUC terms making the arms trade a particularly murky business.

According to CAR, former Warsaw Pact signatories, including Romania and Bulgaria, now EU member states, manufactured at least 28% and 42% of the weapons documented in Iraq and Syria respectively.⁸⁸ Bulgaria, Romania and Iran manufactured nearly the entire sample of 73 mm rockets documented in Iraq after 2010, with Bulgaria's share alone accounting for almost 60%.⁸⁹ The vast majority of Bulgarian produced 73 mm rockets – 88% – were produced in 2010 and 2011, while almost all of the Romanian produced 73 mm rockets were produced in 2014.⁹⁰ These dates are significant because they come after the 2008 EU Common Position on Arms Trade, which defines the rules governing control of exports of military technology and equipment.

Bulgarian-manufactured missile tube exported to the US recovered in Ramadi:

A 9M111MB-1 ATGW missile tube, manufactured by Bulgarian arms company **Vazovski Mashinostroitelni Zavodi (VMZ) EAD**⁹¹ was retrieved from IS forces by the Iraqi federal police during the battle of Ramadi, which took place between 25 November 2015 and 9 February 2016.⁹² Bulgaria confirmed that it had exported the missile tube on 12 December 2015 to the US Department of the Defence (specifically to the Department of the Army), through US company Kiesler Police Supply. The export licence was accompanied by an EUC issued by the US Department of Defence, specifying that the US would be the end user of the armament in question.⁹³

The tube went from Bulgaria to the US before ending up in Iraq, where it was finally detonated in the battle for Ramadi – less than 60 days after it was exported from Europe, in violation of the EUC agreement.

Bulgarian-manufactured 73mm rocket exported to Saudi Arabia recovered in Ramadi:

Iraqi Federal Police recovered a RHEAT-9MA 73 mm rocket⁹⁴, manufactured by Bulgarian arms company **Kintex**, bearing lot number ((10))-04-11 from Islamic State during the battle of Ramadi. Bulgaria confirmed that it exported the rocket to the Ministry of Defence in Saudi Arabia in December 2014, which was accompanied by an EUC dated 30.09.1435 AH (corresponding to 27 July 2014 CE), stating that the equipment would be used by the Royal Saudi Land Forces and would not be re-transferred without seeking prior consent from the supplier.⁹⁵

Missile Tube Trajectory	73 mm Rocket Trajectory
12 December 2015: Exported from Bulgaria to the US	December 2014: Exported from Bulgaria to Saudi Arabia
9 February 2016: Missile Tube recovered in Ramadi, Iraq	By February 2016: Rocket recovered in Ramadi Iraq

In a separate incident, on 21 December 2016, a non-state armed group known as Jaysh al-Nasr, which was active in the Hama Governorate region of Syria, published photographs of their fighters with missiles, which are also believed to have originated in Bulgaria.⁹⁶

Displacement from Ramadi

The Iraqi city of Ramadi saw considerable destruction during the advance of Islamic State forces. OCHA stated that even before the intensification of military operations in winter 2015 the city had already suffered significant structural damage with at least 80% of all housing being destroyed.⁹⁷ The International Organization for Migration (IOM) reported that from April 2015, following the outbreak of the Ramadi crisis, more than 505,152 people were displaced from Anbar governate, of which Ramadi is the provincial capital.⁹⁸ A graph published by the Health Cluster, composed of various organisations overseeing the humanitarian response, further reported that by February 2016, 85,470 persons had been displaced specifically from Ramadi City.⁹⁹

Bulgarian-manufactured missile tube exported to the US recovered outside Mosul

In the final phase of the battle for eastern Mosul, in January 2017, Iraqi Special Operations Forces recovered a 9M111MB-1 ATGW missile tube from IS forces in Bartella, a town located 20 km east of the city of Mosul. Bulgaria confirmed that the tube in question was exported to the US Department of Defence (specifically to the Department of the Army) on an unspecified date.¹⁰⁰

The towns of al-Hamdaniya, Ba'shiqa, Bartella, and Tel Keif, located approximately within a 20km radius of Mosul, to the east, north-east and south-east, experienced extensive fighting. By 6 August 2014, an estimated 200,000 Christians or members of other ethnic and religious groups had been forcibly displaced.¹⁰¹ An IDP factsheet issued on 26 June 2014, based on interviews with 569 people, reveals that Bartella had been a destination town for those displaced from Mosul, before subsequently being displaced a second time when Bartella came under attack.¹⁰²

A situation Assessment Report from the Bartella Primary Health Care Centre, dated 23 January 2017 stated that:

'According to the recent information there is no IDPs returnee to the Bartella center only few families had returned mainly from the Muslim group. Christian families had been displaced from the city toward the safe regions in Erbil camps since 2014, DAMA team couldn't access into the PHCC (Primary Health Care Center) because it was destroyed and there was no clear permission had been approved that the PHCC is cleared from mine or other bombs.'¹⁰³

By July 2019, over two years after the aforementioned military operations against IS had ended in Mosul, there were still over 300,000 displaced from the city.¹⁰⁴

.....

Beyond the specific case studies outlined above, the following contextual information is relevant with regard to the short comings in the monitoring and control of the arms trade:

CAR found circumstantial evidence that the US had repeatedly procured weapons and ammunition, manufactured in Europe, which it later channelled to Syrian opposition forces. Much of this equipment, similar to Iraq, ended up in the hands of Islamic State forces in Syria.¹⁰⁵ CAR brought this information to the attention to the European governments in question. TNI's request to Bulgaria (Inter-ministerial Commission for Export Control and Non-Proliferation of Weapons of Mass Destruction) for a response on the matter has gone unanswered.

A 2016 investigation by the Balkan Investigative Reporters Network (BIRN) revealed that since 2012, Bosnia-Herzegovina, Bulgaria, Croatia, the Czech Republic, Slovakia, Serbia and Romania had agreed an arms trade deal worth at least €1.2 billion to four countries supporting Syria's opposition forces. The bulk of the arms deal involved Saudi Arabia (€829 million). According to an expert from the BIRN:

'There is no way to measure the amount of weapons exported. My impression is that 100% of these kind of exports from Serbia, Slovakia, Bulgaria, Croatia, Ukraine, Romania and the Czech Republic to the Middle East is diverted. It is former Warsaw Pact standard equipment, is cheap and massively produced in the Eastern Bloc. It is fairly reliable and also well known to Middle Eastern countries. Those imports are usually diverted, thus why you won't find much US or Western arms with proxy groups in the Middle East.

We published our investigation in 2016, on a scheme of exporting ex-Warsaw Pact-style arms to [Saudi Arabia] and UAE, a project that also involved US intelligence support. Since then numerous new exports from Bulgaria, Croatia, Serbia, and Montenegro have taken place. The planes are still running from Ryeka, Belgrade, Burgas. Ships are sailing from Burgas.'¹⁰⁶

BIRN documented the volume of exports from various EU member states over the past 10 years.

Bulgaria's arms exports reached an unprecedented level in 2016 with the total value surpassing €1 billion, with 52.8% of the shipments, worth €536 million going to the Middle East.¹⁰⁷

Romania's arms exports increased in 2017 and were estimated to be worth almost €187 million according to a report from the Foreign Ministry. A further €263 million worth of licences were sold. The main client was the US, which in 2017 bought over €77 million worth of rifles, semi-automatic rifles, machine guns, pistols, rifle components, various ammunition and parts and equipment for military planes and helicopters.¹⁰⁸

In 2016, Croatia drastically increased the sale of ex-Yugoslavian and war-era munitions to Saudi Arabia. UN trade data shows that prior to 2012 Croatia exported less than €1 million worth of ammunition a year. But with the start of the war in Syria this surged from €4.7 million in 2012 to €82 million in 2016. Croatia has attempted to keep this business under wraps by removing key information, such as final destination of exports, from official reports.¹⁰⁹

As various European nations got rich through arms sales, the conflicts in Iraq and Syria intensified. According to the IOM, between January 2014 and August 2015, there were 3,171,606 IDPs (528,601 families) in Iraq, dispersed across 103 districts and 3,522 distinct locations. The vast majority – 87% – were displaced from the three districts where Islamic State forces were active.¹¹⁰

In a resolution issued on 14 November 2018 regarding the Common Position on the arms trade, the European Parliament stated that it was:

'...shocked at the amount of EU-made weapons and ammunition found in the hands of Da'esh in Syria and Iraq; notes the failure of Bulgaria and Romania to effectively apply the Common Position in relation to retransfers that contravene end-user certificates; calls on all Member States to refuse similar transfers in the future, notably to the US and Saudi Arabia, and calls on the EEAS (European External Action Service) and the Member States, in particular Bulgaria and Romania, to explain, in the context of COARM but also in public before Parliament's Subcommittee on Security and Defence (SEDE), what steps have been taken on this matter; calls on the EEAS to address the many cases revealed by the recent Conflict Armament Research report, and to explore more effective methods for diversion risk assessment in COARM and other relevant fora, including, in the context of the review process, making it obligatory for Member States to deny an export licence if there is a clear risk that the military technology or equipment to be exported might be diverted; decides to launch an investigation into this matter.'¹¹¹



As various European nations got rich through arms sales, the conflicts in Iraq and Syria intensified.

To conclude, in this case study we saw that:

- Specific missile tubes and 73 mm rockets were exported from Bulgaria to Saudi Arabia and the US as part of different arms export shipments.
- These exact armaments were later recovered from Islamic State forces during the battle of Ramadi in February 2016 and Mosul in 2017.
- The issuing of EUC made no difference to where the arms were finally used.
- Furthermore, various European nations increased their arms sales fuelling the intensification of the conflicts in Syria and Iraq.
- Although the European Parliament eventually issued a resolution in 2018 addressing the sale of arms that ended up in the hands of Islamic State forces in Syria and Iraq, it was without teeth and was by then very late in the day – in the meantime, millions had been displaced in both countries, many towards Europe in the reverse direction of the arms that displaced them.

3. FRANCE, GERMANY, UK > TURKEY > AZERBAIJAN > NAGHORN-KARABAKH



EQUIPMENT	Bayraktar TB2 Drones
MANUFACTURED BY	SB Aerospatiale, TDW, EDO MBM, Baykar Makina, Roketsan
COUNTRY OF EXPORT LICENCE	France, Germany and UK
SOLD TO	Turkey and subsequently to Azerbaijan
USED IN	Naghorno-Karabakh, a territory disputed by Azerbaijan and Armenia
DISPLACEMENT	90,000

Equipment and Export

On 27 September 2020, a six-week conflict broke out in Naghorno-Karabakh, a territory that has been disputed by Azerbaijan and Armenia for many decades. A peace agreement was brokered by the Russian Federation, bringing an end to the fighting in November, however the region is far from stable.¹¹² In terms of modern warfare, the conflict was significant because Azerbaijan relied above all on its drone fleet, supplied by Israel and Turkey, to seek out and destroy Armenian armament systems, breaking its military strength and eventually tipping the balance of power in its favour.¹¹³ Peace and conflict analysts remarked on the war as providing proof that relatively low-cost, modern warfare using digitally controlled equipment can significantly alter the course of armed conflict. It also shows how lethal drones can be.

Dominant among the mix of drones Azerbaijan deployed were the Turkish-made Bayraktar TB2, manufactured by **Baykar Makina**. It has been regarded as a game changer in various conflicts, including in Libya, northern Syria, as well as against the Kurdish PKK. The use of the Bayraktar TB2 in the six-week war has brought some scrutiny from critics of the arms trade regarding how

it is manufactured. The Bayraktar TB2 is assembled in Turkey but contains a number of crucial components that originate from EU member states, including Austria, France, Germany, the Netherlands, and the UK (which was still an EU member when the drones were manufactured). The deadliest components of the TB2 are the missiles and the bomb rack used to attach them to the drone – essentially it is these components that make it a lethal weapon. Since 2014, the UK has been exporting the hornet bomb rack to Turkey, essentially transforming a drone in to a deadly weapon.¹¹⁴

With regard to the UK and the export of missiles, Ceri Gibbons, an activist and researcher with Brighton Against the Arms Trade, submitted a freedom of information request to the UK government regarding the Hornet bomb racks/missile launchers. An official government response received on 4 August 2020 revealed that 11 standard individual export licences had been granted between 2014 and 2018 to the Brighton-based **EDO MBM**, permitting the export of an undisclosed number of hornet missile launchers or hornet bomb racks to the Turkish company **Roketsan**. Based on his expertise on monitoring and documenting arms exports, Ceri Gibbons claimed that ‘by comparing images of the internal design of the Baykar bomb rack (dated May 2020) that was shot down in Nagorno-Karabakh/Artsakh in October 2020, with that of the 2014 Hornet bomb rack patent drawings filed by EDO, we can see that the two are almost identical. The UK’s suspension of military exports licences to Turkey only lasted a few months and has since been quietly lifted. The latest disclosure under the FOIA [Freedom of Information Act] by the UK Government suggest EDO has applied for new licences to export Hornets to Turkey since the suspension was lifted. Our litigation to uncover more details continues’.

As well as the bomb rack, the drone also contains a thermal battery, an essential component of deadly weaponry located inside MAM-C and MAM-L munitions. These thermal batteries were found to have been produced at the **SB Aerospatiale** based in Bourges, France in 2019.¹¹⁵ Various codes on retrieved equipment also correspond to the same company’s NATO registration code. ASB Aerospatiale is part of ASB Group, a Saft and Airbus Company.¹¹⁶ Its co-operation with Roketsan is also mentioned in various promotional documents.¹¹⁷

Germany has also participated in arming Turkish drones by transferring skills alongside exporting tandem warheads, complex explosive systems designed specifically to destroy armoured targets. The company involved in this exchange was **TDW**, which is wholly owned by European missile manufacturer **MBDA**, which in turn is owned by Franco-German **Airbus**, UK **BAE Systems** and Italian **Leonardo**.¹¹⁸

Beyond Europe, Canada suspended export licences to Turkey in response to claims that Turkish-manufactured drones, supplied with Canadian components, were used in the conflict in Nagorno-Karabakh.¹¹⁹

Displacement

During the six-week conflict, a significant number of people were displaced from their homes. A report published by the Artsakh Ombudsman's office stated that

'As a result of the Azerbaijani hostilities and **indiscriminate, targeted and systematic strikes against civilian objects, approximately 60% (over 90,000) of the entire population of the Republic of Artsakh have fled their homes to shelter at safer places.** Some of them have moved to other settlements of the country and others moved to the Republic of Armenia. The overwhelming majority of the current population has to live at shelters to avoid Azerbaijani indiscriminate and targeted strikes. For that reason, tens of thousands of children, women, elderly, persons with disabilities and other vulnerable groups live not only with constant security threats and psychological terror, but also with certain deprivations of basic rights and conditions, such as food, healthcare, education etc. Those children who have stayed in the country are deprived of getting education, as the schools are closed because of the Azerbaijani attacks on the civilian areas. While those children who have left for the Republic of Armenia face natural difficulties with integration with their new environments and schools'.¹²⁰

Following the implementation of a Russian-brokered peace agreement, some 25,000 returned to their homes. However, given that peace was brokered on the basis of an agreement which saw Armenia being required to concede territory to Azerbaijan, it is unlikely that the majority of those displaced in this conflict will ever return to their homelands because they have effectively been reallocated to a different jurisdiction and the national borders that encompass their homes have been redrawn.¹²¹

To conclude, this case study highlights the intricacies of the arms trade supply chains – components manufactured in France, Germany, and the UK, and other countries, are exported to Turkey, where lethal drones are assembled thanks to knowledge shared by EU member states. These drones were subsequently sold to Azerbaijan and used in a conflict that drove at least 90,000 people from their homes, most of whom may never be able to return. Conflict analysts agree that this particular war marks a new point of departure in the use of lethal drones and the consequent destruction and devastation. The weapons used were the key factor in bringing the war to a point where a truce was brokered in favour of Azerbaijan.

The TB2 has quickly become a popular product in the region, with many countries involved in an active or latent conflict showing an interest, including Libya, Serbia and Ukraine. The resulting competition has expanded the market for high-tech arms, which are largely produced and will likely continue to be provided by the same companies based in the same European and EU countries that contributed to the development of this system.¹²²

4. BULGARIA > SERBIA > DEMOCRATIC REPUBLIC OF CONGO



EQUIPMENT	Assault rifles, large-calibre artillery systems, light machine guns, grenade launchers
MANUFACTURED BY	ARSENAL
COUNTRY OF EXPORT LICENCE	Bulgaria
SOLD TO	Democratic Republic of Congo (sometimes via Serbia)
USED IN	North Kivu region
DISPLACEMENT	523,000

Equipment and Export

Assault rifles manufactured in Bulgaria are regularly exported to the DRC, sometimes directly although often via Serbia.

An analysis of the country reports presented by Bulgaria to the UN Register of Conventional Arms (UNROCA) shows that in 2013¹²³ and 2015¹²⁴ Bulgaria exported arms directly to the DRC. In 2013 it exported six 152mm howitzer large-calibre artillery systems, 860 light machine guns and 300 hand-held under-barrel and mounted grenade launchers. In 2015 it exported six additional 152mm howitzer large-calibre artillery systems.

In 2017 it exported 920 assault rifles and 114 light machine guns to Serbia, which were then exported to the DRC.¹²⁵ These dates are significant. In December 2016 and May 2017, the EU imposed sanctions against 14 individuals, freezing their assets and banning their entry to the EU in response to 'the obstruction of the electoral process and the related human rights violations in the DRC'.¹²⁶ Those who were targeted included Ilunga Kampete, commander of the Republican Guard; Gabriel Amisi Kumba, commander for the western region of the Congolese army; Ferdinand Ilunga Luyolo, commander of the anti-riot body known as the National Intervention Legion of the Congolese National Police (LENI); Celestin Kanyama, Kinshasa police commissioner; John Numbi, former inspector-general of the Congolese National Police; Roger Kibelisa, interior director of the National Intelligence Agency; and Delphin Kahimbi, director of military intelligence.¹²⁷ All of these men were Congolese state officials.

This case study exemplifies the futile and ineffective nature of existing monitoring and controls of the arms trade. While the EU was sanctioning Congolese state officials for human violations, arms manufactured in the EU (in this case Bulgaria) were being exported, via Serbia, to equip the very state bodies that employed the EU-sanctioned officials.

Furthermore, the weaponry exported in 2013 and 2015, although prior to the unrest of 2016 and 2017 that gave rise to the sanctions, was probably used during the unrest in view of how long a firearm remains functional. This again underscores the ineffectiveness of arms trade controls that permit exports to regions that may not currently be experiencing a conflict (although the DRC has experienced sustained conflict for decades). In many very volatile regions waves of conflict ebb and flow and may flare up very easily. At present, there is nothing stopping states from exporting arms to countries in the midst of an armed conflict. As this case study shows, both Bulgaria and Serbia duly reported on the arms they exported to DRC, but with no repercussions from the ATT, or the EU in the case of Bulgaria, for doing so.

In applying OSINT techniques, we located images of weaponry manufactured by Bulgarian arms company **ARSENAL**¹²⁸ – specifically, one model of a light machine gun was identified, as well as an assault rifle and a fragmentation grenade.



Members of the Armed Forces of the Democratic Republic of the Congo (FARDC) stand guard after an alleged attack by the Allied Democratic Forces (ADF) rebels, killing one woman and kidnapping four children and one man in Beni on 11 November 2018.^{129 130}

Photo credit: JOHN WESSELS/AFP via Getty Images



Soldiers from the FARDC take turns to smoke a cigarette at their military base on 6 October 2018 outside Oicha. ADF attacks on FARDC bases have become more common, usually at weekends and at night, looking for arms, ammunition and medical supplies.^{131 132}

Photo credit: JOHN WESSELS/AFP via Getty Images

There was significant displacement from both Beni and Oicha during the period when these soldiers were photographed carrying Bulgarian arms.

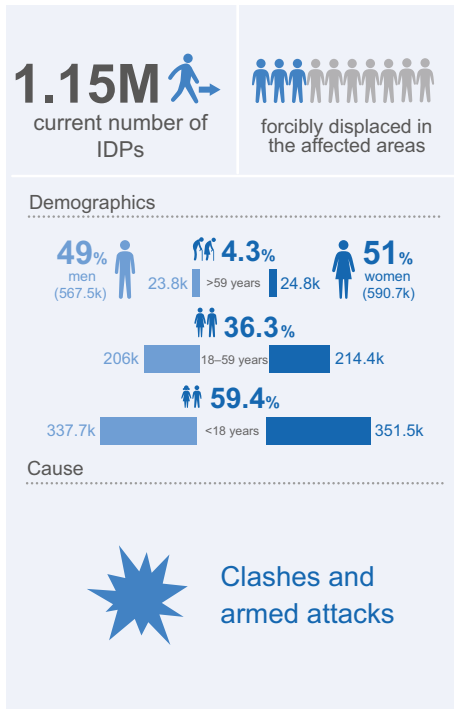
Displacement

According to the Internal Displacement Monitoring Centre (IDMC), by December 2020, there were 5.2 million IDPs in the DRC as a result of the armed conflict.¹³³ In 2013, it documented the forced displacement of one million people because of the conflict – the same year that Bulgaria exported six large-calibre artillery systems, 860 machine guns and 300 grenade launchers. Again in 2017, IDMC reported a further 2.1 million new IDPs, coinciding with the export of Bulgarian-manufactured arms, via Serbia, to the DRC.¹³⁴

A report published by the UN's Joint Human Rights Office in 2018 paid particular attention to the 'chronic situation in the Masisi and Lubero territories, where the UN documented at least 324 victims of extrajudicial or summary executions, 832 victims of torture or cruel, inhuman or degrading treatment, 173 victims of rape or other sexual violence (114 women, 58 children and one man), and 431 victims of forced labour'.¹³⁵ The UN noted that civilians continue to be the main victims of the worsening security situation, and that 'women and children are often kidnapped, frequently for the purpose of sexual exploitation, with rapes and gang rapes' committed both by armed groups and sometimes by FARDC soldiers. The report also describes how the violence in the Masisi and Lubero territories provoked widespread forced displacement, identifying state security forces as being responsible for a third of the documented human rights violations, namely the FARDC and the Congolese National Police (PNC).

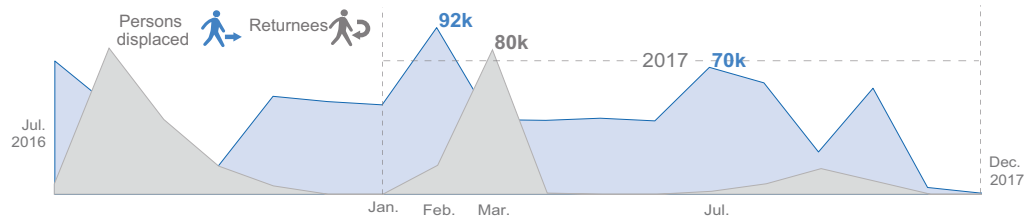
Returning to our OSINT findings, we were able to ascertain that FARDC soldiers posted in Beni and Oicha, located immediately adjacent to Masisi and Lubero, possessed Bulgarian-manufactured ARSENAL weaponry that had been exported to the DRC. The UN found the FARDC to have been responsible for at least 20% of the human rights violations it documented in this region.

In 2017, the United Nations Office of the High Commissioner for Human Rights (UN OHCHR) reported that 523,000 persons had been displaced from the North Kivu region, which comprises the Lubero, Masisi, Beni, and Oicha territories,¹³⁶ where we have established that EU-exported weapons were being used in the armed conflict at this time. We can therefore be reasonably certain that European arms were instrumental in provoking unrest and forced displacement based on photographic images and narrative reports.

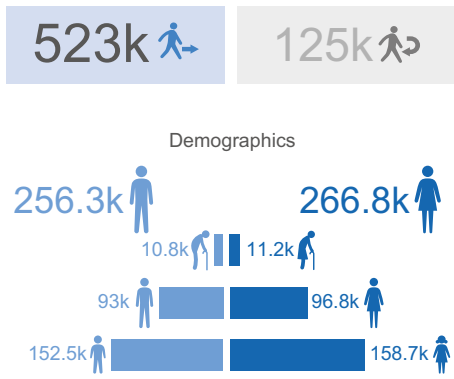


More than 25% of all IDPs of the entire DRC are hosted in North Kivu. At the end of December 2017, 1,150,000 displaced were recorded, of which 523,105 were newly displaced in 2017. 70% of them are hosted in the territories of Lubero, Rutshuru and Masisi. 95% find shelter in host communities and a 5% in IDP camps. Nearly 125,000 people returned to their place of origin in 2017, mainly from the territories of Rutshuru, Beni and Lubero. The high number of displacement can be attributed to an increase of fighting between armed groups and the military operations against those groups.

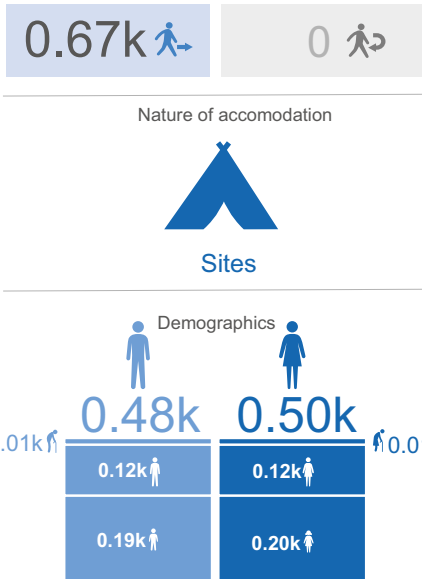
Monthly trend in the last 18 months



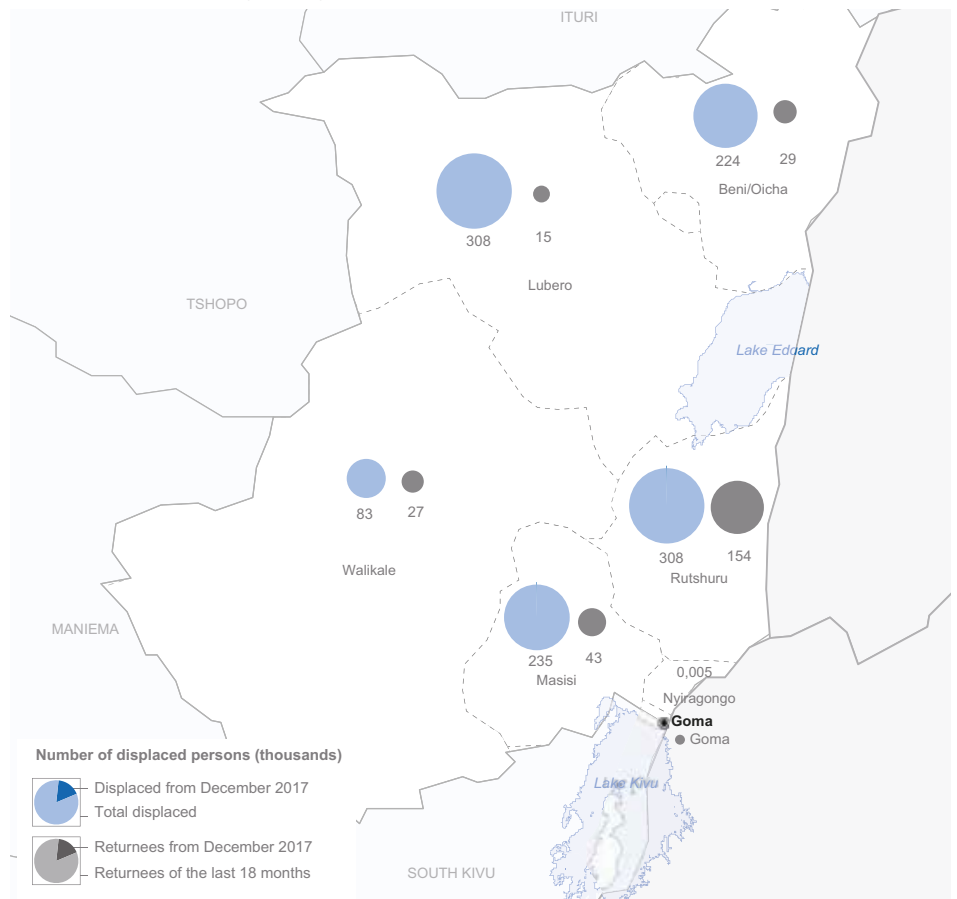
Displacement in year 2017



Displacement in December



Displacement distribution by territory



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Date of creation: 31 January 2018

Sources: Commission on Population Movement (CPM), IOM, DPS, CARITAS and Partners | Feedback: ocha@drc.un.org | www.unocha.org/drc | www.reliefweb.int | https://rdc.humanitarianresponse.info/fr | Twitter: @UNOCHA_DRC

5. ITALY > LIBYA



EQUIPMENT	Bigliani-class patrol boats
MANUFACTURED BY	Intermarine
COUNTRY OF EXPORT LICENCE	Italy
DONATED TO	Libya's Government of National Accord, used by the Libyan Navy and Coast Guard
USED IN	Mediterranean Sea

This final case study demonstrates that the European arms trade is not only instrumental in provoking forced displacement and mass migration, but is also involved in containing and 'pushing back' migrants to keep them out of Europe. TNI's research has amply documented how the EU's externalisation policies actively promote, support, and finance the detention of migrants, the militarisation of migrant routes in third countries and at Europe's borders, as well as the deportation of those who do manage to penetrate 'fortress Europe', who are often returned to unsafe third countries or their country of origin.¹³⁷ We will therefore not expand on topics already covered in previous research, but offer this case study to show how deeply embedded Europe's arms trade is in its border and migration policies. We draw on the work of Forensic Architecture, which used OSINT techniques to identify Italian patrol ships used in international waters of the Mediterranean in November 2017 in an operation that saw the Libyan coast guard pull back 47 people fleeing its shores and in which at least 20 people drowned. A further 59 people were rescued by Sea Watch, a European sea-rescue NGO, and brought to Europe.

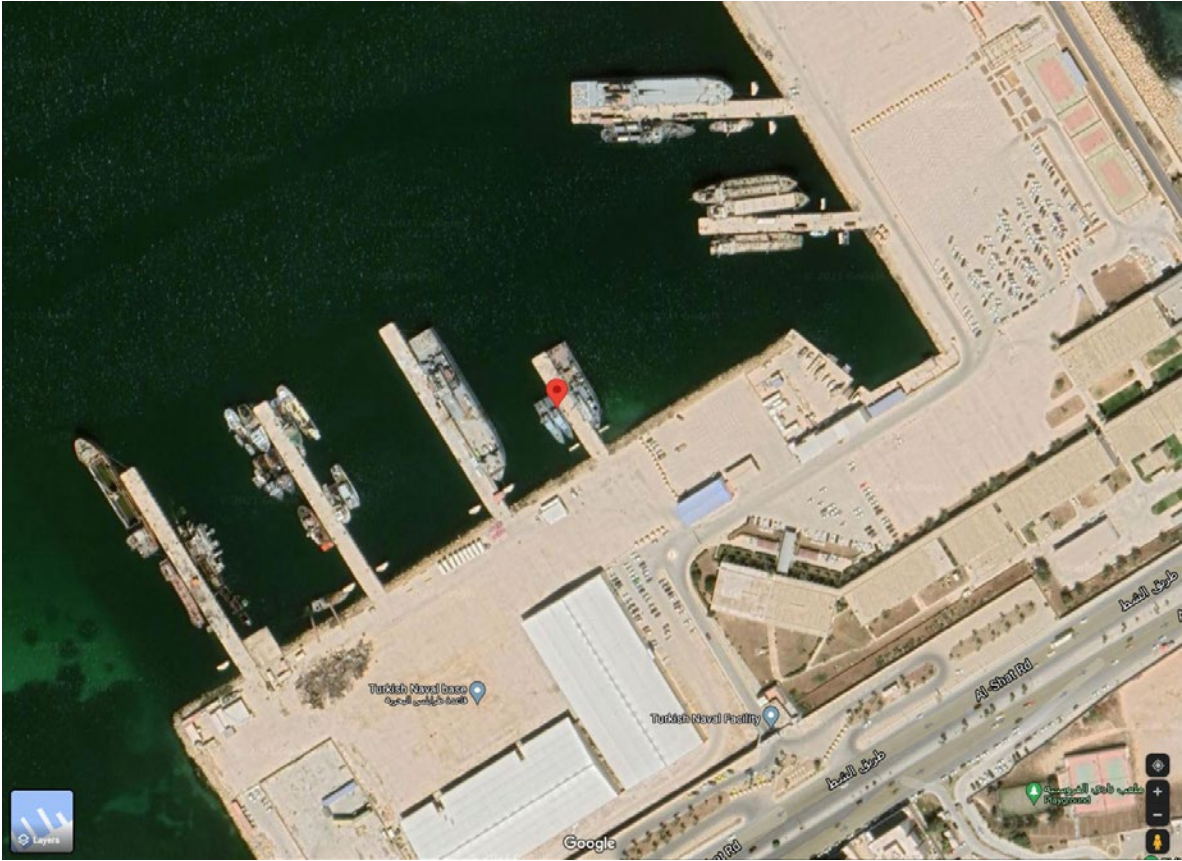
Equipment and Export

In May 2017, Italy donated four patrol boats, manufactured by **Intermarine**, to Libya to be used by its navy and coast guard.¹³⁸



Bigliani Class Patrol Boat'

A ceremony to mark the occasion was held in Tripoli and was attended by the Italian Minister of the Interior, Marco Minniti, and his Libyan counterpart Fayed al-Serraj, chair of the Presidential Council of Libya.¹³⁹ The Italian government also provided training to Libya's navy and coast guard.¹⁴⁰ Two shipping vessels, consistent with the measurements and outlines of the Bigliani-class patrol boats,¹⁴¹ were moored at Abu Sittah's Navy base in Tripoli on 14 May 2017.¹⁴²



On 15 May 2017, the Italian Embassy in Libya published photographs of two of the donated patrol boats on its official twitter account.¹⁴³

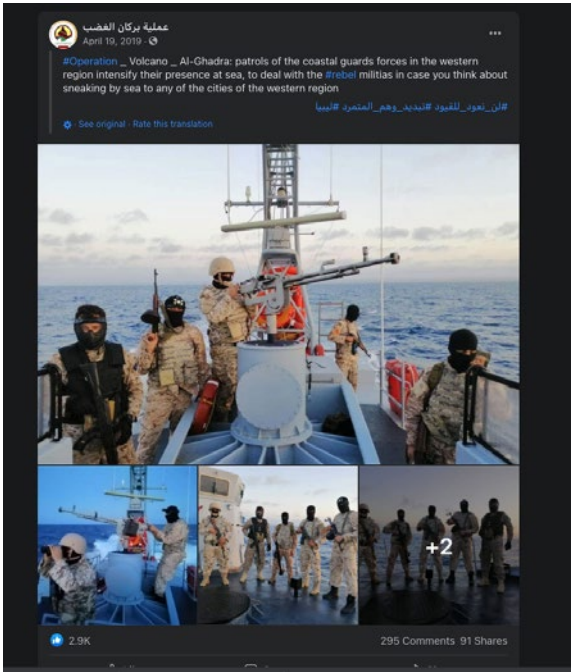
The training and boats Italy provided to the Libyan coast guard and navy were subsequently used in controversial 'pull backs' to Libya as documented by numerous civil society organisations working in Mediterranean waters.



An investigation carried out by Forensic Architecture¹⁴⁴ noted that one of the Italian boats, with reference number 648, was used by the Libyan coastguard in a 5–6 November 2017 operation in which at least 20 people drowned. Sea Watch’s video footage of the operation shows how the Libyan coast guard fails to respond immediately to the capsizing dinghy and when it eventually does, its actions serve less to support the rescue effort but rather to hinder it. The coast guard can be observed using ropes to whip those rescued from the water and brought aboard the Libyan-operated patrol boat. The fear of the Libyan officials is such that some of those on board jumped back in to the sea, preferring to risk drowning than to be taken to Libya where they would face being detained in torturous conditions. The video evidence shows how, as the operation is drawing to a close, the Libyan-operated patrol boat takes off at high speed with one person dangling from the access ladder. Only on the orders from an Italian helicopter, which was also participating in the rescue, that the coast guard must stop its engine, was the person eventually brought on board. In direct violation of International Human Rights Law and International Maritime Law, the Libyan coast guard shows no regard for human life and dignity, as well as a total lack of competence and professionalism in conducting a sea rescue, despite being trained (by the Italians) to do so. The abhorrent failures of the Libyan coast guard appear all the more serious when contrasted with the response of the Sea Watch crew, underscoring that such failures are neither accidental nor unintentional but part of a deliberate policy. The Libyan Cloud News Agency broadcast a video on 6 November 2017 showing the same Bigliani patrol boat arriving at the port of Abu Sittah with the 47 persons it captured on board.¹⁴⁵

This is but one case study that documents the violence, illegality, and lack of professionalism, with which the Libyan coast guard operates, having been equipped, trained and financed by Italy and other EU countries.

As well as using the boats in so-called pull backs, they have also been used in Libya’s internal armed conflict.¹⁴⁶ In 2019, images were published on the Burkan Al-Ghadab Operation Media Centre Facebook account that show the same Bigliani-class patrol boat.¹⁴⁷ Although the boats were donated on the pretext of carrying out civilian sea-rescue operations, the images clearly show that a machine gun has been mounted on the patrol boat and those on board are trained and equipped for military operations.¹⁴⁸ In a separate case, Dutch shipbuilder **Damen** exported boats deemed to be for civilian purposes and therefore without an arms licence to Libya, however a machine gun was later mounted and they were used in violent operations.¹⁴⁹



This underscores the point that dual-use equipment, which although sold or donated for civilian purposes, can very quickly be transformed into lethal weaponry.

Displacement

Libya is not a safe country, and has not been so for many years, as a recent UNHCR report confirms.¹⁵⁰ For this reason, UNHCR has urged states not to return anyone rescued at sea to Libya.

The current situation in Libya is characterized by political and military fragmentation, armed hostilities between the Government of National Accord (GNA) forces and the Libyan Arab Armed Forces (LAAF) commanded by Khalifa Haftar, the proliferation of armed groups and a general climate of lawlessness, as well as a deteriorating human rights situation. Since 2014, protracted armed conflict between rival armed groups has resulted in large numbers of civilian casualties, displaced hundreds of thousands of people, disrupted people's access to basic services and livelihoods, and destroyed vital infrastructure. In 2019, armed conflict and political instability had a direct impact on the lives of a quarter of the population. Insecurity and the lack of governance have enabled illicit activities, allowing corruption, people smuggling and human trafficking to thrive further fuelling instability in the country. The armed conflict has affected major cities, including the capital Tripoli, and violence continues unabated in many parts of the country. In May 2020, the Acting Special Representative of the UN Secretary-General for Libya voiced concerns that the conflict will "intensify, broaden and deepen." Multiple cease fire initiatives have been unsuccessful in curbing the conflict.¹⁵¹

Although it is widely documented and broadly accepted that Libya is not a safe country, the EU and its member states continue to provide equipment and training to the Libyan coast guard and navy that is then used against its population, including migrants, to contain them on the southern side of the Mediterranean and to stop them from reaching European shores. By inhibiting and criminalising CSOs from carrying out rescue operations in the Mediterranean and by shifting the focus of any European-operated vessels from providing humanitarian assistance to law enforcement and anti-smuggling missions, the EU member states have effectively shut down the possibility of a humane response to migrants who are in desperate need of humanitarian assistance and international protection. They are knowingly and quite literally being left to drown.

The IOM reported that there were 571,464 migrants from over 41 different nationalities in Libya at the end of 2020.¹⁵² Many were moving through Libya as they attempted to make their way to Europe and did not intend to make it their final destination. Many of those stuck in limbo in Libya are from countries experiencing unrest and armed conflict. In this report we have looked at how the European arms trade fuels conflict and provokes displacement and migration. The same arms trade then benefits again from this displacement by fortifying migrant routes and Europe's borders.

EU member states have effectively shut down the possibility of a humane response to migrants who are in desperate need of humanitarian assistance and international protection. They are knowingly and quite literally being left to drown.

To conclude

We opened the five case studies by examining how Italy supplies equipment and know-how to Turkey by supplying licences for fighter helicopter components and know-how, which was used in at least

two military operations that led to mass displacement in Northern Syria. We then showed how arms exported from EU member states with certified final destinations of Saudi Arabia and the US ended up being used by IS fighters in Iraq provoking mass displacement. We then looked at components exports from France, Germany, the UK and other countries eventually being used to massively displace the Armenian population of the disputed Nagorno-Karabakh region, currently under the control of Azerbaijan. This case study exemplifies the intricacy of the arms trade, with one weapon containing components from various manufacturers across various countries. The supply chain is highly complex and leads to a dilution of responsibility and a weakening of regulations on arms exports. Our fourth case study highlights how even when arms are exported and reported on before the ATT, this is no guarantee that they will not be used in human rights violations. Similarly, it highlights the longevity of arms so their potential to cause destruction and devastation means that even if exported at a time when there is no active conflict, this is no guarantee that they will not be used in future conflicts. Finally, our fifth case study takes us back to Italy, where it is again involved, not only in displacement, as we saw in the first case study, but in containing migrants and preventing them from reaching Europe.

ARMS MONITORING

Our empirical research findings, similar to those of myriad previous researchers, point to significant deficiencies and serious shortcomings in the monitoring and control of licencing and arms exports from Europe to third countries.

In 2013, then UN Secretary-General Ban Ki-moon announced to a packed room at the Final UN Conference on the Arms Trade Treaty that, although it defied explanation that the global arms trade was so poorly regulated, in contrast to other areas of global trade such as food or household products, the 'final destination' was in sight.¹⁵³ The Secretary-General said that the arms trade treaty 'will put warlords, pirates, human rights abusers, organized criminals, terrorists and gun runners on notice'.¹⁵⁴ But what about the states that license and export arms that later end up in the hands of these warlords and pirates? Shouldn't those states also have been put on notice? What, if anything, are states doing to ensure that arms are not being exported to conflict regions? Given the evidence of deeply flawed and controversial practices with regard to European arms licencing and exports presented in this report, we contacted various national authorities in order to find out how they were monitoring arms exports. We asked the following questions:

Do national authorities involved in the arms trade have steps in place to receive independent feedback on whether arms and military equipment have been diverted and/or used in regions where forced displacement, among other human rights violations, have been registered? How did they incorporate this feedback, if received, in their own decision-making procedures?

Have national authorities ever relied on OSINT techniques to assist in monitoring and detecting arms that have been diverted in the past when deciding on future licencing requests?

Do national authorities implement post-shipment inspections to monitor the whereabouts and conditions of military equipment already licenced and exported to mitigate risks of future diversion and misuse?

Table: Responses by country

Austria	
ENTITY: Unit export control, Austrian MFAI	DATE: 15 April 2020 RESPONSE: 17 April 2020
RESPONSE: Austria plans to 'undertake for the first time an onsite post-shipment control after the current health crises will allow this'. 'Austria routinely uses data basis such as reports by Conflicts Armaments Research, NGOs and information provided by EU partners or other states'. Use of OSINT tools never considered.	
Belgium	
ENTITY: Walloon Public Service – Arms Licensing Unit, Flemish Department of Foreign Affairs – Strategic Goods control.	DATE: 13 April 2020
No response	
Bulgaria	
ENTITY: Inter-ministerial Commission for Export Control and Non Proliferation of Weapons of Mass Destruction	DATES: 19 and 30 May 2020 and 13 April 2021
No response	
Croatia	
ENTITY: Ministry for Foreign and European Affairs – Department of Export Controls	DATES: 9 April 2020 and 13 April 2021
No response	
France	
ENTITY: Inter-ministerial Commission for Scrutiny of Exports of Defence-related Equipment, which is chaired by the General Secretary for Defence and National Security	DATES: 4 April 2020 and 13 April 2021
No response	
Germany	
ENTITY: Federal Office for Economic Affairs and Export Control (BAFA)	DATE: Early May 2020 RESPONSE: 14 May 2020
<p>RESPONSE: The post-shipment verification policy was developed after revelations that placed German machine guns in a region where grave human rights violations occurred in Mexico and North Africa, 'places that the equipment was not supposed to end up' during 2014-2015. The purpose was to attempt to maintain "better control after arms left the country".</p> <p>In 2016 minor legal amendments were introduced to provide for post-shipment verification, although NATO members or affiliate states were exempt. In the first phase of implementation between 2017 and 2019 small arms were prioritised because they 'are easier to check' but also have a 'higher possibility of informal use.'</p> <p>'Post-shipment verification works by introducing a clause in end-user arms export certification that enables Germany to 'perform on site inspection whenever we want, without limitations on how many times controls can take place, or when controls will take place.'</p> <p>'The practical and operational challenges are very high. It is not like we can show up and knock on the door and expect to be invited in to do the controls we want.'</p> <p>'Organising this might take up to six months and it depends a lot on the exporter and end user making the necessary arrangements and finding the right balance in order to carry out the controls. Also the limits should be understood. Any control is the impression for that moment, it can not ensure what the reality has been before or will be after the control.'</p> <p>Third countries have shown a willingness to cooperate: "Future positive impact on consideration for export licenses by allies is also an incentive" Among the countries Germany had implemented post shipment controls until mid 2020 were India, UAE, South Korea, Indonesia, Oman, Malaysia.</p> <p>'We were able to implement about 10 controls so far and we want to maintain a strong link to licensing authorities. Sounds like a poor figure but one should keep in mind we implement this one after 2016 and only on third countries which are not that many cases. Also one control procedure might mean multiple visits as items are not often placed in one place in the country and you have to travel to many different destinations.'</p> <p>There is no EU initiative on the issue but there has been some briefing in the COARM committee. 'Defense is no competence of the EU, it is a national issue and no EU legal pathways are available, although COARM could be used as a platform for discussing operational challenges of implementing post-shipment verification.' Germany has exchanges with Switzerland on these issues.</p> <p>German control authorities do not use OSINT tools in their monitoring capacity when investigating allegations of diversions or consider new licenses, but could potentially be open to considering new tools. 'We have always to look for additional tools. The question is, at the end of the day, denying a license we need first to be able to present proper documentation why we deny to end users. We need to have the information and we need to have quality of the information.'</p>	

Italy	
ENTITY: The National Authority – UAMA (Unit for the Authorisations of Armament Materials)	DATES: 13 April 2020 and 13 April 2021 RESPONSE: 15 April 2021
RESPONSE: The Italian authorities do not use OSINT tools. Controls rely on information provided by verified national and international sources. UAMA ‘continuously adapts’ procedures to prevent and counter diversions. Procedures include ‘examining parties involved in the export, assessing the extent of domestic diversion in the recipient Country, verifying the accuracy of information provided by the Italian exporting company, specific controls on the declared end user’. Post-shipment controls are implemented but do not include post-delivery inspections. UAMA seeks ‘cooperation with international organizations and research institutes specialized in this field’.	
Norway (Although not an EU member it was contacted as a member of NATO and its arms industry is closely linked to that of EU member states.)	
ENTITY: Ministry of Foreign Affairs	DATE: 4 April 2020 RESPONSE: 29 April
RESPONSE: According to an official from the Ministry of Foreign Affairs ‘there is no formal mechanism or process’ in place for independent sources to provide feedback or research. ‘Feedback may however be received through informal dialogue, for example with civil society.’ Norway does not implement post-shipment controls of arms exports.	
Romania	
ENTITY: Ministry of Foreign Affairs – Department for Export Controls	DATES: 9 April 2020 and 13 April 2021
No response	
Spain	
ENTITY: Secretariat of State for Commerce – Subdirección General de Comercio Internacional de Material de Defensa y Doble Uso	DATE: 4 April 2020 RESPONSES: 17 April and 19 May 2020.
RESPONSE: ‘Since 29 April 2020, a new piece of legislation has entered into force, providing the Spanish authorities with a new post shipment verification instrument (RD 494/2020). As it is new legislation, there is no experience to be reported on this issue.’ Also ‘export control authorities can rely on reports from multilateral institutions as well as NGOs and research centers’ although no formal structure was mentioned. As for OSINT ‘our unit is not using it’.	
Sweden	
ENTITY: Inspectorate of Strategic Products	DATES: 9 April 2020 and 13 April 2021
No response	
United Kingdom (EU member until end 2020)	
ENTITY: Export Control Joint Unit	DATE: 10 June 2020 RESPONSE: 11 June 2020
RESPONSE: The response suggested that we refer to this website for further information: https://www.gov.uk/guidance/export-controls-military-goods-software-and-technology No other response to our queries.	

THE ARMS TRADE IS POLITICAL

Although 110 states have ratified, signed, approved, accepted or acceded to the Arms Trade Treaty,¹⁵⁵ including almost all European countries, it has failed to contain the global arms race. On the contrary, the global arms trade is on the rise, military spending continues to expand, and reckless arms-trade negotiations and deals are still taking place regardless of international limitations and restrictions. But perhaps the ATT shouldn't be understood as a mechanism to contain the arms trade but rather to facilitate and legitimise it. It is quite telling, for example, that the AeroSpace and Defence Industries Association of Europe (ASD) embraced it.¹⁵⁶ The same may be said of the 2008 EU Common Position on the Arms Trade, which has not curtailed European arms trade. There is no need to dig very deep, if at all, to uncover very dubious arms deals between EU member states and third countries experiencing armed conflict or civil unrest. The case study of the DRC is a case in point - Bulgaria duly reported that it had exported heavy artillery, light machine guns, and grenade launchers in 2013 and 2015 to this extremely conflict-affected country. Similarly, the export of arms from Europe via the US and Saudi Arabia, that ended up in the hands of IS fighters, underlines the highly flawed nature of existing regulatory processes, such as end-user certificates, among other such mechanisms. In effect, this particular case study boils down to European arms-producing countries, via the US and Saudi Arabia, arming IS fighters. The current mechanisms to regulate the arms trade are not fit for purpose.

These flagrant gaps in the regulation, monitoring, and control of the arms trade cannot be unintentional or a simple matter of oversight. Other sectors, such as food or agriculture, or household goods are subject to a far more robust regulations and controls than the arms trade, although have far fewer consequences for human life and fundamental human rights. Considering the deadly and devastating consequences of exporting weapons to countries experiencing unrest and armed conflict, it beggars belief that there are no adequate regulatory structures. Even more surprising is that even within the existing monitoring structures, taking again the case of Bulgaria and the DRC, information is provided on clearly problematic arms exports, but this fails to trigger follow-up actions to curb such exports and no one is held to account. In effect, there is no accountability framework, so a state may report that arms have been exported to a country in conflict, but the reporting system has no accountability framework to respond and curtail these exports. Moreover, even if a country is not experiencing an internationally recognised armed conflict, firearms may be used by organised crime gangs, for example, causing significant instability and destruction in specific neighbourhoods or regions that in turn contributes to forced displacement.

The ATT and 2008 EU Common Position on Arms Exports have to date failed to establish an adequate regulatory framework that recognises, prevents or sanctions problematic arms exports. Reporting on arms deals seems more like a routine provision of information and ticking boxes that facilitate and legitimise the arms trade rather than preventing or curbing it. Moreover, the ATT fails to address the fact that many arms and weapons have a long life – so, although a state may not be in conflict when it imports arms, the situation may change very quickly and arms exported and stockpiled in a moment of relative calm may eventually be used in conflict. In addition, arms



The current mechanisms to regulate the arms trade are not fit for purpose.

may be bought and sold for years or even decades, for as long as it is profitable to do so and for as long as the arms function. Even if arms exports met most stringent criteria, after this they may enter a murky grey market and it may become virtually impossible to trace them. When it is as easy to buy a firearm on the dark web as it is to shop on e-Bay,¹⁵⁷ the current international framework for monitoring the arms trade then becomes a meaningless bureaucratic exercise, serving to showcase rather than stem arms exports.

States seem to be more interested in loosely interpreting or circumventing even the existing controls according to their own political priorities rather than genuinely engaging with them to reduce the most harmful consequences of arms exports. Existing gaps in national and international monitoring and regulatory frameworks appear to be intended to guarantee that the profits from the arms trade continue to flow, regardless of the resulting destruction and devastation. There appears to be no political will or genuine commitment to address these gaps, to properly control the arms trade, and regulate the growing security and surveillance industry.

In a nutshell – the arms trade is political, and until there is an adequate political response from the EU and its member states to genuinely address its consequences, we will continue to see the patterns of displacement and human suffering this report has documented.

RECOMMENDATIONS

Ultimately, the arms trade is political, and until there is a political shift in the EU and its member states with regard to the arms trade, asylum and migration, and defence policies, incremental steps towards enhancing arms monitoring and controls may eventually be rendered futile. The following recommendations should be seen as part of a broader process towards political change:

Abolish the European Peace Facility, an off-budget fund, crafted specifically for the purpose of circumventing EU regulations on financing military activity and engagement.

Create an independently operated accountability mechanism mandated to follow up and sanction EU member states that make problematic arms exports.

Create a working group at the European level, comprising EU policy advisors and civil society experts working in the areas of arms trade and exports, asylum and migration, and defence, with a view to demonstrating the compelling linkages between the arms trade, forced displacement and mass migration. The working group would publish regular reports and address and respond to the European Parliament and European Council. It would develop clear recommendations on how to stem the flow of arms to currently or potentially problematic third countries.

Work with data experts and analysts to create a framework that allows for data on the arms trade and on forced displacement to be gathered in a uniform and structured format. Efforts should focus on gathering missing data, combining existing data types, creating an inter-operable system that would include pre- and post-export controls, and would also include information on the misuse of armament, services, and technology.

Guarantee the involvement of independent experts in carrying out post-shipment reviews and in broader arms monitoring and control. In this vein, encourage the use of Conflict Armament Research experts who under Council Decision 2019/2191/CFSP can support or provide such assistance.

Create a framework in which OSINT experts can share and exchange knowledge on open-source verification methods with EU member states and national export-control experts, to brainstorm regarding how these new tools can be incorporated within existing expert risk assessments and post-export controls.

CONCLUSION

Arms made in Europe cause destruction that forces people from their homes. Some of those displaced then attempt to reach Europe to seek asylum in the reverse direction of the arms that displaced them. Europe perceives these arrivals as a threat and responds by militarising the routes refugees follow and the borders they attempt to cross.

Deeply embedded in the massive profits being made by the border security industry, is the arms licencing and export industry. Existing arms trade regulation is deeply flawed, highly controversial, and lacks adequate monitoring, enforcement and accountability mechanisms. As such it serves to facilitate, rather than inhibit, problematic arms deals.

Europe is creating refugees through its arms trade. If the EU and its member states genuinely want to address what they perceive as a “migration crisis”, they must curb arms exports, improve accountability mechanisms, and end the unbridled lobbying efforts of arms companies in the corridors of power in Brussels and other European capitals. Europe must stop placing economic interests above human need. It must reassess its understanding of migration and recognise that European arms provoke forced displacement and migration.

Notes

- 1 UNHCR webpage on the Syrian Refugee Crisis. <https://www.unrefugees.org/emergencies/syria/>
- 2 See the full case-studies as they are presented in this report for further information and to reference the data presented in this section.
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- 6 Figures from the United Nations High Commissioner for Refugees (UNHCR) 2020 Annual Report. <https://www.unhcr.org/figures-at-a-glance.html>
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- 8 O'Connell, M. (2019) 'The Uninhabitable Earth by David Wallace-Wells review – our terrifying future', The Guardian, 27 February. <https://www.theguardian.com/books/2019/feb/27/the-uninhabitable-earth-review-david-wallace-wells>
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- 10 European Parliament Committee on Foreign Affairs (2020) Arms export: implementation of Common Position 2008/944/CFSP. https://www.europarl.europa.eu/doceo/document/A-9-2020-0137_EN.html and SIPRI (2021) 'Fact Sheet Trends in International Arms Transfers 2020' https://sipri.org/sites/default/files/2021-03/fs_2103_at_2020.pdf The combined figures of EU member states add up to 26% placing Europe's collective arms exports second only to the US.
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- 16 This can be viewed at <https://www.youtube.com/watch?v=OyBNmecVtdU>
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- 19 Council of the European Union, Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment. Full text, including the 2019 amendment, is available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008E0944>
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- 30 See the European Commission's webpage on the Trust Fund for Africa for more information. https://ec.europa.eu/trustfundforafrica/index_en
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