

Summary

**The EU and the “Global Shadows”:
Are the EU efforts to contain and regulate the illegal trafficking of
small arms, drugs and people a story of success?**

Panel Discussion, 22nd of March, 2012
Witold HAMETTER

Panelists:

Helga KONRAD (Former Minister for Women's Issues, International Consultant on Combating Trafficking in Human Beings, Austria)

Ulrike LUNACEK (Member of the European Parliament of the Greens from Austria)

An VRANCKX (Conflict Research Group and Department for Third World Studies at the University of Ghent, Belgium)

Moderation:

Stefan KHITTEL (oiip)

Venue:

House of the European Union in Vienna,
Wipplingerstr. 35, 1010 Wien

approx. 50 attendants

In cooperation with the European Parliament, Information office Austria

The aim of the panel was to analyze the effectiveness of current EU measures in the field of illicit trafficking on the one hand, and to discuss possible alternative approaches if those prove insufficient, on the other one.

In an increasingly globalized world the problems of 'Global Shadows' have shifted from national authorities to the international level. Illegal trafficking of people, small arms and drugs is a common problem in today's world, but has not been addressed sufficiently so far. Although anti-trafficking laws have been enacted at the national and international level, no remarkable progress has been achieved so far. Admittedly, human trafficking is part of the political agenda in many countries. However, due to the fact that it is addressed primarily in the context of immigration, it cannot be fought effectively.



As a result of the Schengen Agreement the EU became a major anti-trafficking policy maker. It has made several attempts to improve the situation adopting various directives, but often widespread implement of correct measures fails. In fact, combating the flow of arms through the EU (Code of Conduct on arms exports) seems to have had the opposite effect as the system fails to prevent the transport of arms manufactured in the EU to conflict areas.

After a brief introduction by **Stefan Khittel**, **Helga Konrad** gave her opinion on the



international community's recent efforts to combat and prevent human trafficking. According to Konrad, human trafficking has been receiving a lot of international attention for years now, as every country is to some extent affected by the issue, either as an origin, destination or transit country. New anti-trafficking laws have been enacted at both the national and international level in order to address the problem. Nonetheless, as Konrad argued, the

implementation process remains considerably problematic due to the fact that it is left up to each Member State to implement an appropriate solution and the structures of more centralized coordination currently in operation tend to be insufficient. Therefore it would be essential to place in every Member State an independent observer who would more precisely

monitor both the situation of victims and the implementation of anti-trafficking measures. According to Konrad, a first decisive step to effectively deal with the problem would be to bridge and connect the work of various institutions concerned about the problem. At the same time, stricter rules for prosecution and severe sentencing would be of equal importance. She further made clear that there are different forms of human trafficking, as for instance labor exploitation, which are one of EU's major tasks and demand special attention. Konrad concluded that although sufficient research has been done in the field of trafficking, particular assumptions have to be verified.

An Vranckx identified the main driving forces behind illicit trafficking of small arms and EU's efforts meant to contain and regulate them. Vranckx noted that most weapons are legally produced, but are used illegally after purchase. According to her, it is essential to prevent the arms from reaching the black market and thus falling into hands of individuals and groups which are forbidden from purchasing them legally. With the aim to combat the issue at the international level the UN ratified the "UN Firearms protocol" against illicit manufacturing of and trafficking in firearms in 2005, which the EU helped to negotiate. More recently, the EU Council Common Position defined common rules governing the control of exports of military technology and equipment (2008/944/CFSP) which acknowledged the EU Code of Conduct on arms exports. An Vranckx used the case of Colombia and countries where the Arab Spring movement took place as examples of the assumption that weapons produced by European countries are illegally transferred into high risk countries through trafficking.



In **Ulrike Lunacek's** opinion efforts to contain and regulate trafficking have not proven successful most notably due to the fact that the European Council and the Member States have been granted too much authority over the matter which in turn significantly weakened the actual effectiveness of any centralized measures. Although the Lisbon Treaty substantially enhanced the role of the European Parliament, it does not give the institution any power to effectively deal with "Global Shadows". The same is true for the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashon, who has



no legal power to unit member state's foreign policies, what would be indispensable for the fight against trafficking. The incident of a Russian weapons ship heading towards Syria while not being stopped by the Cyprus government exemplify the actual powerlessness of the EU in the face of illicit arms trafficking. A verbal condemnation of the Syrian regime was in fact the only palpable option.

Further problems arise due to the currently advancing processes of privatization of security, which make trafficking difficult to control. Due to the relatively weak legislation framework and the fact that victims of trafficking are not clearly discernible, their identification seems even more difficult. In this context Lunacek called for a determined political will and larger budgets on the one hand, and a stronger civil society involving NGOs to combat trafficking on the other one.

During the follow up discussion Stefan Khittel asked the speakers whether in their opinion trafficking in general needs either more or less regulation. Helga Konrad argued that in the field of human trafficking commonly used regulation measures like border controls are unrewarding and misleading. Instead, she suggested a victim-centered approach to handle the problem more efficiently. An Vranckx emphasized that the Single Convention on Narcotic Drugs from 1961, which extensively regulated this sector, turned out to be utterly counterproductive in its efforts as it actually lead to more intensified drug trafficking. In her opinion the uncoordinated regulations make the problem worse instead of solving it. Accordingly, Ulrike Lunacek quoted the coca leaf problem in Bolivia.

As for the question regarding the research on illicit trafficking, the speakers agreed that there in fact has already been conducted fundamental research on various aspects of this topic. However, in practice the issue is still not taken seriously enough by political decision-makers and therefore remains a largely unremarkable part of the political agenda.

Responding to the question whether the European Union is the suitable organization to effectively combat trafficking, Ulrike Lunacek argued that the democratic process in the EU is constituted not well enough and that delegation of decision making power to the EU is blocked by the European Council.

Summarizing, the speakers generally agreed that the efforts of the European Union to control and regulate the illegal trafficking of people, small arms and drugs have not been successful so far, most notably due to the discernibly insufficient political will and flaws in EU's institutional framework of the anti-illicit trafficking decision making process.