

Report Part Title: Combatting the direct and indirect use of SALW by terrorist organisations as a source of finance

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Combating the direct and indirect use of SALW by terrorist organisations as a source of finance

This chapter analyses the existing legal and policy frameworks that can be used to combat the direct and indirect use of SALW by terrorist organisations as a source of finance. Important to keep in mind is that legal and policy frameworks specifically designed to target the use of these weapons as a source of finance are currently lacking. This chapter will therefore explore different tools and lenses through which the acquisition and use of SALW by terrorist organisations may be addressed, including (5.1) arms control, (5.2) criminal justice and organised crime, and (5.3) combating terrorist finance perspectives.

5.1. Arms control perspective

This section will first analyse various initiatives taken at international level to prevent the illicit proliferation of SALW in general and terrorist access to these weapons in particular. Afterwards we will analyse the EU initiatives to combat terrorist access within and outside the EU, followed by the regional initiatives taken in West Africa and the Middle East to prevent the illicit proliferation and trafficking of SALW and to combat terrorist access to such weapons.

5.1.1. International level

In recent decades, the UN has repeatedly called upon its Member States to refrain from supplying weapons to terrorists and from financing terrorist activities.⁴⁹⁰ The 2006 UN Global Counter-Terrorism Strategy, the first agreement of all UN Member States to a common strategic and operational approach to fighting terrorism, contains provisions focused on terrorist financing⁴⁹¹ and illicit trafficking in SALW⁴⁹². Also in recent years, the UN noted that terrorists can benefit from organised crime, whether domestic or transnational, such as illicit arms trafficking.⁴⁹³ Resolution 2462 calls upon UN Member States to combat and criminalise terrorist financing and notes in this respect that terrorists raise funds through a variety of means, including the illicit trade in SALW.⁴⁹⁴ Yet, while the UN repeatedly notes the close connection between international terrorism and transnational criminal activities such as illicit arms trafficking, there is currently no legal or policy framework at international level which specifically targets the direct or indirect use of SALW by terrorist organisations as a source of finance. At the international level, however, various actions were taken to prevent SALW ending up in the hands of undesired end-users in general and terrorists in particular. In its recent resolutions to combat terrorist financing and linkages between terrorism and organised crime, for example Resolutions 2462 and 2482, the UN Security Council limits its reference to SALW by referring to these already existing frameworks. Following sections will therefore give an overview of the most important legislative instruments, tools and policy initiatives at international level to prevent the direct and indirect use of SALW by terrorists: the Firearms Protocol and the UN Programme of Action on SALW which aim to enhance the combat against illicit trafficking in these weapons, the Arms Trade Treaty that regulates international transfers in conventional weapons, including SALW, and UN Security Council Resolution 2370 to prevent terrorist access to weapons.

490 See: United Nations Security Council. "Resolution 1373." September 28, 2001. <https://www.un.org/sc/ctc/resources/databases/recommended-international-practices-codes-and-standards/united-nations-security-council-resolution-1373-2001/>.

491 The Strategy, for example, states that UN Member States need to refrain from financing terrorist activities and to cooperate fully in the fight against terrorism, in accordance with international law, to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing of terrorist acts.

492 The Strategy states that UN Member States need to strengthen coordination and cooperation among States in combating illicit trade in SALW and to step up national efforts and bilateral, subregional, regional and international cooperation to improve border and customs controls in order to prevent and detect the movement of terrorists and prevent and detect the illicit traffic in SALW.

493 See: United Nations Security Council. "Resolution 2482." July 19, 2019. <https://digitallibrary.un.org/record/3813145>.

494 United Nations Security Council. "Resolution 2462." March 28, 2019. <https://www.un.org/securitycouncil/content/sres24622019>.

Instrument	Ratifications	Main objective	Participating countries (Middle East)	Participating countries (West Africa)
Firearms Protocol	119 countries are party the Firearms Protocol. ⁴⁹⁵	<ul style="list-style-type: none"> • Criminalise the illicit manufacturing and trafficking of firearms. • Improve marking and recordkeeping of firearms. • Establish an import, export, and transit licensing system. • Improve information-sharing and international cooperation 	5 countries have ratified the Firearms Protocol. ⁴⁹⁶	12 countries have ratified the Firearms Protocol. ⁴⁹⁷
UN Programme of Action	143 countries participated in the Third UN Review Conference of the PoA on SALW (RevCon3) in New York on 18-29 June 2018. ⁴⁹⁸ In 2018, 120 reports on the national implementation of the PoA and the International Tracing Instrument.	<p>To prevent, combat and eradicate the illicit trade in SALW by:</p> <ul style="list-style-type: none"> • Developing international measures to limit the illicit manufacturing of and trafficking in SALW. • Improving cooperation at national, regional, and global level. • Raising awareness of problems associated with the illicit manufacturing of and trafficking of SALW. • Promoting responsible action by States with a view to preventing the illicit export, import, transit and retransfer of SALW. 	13 countries participated in RevCon3 of the PoA ⁴⁹⁹ and 8 countries submitted a national report for 2018. ⁵⁰⁰	11 countries participated in RevCon3 of the PoA ⁵⁰¹ and 13 countries submitted a national report for 2018. ⁵⁰²
Arms Trade Treaty	104 countries have joined the ATT. ⁵⁰³	<ul style="list-style-type: none"> • Establishing common international standards for the regulation of the international trade in conventional arms. • Preventing and eradicating the illicit trade in conventional arms and prevent their diversion. 	Only Lebanon signed and ratified the ATT. Four other countries have signed, but not ratified or acceded. ⁵⁰⁴	Only Gambia has not signed and ratified the ATT. ⁵⁰⁵

Table 3. Overview of main objectives and participation to the main international instruments to prevent the illicit proliferation and trafficking of SALW

495 United Nations. "Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition." 12(c), May 31, 2001. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&clang=_en.

496 Iraq, Kuwait, Lebanon, Oman and Saudi Arabia.

497 Benin, Cabo Verde, Côte d'Ivoire, Ghana, Guinea-Bissau, Liberia, Mali, Mauritania, Nigeria, Senegal, Sierra Leone and Togo.

498 United Nations Office for Disarmament Affairs. "Third Review Conference on the Programme of Action." July 6, 2018. <https://www.un.org/disarmament/convarms/revcon3/>.

499 The following countries from the Middle East participated in RevCon3 of the PoA: Bahrain, Egypt, Iran, Iraq, Israel, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syria, Turkey and United Arab Emirates.

500 The following countries from the Middle East submitted a national report for 2018: Egypt, Iraq, Kuwait, Lebanon, Qatar, Saudi Arabia, Turkey and United Arab Emirates.

501 The following West-African countries participated in RevCon3 of the PoA: Benin, Cabo Verde, Cameroon, Côte d'Ivoire, Ghana, Mali, Mauritania, Nigeria, Senegal, Sierra Leone and Togo.

502 The following West-African countries submitted a national report for 2018: Benin, Cabo Verde, Côte d'Ivoire, Ghana, Guinea, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo.

503 97 countries ratified the ATT and 7 other countries acceded to the ATT.

504 The following countries have signed, but have not ratified the ATT: Bahrain, Israel, Turkey and United Arab Emirates.

505 The following countries have signed and ratified the ATT: Benin, Burkina Faso, Cabo Verde, Cameroon, Chad, Côte d'Ivoire, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo.

The firearms protocol and the UN programme of action on SALW

Since the mid-1990s, the international community was deliberating on the establishment of an instrument to combat illicit firearms trafficking and gun crime within the context of the fight against transnational organised crime. The negotiations for such an instrument were impeded by technical issues connected to imposing legally binding obligations on products that are not considered contraband.⁵⁰⁶ After years of negotiations, the UN adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol) in 2001 as an additional Protocol to the UN Convention against Transnational Organized Crime (UNTOC). The objective of the Firearms Protocol is to promote, facilitate and strengthen cooperation among States Parties to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. It entered into force in 2005 and is a legally binding instrument for states that have ratified or otherwise formally expressed their consent. It was the first legally binding global instrument on SALW. Currently 119 states have become party to the Firearms Protocol.⁵⁰⁷

Although the Firearms Protocol does not specifically refer to terrorism, it is an important instrument for preventing terrorist access to firearms since the Firearms Protocol requires State Parties to adopt measures that criminalise illicit manufacturing and trafficking of firearms and to adopt measures that enable the confiscation and destruction of such firearms. To avoid diversion of firearms from legal possession and the legal market, State Parties are required, among other things, to establish good record-keeping of illicitly manufactured or trafficked firearms, to mark firearms at the time of legal manufacture and import so that they can be traced after confiscation, to take measures to prevent illicit reactivation of deactivated firearms, and to develop an effective licensing system for the international trade in firearms. To enhance the combat against illicit firearms trafficking, the Firearms Protocol also requires State Parties to exchange information on licit and illicit firearms activities, to cooperate at the bilateral, regional and international level (especially with regard to training and technical assistance) and to consider establishing a system for the regulation of arms brokers.

The Firearms Protocol is rather limited in scope and content. This is because the negotiations to establish the Protocol ran parallel to the preparations for the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001. The goal of the drafters of the Firearms Protocol was to develop an instrument that would focus on crime prevention instead of arms control since they feared that a comprehensive agreement would be weaker and less enforceable. The organisers of the UN Conference on small arms, on the other hand, explicitly noted that the scope of their conference should not be limited to criminal breaches of legislation and procedures, but to all elements that can contribute to excessive and destabilising accumulation of SALW.⁵⁰⁸ After difficult negotiations, the participating states of UN small arms conference in July 2001 adopted the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA).⁵⁰⁹

The objective of the UN PoA is broader than the Firearms Protocol. The UN PoA aims to prevent, combat and eradicate illicit SALW trafficking by committing State Parties to adopt various measures at national, regional and global level such as developing an adequate legal framework, establishing national coordination bodies and national points of contact, taking legal action against individuals engaged in the illicit use of SALW, ensuring the effective stockpile management, destroying surplus

506 Sarah Parker and Markus Wilson, "A Guide to the UN Small Arms Process: 2016 Update," *Geneva: Small Arms Survey*, (June 2016) 27. www.smallarmssurvey.org/fileadmin/docs/Q-Handbooks/HB-02-Diplo-Guide/SAS-HB02-Guide-UN-Small-Arms-Process.pdf.

507 United Nations office of Drugs and Crime. "The Firearms Protocol." May 31, 2001. <https://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html>.

508 Sarah Parker and Markus Wilson, "A Guide to the UN Small Arms Process: 2016 Update," *Geneva: Small Arms Survey*, (June 2016) 37. www.smallarmssurvey.org/fileadmin/docs/Q-Handbooks/HB-02-Diplo-Guide/SAS-HB02-Guide-UN-Small-Arms-Process.pdf.

509 For a detailed reconstruction of the process behind the development of the UN PoA, See: Sarah Parker and Markus Wilson, "A Guide to the UN Small Arms Process: 2016 Update," *Geneva: Small Arms Survey*, (June 2016) 39-45. www.smallarmssurvey.org/fileadmin/docs/Q-Handbooks/HB-02-Diplo-Guide/SAS-HB02-Guide-UN-Small-Arms-Process.pdf.

weapons, and encouraging awareness-raising. In contrast to the Firearms Protocol, the UN PoA refers explicitly to the use of SALW by terrorists by noting the close link between terrorism and the illicit trade in SALW and by stating that this illicit trade fuels crime and terrorism. Specifically, with regard to the use of SALW by terrorists, the UN PoA further encourages State Parties to consider ratifying or acceding to international legal instruments against terrorism and transnational organised crime. The UN PoA also urges State Parties and relevant international or regional organisations to provide international assistance to combat the illicit trade in SALW linked to drug trafficking, transnational organised crime and terrorism. While the Firearms Protocol is a legally binding instrument, the UN PoA is a non-binding instrument. To implement the UN PoA, State Parties are asked to voluntarily submit national reports, convene biennial meetings, and hold review conferences. Despite their differences in approach, the implementation and further development of the Firearms Protocol and UN PoA have been closely linked since they feature the same types of measures, for example regarding information-exchange, marking and record-keeping requirements, and licensing systems and transfer controls.⁵¹⁰ The progress on the implementation of the Firearms Protocol, including challenges, trends and good practices is assessed during the Conference of the State Parties to the UNTOC. In the latest biennial meeting the links between trafficking in SALW, terrorism and transnational organised crimes was underlined and a growing concern was expressed with regard to emerging trends and challenges, including the illicit reactivation of deactivated firearms, the conversion of non-lethal weapons into real firearms, the unlicensed assembly of firearms from parts and components and the use of modern technologies to manufacture firearms without authorisation.⁵¹¹ In addition, an open-ended intergovernmental Working Group on Firearms⁵¹² was established to advise countries in the implementation of the Firearms Protocol. During the last meeting in May 2020, the focus was on how states and their legislation could respond to the new and emerging threats relating to manufacturing, design, and production of SALW such as conversion of alarm weapons, reactivating of deactivated firearms and 3D printed weapons. States also exchanged good practices on how to strengthen investigative and prosecutorial approaches in countering illicit trafficking in SALW, including through involving financial investigations.

While most countries from the West Africa and the Middle East participate in the politically binding PoA on SALW, a different picture emerges regarding the ratification of the legally binding Firearms Protocol by countries from the Middle East. Most countries from West Africa have ratified the Firearms Protocol, but only a handful of countries from the Middle East have done so (see table 3).

Arms Trade Treaty

The Arms Trade Treaty (ATT) regulates international transfers⁵¹³ of conventional arms, including SALW⁵¹⁴, and aims to prevent and eradicate the illicit trade in conventional arms and their diversion. It was adopted in 2013 by the UN General Assembly and, after ratification by 50 signatory states, entered into force in December 2014. The ATT currently has 110 State Parties.⁵¹⁵

The ATT requires its State Parties to prohibit arms transfers, for example, if this would violate UN arms embargoes, if this would violate relevant obligations under international agreements or if the State Party has knowledge at the time of authorisation that the weapons would be used in the

510 Sarah Parker and Markus Wilson, "A Guide to the UN Small Arms Process: 2016 Update," *Geneva: Small Arms Survey*, (June 2016) 38. www.smallarmssurvey.org/fileadmin/docs/Q-Handbooks/HB-02-Diplo-Guide/SAS-HB02-Guide-UN-Small-Arms-Process.pdf.

511 United Nations. "Convention Against Transnational Crime." November 1, 2018 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/V18/073/99/PDF/V1807399.pdf?OpenElement>.

512 United Nations Office on Drugs and Crime. "Conference of the Parties to the United Nations Convention against Transnational Organized Crime." See: <https://www.unodc.org/unodc/en/organized-crime/intro/COP/working-groups.html>.

513 The Arms Trade Treaty does not apply to the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party's ownership.

514 Ammunition takes up a special position in the ATT: while the scope of the Arms Trade Treaty does not fully cover these items, State parties do need to establish and maintain a national control system to regulate the export of these items, and to apply the same prohibitions and assessment criteria (as the 8 listed categories of convention arms) prior to authorising the export of these items.

515 At the time of writing this report (22 December 2020).

commission of genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions, attacks directed against civilian objects, or other war crimes. In addition to these prohibitions, the ATT also includes assessment criteria that a State Party needs to assess the potential that the arms export would contribute to or undermine peace and security, could be used to commit, or facilitate a serious violation of international humanitarian or human rights law or could be used to commit or facilitate an act constituting an offence under international conventions or protocols relating to terrorism to which the exporting State is a Party. State Parties to the ATT also need to take measures to prevent diversion, to maintain records transferred weapons, to report on authorised or actual arms exports, and to take appropriate measures to enforce national laws and regulations that implement the provisions of the ATT. State Parties are also encouraged to provide international cooperation and assistance for implementation of the Arms Trade Treaty.⁵¹⁶

Important to stress in the context of this report is that the ATT aims to prevent the unauthorised use of internationally transferred weapons, including SALW by terrorists, by adopting common assessment criteria. Among other things, this requires State Parties to consider the risk that these weapons could commit or facilitate terrorist offences when making their assessment of export license applications for SALW.

The adoption of the ATT can be considered an important step forward in the regulation of transnational arms flows, especially since it has led to the implementation of arms transfer control systems in countries which were previously lacking such controls. Yet several weaknesses can still be identified. An often-heard criticism is that the ATT looks good on paper but has not changed the transfer policies of the major arms exporting countries. Several of these countries, such as the Russian Federation and the United States, have not signed or ratified the ATT, while other important arms exporting countries have ratified but continue to transfer conventional arms, including SALW, to undesired recipients. Of particular interest for this study is the observation that almost all West African countries have signed and ratified the ATT while only one country from the Middle East (Lebanon) has signed and ratified the ATT. This clearly illustrates a lack interest from countries in the Middle East to participate in the ATT. Another often-heard criticism is that the prohibitions and export assessment criteria of the ATT are considered too vague to make a real difference. NGOs have also pointed to the problem of enforcement of the ATT⁵¹⁷ and existing challenges for enhancing transparency and information sharing to prevent and eradicate diversion of conventional weapons to the illicit market.⁵¹⁸

The United Nations Office for Disarmament Affairs has prepared a practical guide to assist states in the implementation of the ATT. Prevention of diversion is considered one of the cornerstones of the ATT. States are required to take a range of preventative measures that need to be adopted as exporting states, transit states and importing states.⁵¹⁹

United Nations Security Council Resolution 2370

In 2017, the UN Security Council adopted Resolution 2370 to prevent terrorist access to weapons.⁵²⁰ In addition to reaffirming its decision from Resolution 1373 (2001) that all States shall refrain from providing any form of active or passive support, including the supply of weapons, to entities or persons involved in terrorist acts, Resolution 2370 contains various provisions UN Member States need to take into account in order to effectively prevent terrorist access to weapons, including SALW.

First, Resolution 2370 calls upon UN Member States to consider becoming party to the relevant

⁵¹⁶ United Nations. "The Arms Trade Treaty." 13-27217, August 21, 2020, <https://thearmstradetreaty.org>.

⁵¹⁷ Ben Knight, "UN's Arms Trade Treaty 'too weak to make a difference,'" *DW*, September 11, 2017, <https://www.dw.com/en/uns-arms-trade-treaty-too-weak-to-make-a-difference/a-40452550>

⁵¹⁸ Control Arms Secretariat, *ATT Monitor 2020* (New York: Control Arms, 2020). https://attmonitor.org/wp-content/uploads/2020/11/EN_ATT_Monitor-Report-2020_Online.pdf.

⁵¹⁹ United Nations Office for Disarmament Affairs. "Arms Trade Treaty Implementation Toolkit: Module 10 Preventing Diversion." Undated. <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2015/08/2015-08-21-Toolkit-Module-10.pdf>.

⁵²⁰ United Nations Security Council. "Resolution 2370." August 2, 2017. <https://digitallibrary.un.org/record/1298311/usage>.

international and regional instruments to eliminate the supply of weapons to terrorists, and to fully implement their respective obligations. The Resolution also encourages UN Member States to take appropriate steps to prevent and disrupt activity that would result in violations of UN arms embargos. To prevent terrorists from acquiring SALW, in particular in conflict and post conflict areas, the Resolution also urges UN Member States to fully implement the PoA on SALW (see above) and the International Tracing Instrument.⁵²¹

Second, Resolution 2370 calls upon UN Member States to enhance national systems for collection and analysis of detailed data on illicit trafficking of SALW to terrorists. It also calls upon Member States to develop adequate laws, regulations, and administrative procedures to exercise effective control over the production, export, import, brokering, transit, or retransfer of SALW, in line with the UN PoA (see above). The Resolution also urges Member States to undertake national measures to eliminate the supply of weapons to terrorists by taking appropriate legal actions against those who are knowingly engaged in providing terrorists with weapons; by ensuring proper physical security and management for their stockpiles of SALW; by encouraging the implementation of SALW marking and tracing procedures; by strengthening their judicial, law enforcement and border control capacities and developing their investigation capabilities of arms trafficking networks.

Third, Resolution 2370 underlines the importance of international cooperation to prevent terrorist access to various types of weapons, including SALW. The Resolution stresses the importance for UN Member States to particularly enhance their judicial and law enforcement cooperation. It encourages UN Member States to assist conflict-affected countries in monitoring and controlling SALW stockpiles. In addition, the Resolution also urges Member States to enhance international and regional cooperation regarding training on good practices, in coordination with Interpol and the World Customs Organization (WCO). Furthermore, the Resolution encourages UN Member States to strengthen cooperation and the exchange of good practices in combatting the illicit manufacturing of and trafficking in SALW, including awareness raising, with civil society and the private sector.

Finally, the Resolution also emphasises the importance of enhancing cooperation and coordination among the relevant UN entities to prevent the supply of weapons to terrorists.

To conclude, Resolution 2370 includes a wide variety of actions UN Member States need to or are encouraged to take tackle the supply of weapons to terrorists, but remarkably the direct and indirect use of SALW by terrorist organisations as source of finance is not mentioned at all. The Counter-Terrorism Committee (CTC), with the support of the Counter-Terrorism Executive Directorate (CTED) are responsible to monitor the implementation of the resolution. CTED uses the tool of country visits to seek information on the implementation. The reports of the country visits are rarely publicly available.

5.1.2. EU level

Although several EU and national actions were taken prior to 2001, the terrorist attacks in the United States on 11 September 2001 proved a turning point for EU counter-terrorism policy. Since 2001, a multitude of EU policy initiatives, programmes and legislation were adopted to prevent terrorist activities in the EU. The terrorist attacks in Madrid (2004) and London further accelerated the EU counter-terrorism policy. Since the perpetrators of these attacks were not linked to an international terrorist network but were home-grown, the EU perception of terrorism shifted from a mostly external threat to a security risk also coming from within the EU itself.⁵²² In response to these attacks, the

⁵²¹ The purpose of the International Tracing Instrument, adopted in 2015 by the General Assembly, is to enable states to identify and trace, in a timely and reliable manner, illicit SALW by setting out a number of minimum requirements for marking and record-keeping; to promote and facilitate international cooperation and assistance in marking, record-keeping and tracing; and to enhance the effectiveness of, and complement, existing bilateral, regional and international agreements to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

⁵²² For an overview of these developments, See: Nils Duquet and Kevin Goris, "Firearms acquisition by terrorists in Europe: Research findings and policy recommendations of Project SAFTE," *Brussels: Flemish Peace Institute*, (April 18, 2018), 33-43. https://www.flemishpeaceinstitute.eu/safte/files/vrede_syntheserapport_safte_lr.pdf.

Council adopted a Counter-Terrorism Strategy in December 2005. Two of the elements of this Strategy are combatting terrorist financing and preventing terrorist access to SALW. Although the EU has taken various actions to address both security phenomena, no policy initiatives were taken to specifically target terrorist financing by using SALW.

In the last two decades the EU has, however, taken various specific measures to prevent terrorist access to SALW and improve the fight against illicit trafficking of SALW both within and outside the EU. In the following sections, we will give an overview of the actions taken by the European Commission to combat the access to SALW by terrorists within the EU and by the European Council to combat the access to SALW by terrorists outside the EU.

EU actions to combat terrorist access to SALW within the EU

In recent years, the European Commission identified illicit firearms trafficking and terrorist access to firearms as a major security threat for citizens. This became very visible in the aftermath of the series of terrorist attacks within the EU in 2015. Since many of them were carried out with firearms, these attacks strongly accelerated EU policy initiatives on illicit firearms trafficking. According to some observers, even a ‘firearms-terrorism policy nexus’ developed between 2015-2017.⁵²³ A few days after the Paris Attacks in November 2015, the European Commission announced a multifaceted package of measures, many of which were already foreseen in the EAS. This package included legislative initiatives such as a proposal to revise the EU Firearms Directive and regulation on common technical standards for the deactivation of firearms. In December 2015, the European Commission also adopted an Action Plan against illicit trafficking in and use of firearms and explosives (2015 Action Plan) with four priorities: restricting access to illegal firearms and explosives, enhancing operational cooperation among the relevant authorities of Member States, improving the collection, and sharing of operational information through the optimal use of existing tools, and stronger cooperation with Third Countries.⁵²⁴

In July 2020 the European Commission updated its policy framework to combat illicit firearms trafficking into and within the EU by adopting the 2020-2025 EU Action Plan on firearms trafficking.⁵²⁵ This update is motivated by Europol’s conclusion that the illicit trafficking, distribution and use of firearms remain a high threat, and that “the proliferation and availability of illegal firearms in the Member States increases the risk of their use by terrorist groups to carry out attacks in the EU.”⁵²⁶ According to the European Commission only a unified action plan by the EU and its partners, particularly in south-east Europe, can provide a coherent framework for cooperation to intensify international cooperation due to the comprehensive and multidisciplinary nature of the threat of illicit firearms trafficking.⁵²⁷

The 2020-2025 EU Action Plan has four specific priorities that address remaining legal loopholes and inconsistencies in firearms control that hinder effective law enforcement responses. First, safeguarding the licit market and limiting diversion. The European Commission stresses the importance of implementation of the Firearms Directive and will actively follow up if the Firearms Directive and its corresponding delegated and implementing acts are correctly transposed and effectively enforced by all Member States. The European Commission will also conduct an impact assessment on the EU

523 Nils Duquet and Kevin Goris, “Firearms acquisition by terrorists in Europe: Research findings and policy recommendations of Project SAFTE,” *Brussels: Flemish Peace Institute*, (April 18, 2018), 52. https://www.flemishpeaceinstitute.eu/safte/files/vrede_syntheserapport_safte_lr.pdf.

524 European Commission. “Implementing the European Agenda on Security: EU action plan against illicit trafficking in and use of firearms and explosives.” December 2, 2015. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/legislative-documents/docs/20151202_communication_firearms_and_the_security_of_the_eu_en.pdf.

525 European Commission. “2020-2025 EU action plan on firearms trafficking.” July 24, 2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0608&from=EN>.

526 Europol. “SOCTA 2017 - European Union Serious and Organised Crime Threat Assessment: Crime in the age of technology.” February 28, 2017, 54. <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017>.

527 Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of Small Arms and Light Weapons and their ammunition in the Western Balkans by 2024, 10 July 2018.

legislation on controls for imports and exports of civilian firearms (Regulation 258/2012) and strengthen the capacity of partner countries to implement effective firearms controls and increase possibilities for tracing firearms. Second, building a better intelligence picture by encouraging Member States to systematically feed and use existing databases. To assist law enforcement authorities in identifying new trafficking trends and establishing risk profiles, the European Commission will also take action to establish a systematic and harmonised collection of data on firearms seizures and publish annual statistics on this. Special attention will also be given to develop a better intelligence picture on the use of darknet for illicit firearms trafficking. Third, increasing pressure on criminal markets by urging the Member States (who have not done so) to ratify the Firearms Protocol and to establish effective national Firearms Focal Points. The European Commission will also assess the need for establishing common criminal law standards on illicit manufacturing and trafficking of firearms and examine possibilities for enhancing more systematic tracing of seized weapons, for sharing intelligence ballistic data, and carrying out controlled deliveries. In addition, the European Commission will take actions to improve expertise and cooperation among law enforcement authorities, prosecutors, and forensics specialists and to enhance cooperation between law enforcement and parcel and postal operators. Fourth, strengthening international cooperation in line with the 2018 EU SALW Strategy (see below). Europol warned that various zones of armed conflict in the geographical periphery of the EU, such as Ukraine and Libya, have the potential to emerge as important sources of firearms illicitly trafficked into the EU.⁵²⁸ While the Action Plan focuses heavily on international cooperation with countries in southeast Europe, it also stresses the importance of stepping up cooperation with non-European countries.

This overview illustrates that in the last decade the EU has significantly increased and diversified its activities to prevent and combat illicit trafficking of SALW into and within the EU, including measures to prevent the direct and indirect use of SALW by terrorists. In the same period, the EU has also strengthened its counter-terrorism policy, including focusing more attention on terrorist financing. These two developments were interconnected and in recent years, a nexus between firearms and terrorism policy in the EU can be observed. In 2019, Europol noted that observed links between organised crime and terrorist networks not only provide terrorists with opportunities to procure firearms to carry out their attacks, but that their involvement in organised crime may also allow them to finance terrorist activities.⁵²⁹ Yet, while preventing and combatting terrorist financing and access to SALW - both considered key elements in a successful counter-terrorism strategy - the EU has not developed any specific actions to tackle terrorist financing through the direct or indirect use of SALW.

The 2015 Directive on preventing terrorist financing⁵³⁰ and the 2016 Action Plan for strengthening the fight against terrorist financing, for example, do not include specific actions on terrorist financing through the direct or indirect use of SALW.⁵³¹ The 2017 Directive on combatting terrorism,⁵³² the main criminal justice instrument at EU level to counter terrorism, requires Member States to take the necessary measures to ensure that providing or collecting funds, directly or indirectly, with the intention that they (are to) be used to commit or contribute to terrorist offences is punishable as a criminal offence. Although the EU noted in the 2017 Directive that the illicit trade in various objects, including firearms, have become lucrative ways for terrorist groups to finance their activities and stresses that the increasing links between organised crime and terrorist groups in this context of illicit

528 Europol. "SOCTA 2017 - European Union Serious and Organised Crime Threat Assessment: Crime in the age of technology." February 28, 2017, 54. <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017>.

529 Ibid., 55.

530 European Union, "Directive (2015/849) of the European Parliament and of the Council on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation No 648/2012 of the European Parliament and of the Council," *Official Journal of the European Union*, (5 June 2015), L141/73.

531 European Commission. "Communication from the Commission to the European parliament and the Council on an Action Plan for strengthening the fight against terrorist financing." February 2, 2016. https://eur-lex.europa.eu/resource.html?uri=cellar:e6e0de37-ca7c-11e5-a4b5-01aa75ed71a1.0002.02/DOC_1&format=PDF.

532 European Union, "Directive (2017/541) of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA," *Official Journal of the European Union*, (March 31, 2017), L88/6.

trade constitute a growing security threat to the European Union, actions against terrorist financing through the use of firearms are not explicitly mentioned.⁵³³ In its recent Counter-Terrorism Agenda (2020), the EU notes various actions that are needed to prevent terrorist access to firearms, which are in line with 2020-2025 EU Action Plan on firearms trafficking, and to combat terrorist financing, but it does not mention the need for specific action on the use of SALW by terrorists as source of financing.⁵³⁴

An important element that can explain the lack of specific EU actions to tackle terrorist financing through the direct or indirect use of SALW within the EU is likely that such cases of terrorist financing have not frequently been identified in Europe. Project SAFTE, a large-scale and in-depth analysis into terrorist access to illicit firearms markets in the EU, for example, only identified a very limited number of cases where terrorists use firearms, directly or indirectly, to finance their activities.⁵³⁵ Terrorists in the EU are eager to acquire firearms, especially military-grade firearms, not to finance their activities, but rather to carry out lethal attacks. On illicit firearms markets in the EU, terrorists mainly take on the role of customers instead of traffickers searching for financial means. The European Commission has therefore not initiated specific actions to target the use of firearms by terrorists as a source of finance.

EU actions to combat terrorist access to SALW outside the EU

The EU has not only taken actions to combat the illicit trafficking of SALW and its use by criminals and terrorists inside the EU, but also in third countries. Already in the early 2000s SALW became an important aspect of the EU Common Foreign and Security Policy (CFSP).⁵³⁶ In 2005 the EU adopted its Strategy to Combat the Illicit Accumulation and Trafficking of SALW and Their Ammunition (2005 SALW Strategy). In this Strategy the EU explicitly linked the illicit manufacture, transfer and circulation of SALW, and their excessive accumulation and uncontrolled proliferation, to a worsening of terrorism and organised crime. It noted that the abundance of SALW stocks, in particular those left over from the Cold War, facilitated access to these weapons by terrorists.⁵³⁷ To counter this security threat, the EU stated that its reactive strategy had to be supplemented by preventive action to tackle illegal supply and demand, and by better controlling exports of conventional weapons. The 2005 SALW Strategy mainly focused on SALW transfers, especially from the existing stockpiles in eastern and southeastern European countries, to conflict areas outside the EU. The Strategy was implemented through a series of Council decisions targeting the illicit trade in SALW across the world.⁵³⁸

As an important global exporter of SALW the EU also focuses on its own arms export controls. To avoid terrorist access to SALW, the EU, first of all, applies restrictive measures such as arms embargoes by implementing UN Security Council Resolutions and by adopting its own embargoes.⁵³⁹ Another

⁵³³ While the Directive does not contain specific provisions to prevent or combat illicit arms trafficking for purposes of terrorist financing, articles 7 and 8 note that Member States need to take the necessary measures to ensure that intentionally providing or receiving instruction on the making or use of firearms, explosives, other weapons or noxious or hazardous substances for the purpose of (contribution to) committing a terrorist offence is punishable as a criminal offence.

⁵³⁴ European Commission. "Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: A Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect, Respond." December 9, 2020. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/pdf/09122020_communication_commission_european_parliament_the_council_eu_agenda_counter_terrorism_po-2020-9031_com-2020_795_en.pdf.

⁵³⁵ Nils Duquet, (ed.) "Triggering Terror: Illicit Gun Markets and Firearms Acquisition of Terrorist Networks in Europe," *Brussels: Flemish Peace Institute*, (April 17, 2018), https://flemishpeaceinstitute.eu/safte/files/boek-safte_bw_lowres.pdf.

⁵³⁶ For information on the development of the EU SALW agenda in this period, See: Cédric Poitevin, "European Union initiatives to control small arms and light weapons: towards a more coordinated approach," *EU Non-Proliferation Consortium*, Non-Proliferation Papers, No 33. https://www.sipri.org/sites/default/files/EUNPC_no-33.pdf.

⁵³⁷ Council of the European Union. "EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition," January 13, 2006. <https://data.consilium.europa.eu/doc/document/ST%205319%202006%20INIT/EN/pdf>.

⁵³⁸ Cédric Poitevin, "European Union initiatives to control small arms and light weapons: towards a more coordinated approach," *EU Non-Proliferation Consortium*, Non-Proliferation Papers, No 33, (December 2013). https://www.sipri.org/sites/default/files/EUNPC_no-33.pdf; Nils Duquet, (2019), "The 2018 EU SALW Strategy: Towards an Integrated and Comprehensive Approach," *EU Non-Proliferation and Disarmament Consortium*, Non-Proliferation and Disarmament Paper no. 62 (April 2019). https://www.sipri.org/sites/default/files/2019-04/eunpdc_no_62_final.pdf.

⁵³⁹ For an overview the various (ongoing and ended) UN, EU and other multilateral arms embargoes, See: "Arms Embargoes,"

important aspect of EU policy to prevent SALW ending up in the hands of terrorists are its efforts to harmonise the national conventional arms export control policies of its Member States. Since the early 1990s, the EU has promoted cooperation between EU Member States and convergence in their arms export control policies. In 1991–92, the Council adopted eight common criteria on arms exports, which were into a politically-binding EU Code of Conduct on Arms Exports in 1998. This instrument requires EU Member States to evaluate export license applications for conventional weapons, including SALW, on a case-by-case approach against eight assessment criteria. Two of these criteria explicitly mention the risk that the exported weapons might fuel terrorist violence: criterion six states that Member States, need to take into account the record of the buyer country with regard to its support or encouragement of terrorism and international organised crime, while criterion seven states that Member States need to take into account the risk of the arms being re-exported or diverted to terrorist organisations.⁵⁴⁰ In 2008, this Code of Conduct was transformed into a legally binding Common Position (Council Common Position 2008/944/CFSP). With regard to the references to terrorist access to exported weapons criterion six remained identical, but criterion seven was slightly adapted and now states that Member States need to assess the risk that the weapons might be diverted to terrorist organisations *or to individual terrorists*.⁵⁴¹ In addition, the EU adopted Regulation 258/2012 on the control of international trade in ‘civilian’ firearms to third countries in 2012, as part of its ratification and implementation process of the UN Firearms Protocol (see above). This regulation does not explicitly mention terrorism, but states that Member States need to take into account all relevant considerations including, where appropriate: (a) their obligations and commitments as parties to the relevant international export control arrangements or relevant international treaties; (b) considerations of national foreign and security policy, including those covered by Common Position 2008/944/CFSP; and (c) considerations as to intended end use, consignee, identified final recipient and the risk of diversion.⁵⁴²

In 2018, the EU updated its SALW Strategy by adopting a new EU Strategy on illicit firearms, SALW and their ammunition (2018 SALW Strategy). The purpose of the 2018 SALW Strategy is “to guide integrated, collective and coordinated European action to prevent and curb the illicit acquisition of SALW and their ammunition by terrorists, criminals and other unauthorised actors.” Importantly, the 2018 SALW Strategy explicitly covers both civilian and military-grade firearms. The 2018 SALW Strategy also includes an important shift in focus: while the 2005 SALW Strategy mainly focused on the negative impact of the proliferation of SALW on third countries, the 2018 SALW Strategy starts from the observation that illicit trafficking in SALW continues to fuel instability, armed conflict and terrorist violence not only in third countries, but also within the EU and in its immediate neighbourhood. The 2018 SALW Strategy explicitly mentions the changing internal security situation and recognises that the nexus between organised crime and terrorism, notably in illicit firearms trafficking, has provided terrorists to carry out attacks on European soil. Like its predecessor, the 2018 SALW Strategy also aims to develop a comprehensive approach but while the 2005 SALW Strategy was developed by the Council without the involvement of the European Commission, the 2018 SALW Strategy is a single consolidated instrument that has been agreed on by the various EU entities. As a result, the 2018 SALW Strategy sets out priorities for dealing with illicit SALW proliferation in the EU as a whole. With this integrated approach, the EU and its EU Member States commit themselves to coordinate their actions and initiatives to combat illicit firearms and SALW proliferation. The various measures of the 2018 Strategy are grouped under four pillars: (a) strengthening the normative framework by supporting the Arms Trade Treaty, UN Firearms Protocol and UN PoA on SALW; (b) implementing

Sipri, <https://www.sipri.org/databases/embargoes>.

540 The Council of the European Union, “Code of Conduct on Arms Export,” June 5, 1998. www.poa-iss.org/RegionalOrganizations/EU/EU%20Code%20of%20Conduct%201998.pdf.

541 The Council of the European Union, “Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment,” *Official Journal of the European Union* L 335/99, (December 8, 2008).

542 The European Parliament and the Council of the European Union, “Regulation (EU) No 258/2012 of the European Parliament and of the Council implementing Article 10 of the United Nations’ Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition,” *Official Journal of the European Union* L 94/1 (March 14, 2012).

norms in different life cycle phases of firearms/SALW (manufacturing, export, stockpile management and disposal); (c) increasing compliance through monitoring and enforcement, and (d) international cooperation and assistance.

Improving knowledge about the flows of SALW to non-state actors and their use of these weapons in acts of violence is considered a priority within the 2018 SALW Strategy. With the objective of identifying supply routes and diversion methods, the EU has in recent years supported several initiatives that monitor illicit SALW flows in conflict zones outside the EU. One of these initiatives is the iTrace project run by Conflict Armament Research (CAR). Within the framework of this project, CAR documents the weapons used in active armed conflicts and tracks their sources back through the chains of supply.⁵⁴³ In recent years CAR has, for example, published extensive reports on SALW used in conflict zones in West Africa⁵⁴⁴ and the Middle East.⁵⁴⁵ The 2018 SALW Strategy reiterates the ambition of the EU to continue to fund research into the trafficking of SALW and to support national tracing capacities in conflict-affected areas.

As mentioned above, international cooperation and assistance are key elements of the 2018 SALW Strategy. This is not surprising since the EU has been a significant donor in SALW-control cooperation and assistance to other countries and regional organisations since 2005. The 2018 SALW Strategy focuses especially on priority regions “likely to pose a threat to the EU’s security and most likely to benefit from EU action.”⁵⁴⁶

The Strategy explicitly lists actions and activities to improve cooperation with countries in the western Balkans, which is a significant source region for illicit firearms trafficking into the EU, and in the eastern neighbourhood, especially Ukraine which is often considered a *potential* source region for illicit firearms trafficking into the EU. The cooperation with countries from these regions is also connected to the EU’s counter-terrorism policy: while firearms from the western Balkans have recently been used in terrorist attacks in the EU, the 2018 SALW Strategy explicitly mentions the aim of cooperation with Ukraine is to limit the risks that SALW end up in the hands of organised crime groups and terrorists. Other priority regions in the 2018 SALW Strategy include the MENA region.⁵⁴⁷ The EU notes it will strengthen its dialogue and cooperation with regional organisations working on SALW control, by aligning its activities with regional strategies and action plans. In 2018, for example, the EU adopted a Council decision⁵⁴⁸ to support the countries of the League of Arab States (LAS) in strengthening regional and national capacities to combat the illicit proliferation of SALW (see 3.3.2). The EU will also continue to support the African Union and relevant regional economic communities in their efforts against the illicit trade in SALW. Yet, also deeper bilateral cooperation is deemed necessary to combat the diversion and illicit trafficking of SALW in the MENA region, which also involves SALW produced by EU Member States. In its 2020-2025 EU Action Plan on firearms trafficking (see above) the European Commission specifies this international cooperation. While most focus is on cooperation with countries in south east Europe, the Action Plan explicitly states that particularly cooperation with countries in the MENA region needs to be stepped up and refers to cooperation with Tunisia,

543 For more information, See: <https://www.conflictarm.com/itrace/>.

544 See: Conflict Armament Research, “Nigeria’s herder-farmer conflicts: Domestic, regional, and transcontinental weapon sources” (2020), Conflict Armament Research, “Investigating cross-border weapon transfers in the Sahel” (2016), Conflict Armament Research, “The distribution of Iranian ammunition in Africa” (2014) and Conflict Armament Research, “Rebel forces in Northern Mali: Documented weapons, ammunition and related materiel - April 2012-March 2013” (2014).

545 See for example: Conflict Armament Research, “Weapons of the Islamic State: A three-year investigation in Iraq and Syria” (2017), Conflict Armament Research, “Islamic State weapons in Kobane: Analysis of weapons and ammunition captured from Islamic State forces in Kobane” (2015), Conflict Armament Research, “Islamic State ammunition in Iraq and Syria: Analysis of small-calibre ammunition recovered from Islamic State forces in Iraq and Syria - October 2014” (2014) and Conflict Armament Research, “Islamic State weapons in Iraq and Syria: Analysis of weapons and ammunition captured from Islamic State forces in Iraq and Syria” (2014).

546 Council of the European Union, “Council Conclusions on the Adoption of an EU Strategy Against Illicit Firearms, Small Arms & Light Weapons & Their Ammunition,” 13581/18, 19 November 2018, 9.

547 Council of the European Union, *Council Conclusions on the Adoption of an EU Strategy Against Illicit Firearms, Small Arms & Light Weapons & Their Ammunition*, 13581/18, 19 November 2018.

548 Council of the European Union. “Council Decision (CFSP) 2018/1789 of 19 November 2018 in support of combating the illicit trade in and proliferation of small arms and light weapons in the Member States of the League of Arab States.” *Official Journal of the European Union* L293/24, 20 November 2018.

Lebanon, and Jordan with regard to tracing weapons and improvement of weapons control. The European Commission also calls on EU Member States to commit more personnel for technical assistance on SALW control to countries in the MENA. In Africa, particularly the Sahel region, the European Commission will encourage better physical security and stockpile management, record-keeping, and weapons control.⁵⁴⁹

This overview of EU legislative instruments and policy initiatives aimed at preventing SALW ending up in the hands of terrorists outside of the EU indicates that the EU is aware of the risks associated with the illicit proliferation, diversion, and trafficking of SALW. Interestingly, the direct or indirect use of SALW by terrorists is not explicitly connected to the problem of financing terrorism. By actively supporting the monitoring of illicit SALW flows and identifying the SALW that end up in the hands of terrorists across the world, the EU contributes to a better intelligence picture which allows for more effective SALW controls. Another key element of EU policy on both SALW issues as well as terrorism is strengthening International cooperation. With regard to SALW, international cooperation with regional organisations and countries in the Middle East and Africa continues to be a priority. In the following sections we will analyse the regional legislative and policy framework to prevent the direct and indirect use of SALW by terrorists in West Africa and the Middle East.

5.1.3 Regional level

West Africa

In its 2011 Strategy on the control of illicit proliferation, circulation and trafficking of SALW the African Union notes that these SALW issues are closely tied to terrorism and other forms of armed violence. To prevent, combat and eradicate these issues, the African Union states an integrated and holistic approach is necessary which involves carrying out education and public awareness programmes; strengthening national and regional capacities to implement measures against illicit activities with SALW; promoting cooperation, coordination and information exchange between stakeholders at various levels; and mainstreaming SALW control as a cross-cutting and multidimensional issue on achieving peace, security, development and stability in Africa. To achieve these objectives the African Union supports regional economic communities in different ways and promotes coordination among them.

The Economic Community of West African States (ECOWAS) is the regional political and economic union of 15 countries⁵⁵⁰ located in West Africa. It was established in 1975 with as objective, among other things, to maintain of regional peace, stability, and security. In the second half of the 1990s, ECOWAS Member States noted that the proliferation of SALW was a destabilising factor and a threat to peace and security in the region. In 1998, ECOWAS therefore adopted a Moratorium on the import, export, and manufacture of light weapons⁵⁵¹ (Moratorium). The Moratorium was planned for a renewable period of three years and was renewed in 2001 and 2004. The effectiveness of the moratorium was undermined because the declaration was not legally binding, but also due to poor monitoring and weak government structures.⁵⁵²

To replace the Moratorium, ECOWAS adopted a legally binding Convention on Small Arms and Light Weapons, their ammunition and other related materials in 2006, which entered into force in 2009. It builds upon the 1998 Moratorium. The objectives of this convention are to prevent and combat

549 European Commission. "2020-2025 EU action plan on firearms trafficking." July 24, 2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0608&from=EN>.

550 Benin, Burkina Faso, Cabo Verde, Cote D'Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

551 Economic Community of West African States, *Declaration of a Moratorium on Importation, Exportation and Manufacture of Light Weapons in West Africa*, Twenty-First Ordinary Session of the Authority of Heads of State and Government, Abuja, 30-31 October 1998.

552 Small Arms Survey, *Economic Community of West African States (ECOWAS)*, <http://www.smallarmssurvey.org/de/tools/ro-poa/profiles-of-regional-organizations/africa/ecowas.html>, consulted on 22 December 2020.

excessive and destabilising accumulation of SALW with the region, to continue the efforts for the control of these weapons, to promote trust between the Member States and to promote information exchange and cooperation among the Member States. The main idea is that international SALW transfers are banned with the exemption of transfers to meet legitimate national defence and security needs or transfers needed to participate in peace support operations. ECOWAS Member States therefore need to establish an effective licensing system for the import, export, and transit of SALW. Request for exemptions are examined by the ECOWAS Executive Secretariat and should include details on the transferred weapons, on the supplier and supply process, and on the final end use and the end use. If approved, the ECOWAS Executive Secretariat issues an exemption certificate that must accompany the application for a national export license. Article 6 notes that SALW transfers shall not be authorised if the weapons are destined to be used for carrying out, supporting, or encouraging terrorist acts. A transfer shall also not be authorised if it is likely to be diverted or re-exported to unauthorised users or into the illicit trade. Member States are required to establish national computerised registers and databases of SALW and need to register SALW under the ECOWAS Executive Secretary as a way of promoting confidence between the Member States. Member States also need to take the necessary measures to ensure the safe and effective management, storage, and security of their national stocks of SALW.⁵⁵³

Bearing in mind the linkages between terrorism and transnational organised crimes such as illicit trafficking in SALW, combatting the illicit aspects of SALW is considered a key element in the counter terrorism policy of ECOWAS. In 2013, ECOWAS adopted a political declaration and common position against terrorism. This declaration highlights that arms trafficking has presented conditions conducive to terrorism in West Africa and that its Member States continue to face a growing threat of terrorism intertwined with other criminal acts such as illicit arms trafficking. To prevent terrorist access to SALW it stipulates that Member States need to scrupulously implement all relevant instruments and decisions adopted by ECOWAS policy organs on preventing and combatting the illicit manufacture and development, acquisition or possession, proliferation, circulation, transfer, accumulation or stockpiling and use of SALW, including the 2001 Firearms Protocol and the 2006 ECOWAS Convention on SALW. The declaration also calls for the development of a West African database on terrorist activities, including terrorist groups, networks, their leaders, headquarters, movement, recruitment, communication, propaganda methods, training camps, means and sources of funding, and means of acquisition of arms and explosives. The declaration also urges its member States to act against corruption at border control points to render them more effective in detecting criminals and terrorist elements, including illicit arms and other unlawful activities.⁵⁵⁴

In 2018, the UN Security Council reiterated its serious concern over the threats posed by the linkages between terrorism and transnational organised crime, including arms trafficking, in West Africa. The Security Council welcomed UNOWAS and the successful holding of the Joint Summit of ECOWAS and the Economic Community of Central African States (ECCAS) on the fight against terrorism and violent extremism held in Lomé, Togo, in July 2018.⁵⁵⁵ In the Joint Declaration following this meeting, the heads of state of the countries belonging to these two regional organisations committed to strengthening their security cooperation to counter illicit trafficking and proliferation of arms. They also agreed to strengthen the combat against the proliferation of SALW by accession and national implementation of the ATT, by adoption or revision of national regulatory frameworks for the acquisition and possession of light weapons by civilians, by improving the security of state stockpiles, and by respecting the ban on arms transfers to non-state actors. They also strongly condemned all types of illicit activities and

553 ECOWAS. *Convention on small arms and light weapons, their ammunition and other related material*, 14 June 2006. www.poa-iss.org/RegionalOrganizations/ECOWAS/ECOWAS%20Convention%202006.pdf.

554 ECOWAS. "ECOWAS political declaration and common position against terrorism." February 28, 2013. https://www.edup.ecowas.int/wp-content/uploads/2016/11/Ecowas-CT-strategy_ENGLISH-Published.pdf.

555 United Nations Security Council. "Statement by the President of the Security Council." August 10, 2018. S/PRST/2018/16. <https://undocs.org/S/PRST/2018/16>.

trafficking from terrorist and mercenary groups operating in the Sahel from a neighbouring ECOWAS and ECCAS Member States, and the financing and all other forms of support for terrorist groups in general.⁵⁵⁶

The linkages between SALW and terrorism were also highlighted when the heads of state and government of ECOWAS Member States held an extraordinary session on terrorism in September 2019. This session resulted in a Priority Action Plan on combatting terrorism for 2020-2024. One of the eight priority areas is strengthening the control of arms and dual-use goods. In this regard, the Member States stated they will improve the security of their arms and ammunition stockpiles and to reinforce control of the acquisition, carrying and use of SALW and related ammunition by civilians. Another priority area is countering the financing of terrorism: ECOWAS Member States reaffirmed the urgent need to prevent, detect and suppress the financing of terrorism in West Africa by strengthening their national policies, improving technical compliance, enhancing international cooperation. Interestingly, the Action Plan states that Member States need “to step up the fight against organised cross-border crime, particularly trafficking in drugs, tobacco and fake drugs, in order to dry up the funding sources of terrorist groups.” While drugs and tobacco trafficking are explicitly connected to terrorist financing in this declaration, illicit arms trafficking is thus not mentioned in connection to terrorist financing.⁵⁵⁷

We can conclude that ECOWAS early on already directly linked illicit activities with SALW to terrorist access and use of these weapons, but it does not explicitly link the direct or indirect use of SALW by terrorists to the financing of terrorist activities. As mentioned in chapter 2, in addition to legacy weapons from previous armed conflicts, significant quantities of SALW from the state stockpiles of ECOWAS Member States, for example, continue to illicitly flow into the arsenals of non-state actors involved in violent conflict in neighbouring Member States. Such actors often source their SALW through battlefield capture from security and defence forces following attacks on posts and convoys, and to lesser extent, from corrupted officials. While ECOWAS Member States have identified the risk of direct and indirect use of SALW by terrorist networks and violent non-state actors and have committed to various actions to combat this security phenomena, the political reality is that in practice they generally do not have the means to significantly support and enforce such actions.

Middle East

The LAS is a regional organisation in the Arab World with 22 Member States⁵⁵⁸ from the Middle East and Africa. It was founded in 1945 to promote cooperation with regard to economic, cultural, and security policies. In 1998 it adopted the Arab Convention on Terrorism (Convention) which stipulates that its Member States shall not organise, finance, or commit terrorist acts. LAS Member States are required to prevent the use of their territories as base for planning, organising, executing, attempting, or taking part in terrorist activities, which explicitly includes arming and financing of terrorists. The Convention also stipulates that LAS Member States need to develop and strengthen systems for the movement, import, export, stockpiling and use of weapons, munitions, and explosives.⁵⁵⁹ Member States also agreed to exchange information on the means and sources by which terrorist groups are funded and armed, and on the types of weapons, munitions and explosives used by these groups. In addition, the Convention stipulates Member States will confidentially provide other member States with any information or data in its possession that may lead to the seizure of any weapons, munitions or explosives or any devices or funds used or intended for use to commit a terrorist offence.⁵⁶⁰

556 ECOWAS. “Joint summit of ECOWAS and ECCAS heads of state and government – Lome Declaration on peace, security, stability and the fight against terrorism and violent extremism.” July 30, 2018. <https://www.ecowas.int/final-communique-joint-summit-of-ecowas-and-eccas-heads-of-state-and-government/>.

557 ECOWAS. “Extraordinary session of the authority of heads of state and government on terrorism, Ouagadougou – Final communique.” September 14, 2019. <https://www.ecowas.int/ecowas-leaders-commit-to-eradicate-terrorism-in-the-region/>.

558 Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestinian Territories, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, UAE and Yemen. The membership of Syria is currently suspended.

559 League of Arab States. “The Arab Convention for the suppression of terrorism.” April 1998, Article 3.

560 Ibid., Article 4.

In the following years various national and regional measures were taken to combat the proliferation of SALW in the Arab region.⁵⁶¹ To assist its Member States in developing new or updating existing legislation the LAS, for example, developed the 'Arab Model Law on Weapons, Ammunition, Explosives and Hazardous Materials' in January 2002. Upon request by the LAS, the OSCE translated its Handbook on best practices on SALW into Arabic and in 2004 a LAS Regional Focal Point (RFP) was established. LAS encouraged and assisted its Member States to establish national focal points. In the following years annual meeting, national focal points were organised.⁵⁶² The objective of these meetings is to coordinate and share their experiences, to assess regional and international relevant developments, and to examine best ways to deal with such matters. In 2006 the LAS adopted Ministerial Council Resolution 6625 on Arab Coordination for Combatting the Illicit Trade in Small Arms and Light Weapons. This resolution entrusts the RFP to organise the annual meetings of the national focal points. It also invites national focal points to submit their report to the RFP on their achievements over the past five years and on their laws, regulations, and legislations on small arms. The resolution also invites national focal points to coordinate their positions before international meetings.⁵⁶³ According to the Small Arms Survey, the LAS is an active participant at meetings in the framework of the UN PoA on SALW (see above).⁵⁶⁴

The EU has been actively supporting LAS actions aimed at combatting the proliferation of SALW in the Arab World. In November 2015, for example, the EU-LAS Strategic Dialogue on issues such as conflict prevention, counter-terrorism and non-proliferation of arms was launched.⁵⁶⁵ In 2016, several working groups were established within this Strategic Dialogue, including a working group on Weapons of Mass Destruction and Arms Control. In line with the 2018 SALW Strategy and 2015 Action Plan, the Council of the European Union in 2018 adopted a decision to support the countries of the LAS in their combat against illicit trade and proliferation of SALW. This EU support is aimed at building national and regional capacities of the LAS and its members to combat the illicit proliferation of SALW, combat terrorism and enhance security in post-conflict situations, at strengthening national control over SALW at key stages of their life cycle (including international SALW transfer controls, stockpile management and processes of disarmament, demobilisation and reintegration) and at enhancing the exchange of best practices. The technical implementation of this support is carried out by Small Arms Survey, assisted by Interpol and the WCO.⁵⁶⁶ The WCO, for example, will provide training related to the detection of weapons at the border. The EU and LAS co-hosted a high-level conference in Cairo on combatting the illicit trade in and proliferation of SALW in the Member States of the LAS in June 2019 to officially launch this support.⁵⁶⁷

We can conclude that in the past two decades several initiatives were taken at regional level in the Arab world to improve the control on transfers and stockpiles of SALW and to combat illicit activities with these weapons. The LAS, with the assistance of the EU and its Member States, has played an

561 Gali Oda Tealakh, Atef Odibat, and Maha Al Shaer, "Small Arms and Light Weapons in the Arab Region: National and Regional Measures" (Amman: The Regional Human Security Center at the Jordan Institute of Diplomacy 2002).

562 Small Arms Survey, *League of Arab States (LAS)*, <http://www.smallarmssurvey.org/tools/ro-poa/profiles-of-regional-organizations/asia/las.html>, consulted on 22 December 2020.

563 League of Arab States. "Resolution (6625) on Arab Coordination for Combating the Illicit Trade in Small Arms and Light Weapons." March 4, 2006.

564 Small Arms Survey, *League of Arab States (LAS)*, April 18, 2012. <http://www.smallarmssurvey.org/tools/ro-poa/profiles-of-regional-organizations/asia/las.html>, consulted on 22 December 2020.

565 Council of the European Union. "EU - League of Arab States relations: joint communiqué of the EU Political and Security Committee and the League of Arab States Permanent Representatives." January 23, 2019. <https://www.consilium.europa.eu/en/press/press-releases/2020/01/23/eu-league-of-arab-states-relations-joint-communique-of-the-eu-political-and-security-committee-and-the-league-of-arab-states-permanent-representative>.

566 Council of the European Union, "Council Decision (CFSP) 2018/1789 in support of combating the illicit trade in and proliferation of small arms and light weapons in the Member States of the League of Arab States, Official Journal of the European Union" *Official Journal of the European Union* L293/24, (November 19, 2018); Council of the European Union, "Council Decision (CFSP) 2020/2142 amending Decision (CFSP) 2018/1789 in support of combating the illicit trade in and proliferation of small arms and light weapons in the Member States of the League of Arab States," *Official Journal of the European Union* L430/25, (December 18 2020).

567 World Customs Organisation. "WCO Participate in Conference to launch Small Arms and Light Weapons training in the Middle East and North Africa region." July 23, 2019. <http://www.wcoomd.org/en/media/newsroom/2019/july/wco-participate-in-conference-to-launch-small-arms-and-light-weapons.aspx>.

important role in this field. The LAS explicitly wants to prevent terrorist financing and its first initiatives on combatting the proliferation and illicit transfers of SALW were developed in an attempt to restrict terrorist access to weapons. Yet, the LAS has in recent years not taken policy actions to specifically combat terrorist financing by the direct or indirect use of SALW. Despite the observation of increased policy attention and support from regional organisations to combat the illicit proliferation of SALW and terrorist access to these weapons, little progress has been made on the ground. As mentioned in chapter 3, weak state capacity, prolonged armed conflict and state-sponsorship of terrorist groups and other violent non-state actors continue to be the primary drivers of this proliferation. As long as these political problems are not tackled, regional attempts to tackle the illicit proliferation of SALW will not lead to success and terrorist groups will continue to use SALW, including for financing their activities.

5.2. Criminal Justice and Organised Crime Perspective

In recent years, attention to linkages between terrorist organisations and (transnational) criminal networks has increased. UNSC Resolutions 2462 (2019) and 2482 (2019) recognised that terrorist organisations can benefit from transnational organised crime as a source of financing. The recently adopted EU Security Union Strategy also acknowledges the linkages between terrorism and transnational organised crime and reports that firearms are often trafficked into the EU through its immediate neighbourhood.⁵⁶⁸

The main international legal instrument in combatting transnational organised crime is the United Nations Convention against Transnational Organized Crime, also referred to as the Palermo Convention, which was adopted in 2000 and has been ratified by 190 countries.⁵⁶⁹ General Assembly resolution 55/25 of 15 November 2000⁵⁷⁰ recognises the growing links between terrorist groups and organised criminal networks. The Convention itself only refers to these linkages in the Preamble and not in the operative text itself. An ‘organised criminal group’ is defined as a structured group of three or more persons that exist for a period of time and jointly carry out activities in order to obtain, directly or indirectly, a financial or material benefit.

Despite the fact that the Palermo Convention has a near-universal status, the Convention continues to be an underutilised instrument, as many countries are facing difficulties with its implementation. The main aim of the Convention is to prevent and combat transnational organised crime more effectively. The Convention is applicable when serious crimes have been committed, which means an offence that is punishable by a maximum deprivation of liberty of at least four years or a more serious penalty. The Convention is also applicable when the following four crimes have been committed: participation in an organised criminal group, money-laundering, corruption, and obstruction of justice. It is important to note that the Convention is only applicable if the crimes are transnational. This means that the crime has been committed in different countries, is committed in one State but a substantial part of its preparation, planning, or control takes place in another State; it is committed in one State but involves an organised criminal group that engages in criminal activities in more than one State; or it is committed in one State but has substantial effects in another State. The Convention thus requires States Parties to criminalise these four offences in their domestic legislation. In addition, the Convention contains several procedural law measures such as: establishing jurisdiction (article 15), imposing appropriate sanctions for the offences taking the gravity of the offence into account (article 11), establishing long(er) statute of limitations (article 11), adopt measures that enable confiscation and seizure (article 12) and provide protection to witnesses and victims (article 24-25).

⁵⁶⁸ European Union. “Communication from the Commission to the European Parliament, The European Council, The European Economic and Social Committee and the Committee of the regions on the EU Security Union strategy.” August 24, 2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1596452256370&uri=CELEX:52020DC0605>.

⁵⁶⁹ United Nations. “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.” 12(a), November 15, 2001. https://treaties.un.org/PAGES/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en.

⁵⁷⁰ United Nations General Assembly. “United Nations Convention against Transnational Organized Crime.” January 8, 2001. https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_55_25.pdf.

The Convention also contains several provisions dedicated to promoting international cooperation considering the transnational nature of organised crimes. These include extradition (article 16), mutual legal assistance (article 18), joint investigations (article 19), law enforcement cooperation (article 27), transfer of sentenced persons (article 17) and transfer of criminal proceedings (article 21).

Although the aim of the Convention is to prevent and combat transnational organised crime, it only contains one provision on prevention. Most of the provisions require legislative changes in domestic legislation. To assist States Parties in the implementation of the Palermo Convention a legislative guide has been developed.⁵⁷¹

It took nearly a decade for the States Parties to agree to the terms of reference and scope of a review mechanisms. In 2018, during the Conference of the Parties to Palermo Convention a Mechanism for the Review of the Implementation of the Palermo Convention was formally established. The Review Mechanism is a peer review process and should help State Parties to effectively implement the Convention and gain insight on challenges and best practices of how other countries implement the Convention. The preparatory phase has been completed and in 2021 the substantive review will commence.⁵⁷²

Furthermore, in other international fora, framework documents have been developed to address the linkages between terrorism and transnational organised crime. The Global Counter-terrorism Forum (GCTF) has adopted The Hague Good Practices on the Nexus between Transnational Organised Crime and Terrorism⁵⁷³ and endorsed in September 2020 the Addendum to The Hague Good Practices⁵⁷⁴ focusing on the criminal justice responses to the linkages. This Addendum provides recommendations related to prevention, detection, investigation, prosecution, rehabilitation, and reintegration of terrorist-related offences with linkages to transnational organised crime. It contains practical recommendations also with respect to trafficking of SALW such as strengthening the role of customs or the use of controlled deliveries.

All countries, but in particular those in West Africa and the Middle East could benefit from more technical assistance in implementing the Palermo Convention. Considering its near-universal status, it is an important tool for law enforcement officials to combat transnational organised crime. Without casting any doubts on the importance of the Palermo Convention, however, it may not be the most useful tool to identify and detect when terrorist groups use SALW for funding purposes. The Addendum to The Hague Good Practices on the Nexus between Transnational Organised Crime and Terrorism contains more provisions relating to prevention and detection and may therefore be more useful to address the hidden purposes of the use of SALW by terrorist organisations.

5.3. Combatting Terrorist Financing (CTF) Perspective

When assessing Counter-Terrorism Financing (CTF) legislative frameworks, the European Commission continues to build off the established 2016 Action Plan for Strengthening the Fight against Terrorist Financing. Included within the 2016 strategy are structures aimed at detecting and preventing revenue streams of terrorist actors, while also establishing cooperation guidelines between EU member states,

⁵⁷¹ United Nations Office on Drugs and Crime. "Legislative Guide for the Implementation of the United Nations Convention Against Transnational Organized Crime." Undated. https://www.unodc.org/documents/treaties/Legislative_Guide_2017/Legislative_Guide_E.pdf

⁵⁷² United Nations Office on Drugs and Crime. "Commemorating the 20th anniversary of the adoption by the General Assembly of the UNODC." 2020. https://www.unodc.org/documents/treaties/UNTOC/COP/SESSION_10/Website/Practical_info/UNTOC_at_20.pdf.

⁵⁷³ Global Counterterrorism Forum. "The Hague Good Practices on the Nexus between Transnational Organized Crime and Terrorism" September 21, 2018. https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/2018/GCTF-Good-Practices-on-the-Nexus_ENG.pdf?ver=2018-09-21-122246-363.

⁵⁷⁴ Global Counterterrorism Forum. "Addendum to the Hague Good Practices on the Nexus between Transnational Organized Crime and Terrorism: Focus on Criminal Justice." September 30, 2020. <https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/2020/GCTF%20Addendum%20to%20The%20Hague%20Good%20Practices%20on%20the%20Nexus%20between%20TOC%20and%20Terrorism%20-%20Focus%20on%20Criminal%20Justice.pdf?ver=2020-09-30-102801-107>.

the United Nations, and the FATF.⁵⁷⁵ Revisions to the 2016 directive in 2018 also establish the criteria for criminal offenses regarding the trafficking of SALW, munitions, and explosives, specifically in the context of asset freezing and confiscation orders.⁵⁷⁶ The EU is also pursuing its 2020-2025 Action Plan on Firearms Trafficking to address the criminal and terrorist accumulation of weapons on the continent.⁵⁷⁷ In coordination with the 2020-2025 Action Plan, the EU in its updated 2020 Counter-Terrorism Agenda reaffirmed its commitment to deny terrorists sources of SALW for armament acquisition, namely through creating universal flagging procedures for individuals attempting to acquire firearms in multiple EU member states.⁵⁷⁸ Yet, these concerted efforts mostly address the procurement of SALW by terrorist actors and not explicitly the terrorist use of SALW as a source of financing.

Though not explicitly tied to its official CTF frameworks, the EU's End-User Agreements and Certificates legislation is worth consideration. Outlined in EU Common Position 2008/944/CFSP, the framework is designed to establish a level of regulatory oversight measures regarding conventional arms transfers, specifically to combat the acquisition of arms by unauthorised parties.⁵⁷⁹ Although the legislation addresses the need to uphold End-User accountability to combat terrorist acquisition of diverted SALW, there is no mention of preventing end-user violations to respond to terrorist financing through SALW trafficking. However, as of January 2021, the Council of the EU is committed to revisiting and possibly enhancing its end-user guidelines in Common Position 2008/944/CFSP to adhere to the UN 2030 Agenda for Sustainable Development to reduce further illicit financial activity related to SALW trafficking.⁵⁸⁰

Outside of the EU, the FATF continues to maintain its 2012 International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation. While outlining recommendations, designation criteria, and other CTF/Anti-Money Laundering (AML) procedures, the FATF upholds the necessity to combat the supplying, transferring, and selling of arms on behalf of terrorist actors.⁵⁸¹ Though the FATF updated the 2012 framework in October 2020, there continues to be a lacking mentioning of the threat posed by terrorist financing through SALW sales. The FATF's CTF efforts are likely to be subjected to revisions in the coming years, specifically in addressing the intersection of terrorist financing and SALW trafficking. As Germany assumes the FATF's two-year Presidency, it is positioned to enhance CTF and AML protocols as they relate to illicit arms trafficking. Incoming FATF President Dr. Marcus Pleyer explicitly cited the necessity for addressing SALW trafficking as both a "predicate offense for money laundering [and] a source of terrorism financing."⁵⁸² This includes building upon previously established initiatives and frameworks of the FATF, while also enhancing the organisation's understanding of terrorist financing through illicit arms sales.⁵⁸³ Therefore, member states will likely aim to revise their CTF strategies in the realm of terrorist financing through SALW in the near future

575 European Commission, *Communication from the Commission to the European Parliament and the Council on an Action Plan for strengthening the fight against terrorist financing*, Brussels, Belgium: EU, 2016.

576 European Parliament and the Council of the European Union. "Regulation (EU) 2018/1805 of the European Parliament and of the Council on the mutual recognition of freezing orders and confiscation orders." 14 November 14, 2018. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1805>.

577 European Commission. "2020-2025 EU action plan on firearms trafficking." July 24, 2020. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0608&from=EN>.

578 European Commission. "Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: A Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect, Respond." December 9, 2020. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/pdf/09122020_communication_commission_european_parliament_the_council_eu_agenda_counter_terrorism_po-2020-9031_com-2020_795_en.pdf.

579 European Union. "Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment" December 8, 2008. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008E0944&from=EN>.

580 Council of the European Union. "Council Decision (CSFP) 2021/38 establishing a common approach on the elements of end-user certificates in the context of the export of small arms and light weapons and their ammunition." January 15, 2021. <https://euroalert.net/oj/92094/council-decision-cfsp-2021-38-of-15-january-2021-establishing-a-common-approach-on-the-elements-of-end-user-certificates-in-the-context-of-the-export-of-small-arms-and-light-weapons-and-their-ammunition>.

581 "International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation: The FATF Recommendations," *Financial Action Task Force*, 2012.

582 Dr. Marcus Pleyer, "Priorities for the Financial Action Task Force (FATF) under the German Presidency," *Financial Action Task Force*, (2020). www.fatf-gafi.org/media/fatf/documents/German-Presidency-Priorities.pdf.

583 Ibid.

to effectively adhere to the FATF's membership guidelines and obligations.