

Briefing Paper

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MEASURING ILLICIT ARMS FLOWS

Ukraine

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Front cover photo

Confiscated weapons are seen at a police station in Slaviansk in Donetsk region, Ukraine, June 2016.
Source: Gleb Garanich/Reuters



Federal Foreign Office



Overview

This Briefing Paper examines the measurement of illicit arms flows in Ukraine in the context of the UN Sustainable Development Goals (SDGs). Specifically, SDG 16, Target 16.4 calls on states to significantly reduce such flows. The paper finds that significant numbers of illicit weapons are in circulation in Ukraine. This situation is exacerbated by a number of factors, including the large number of weapons left in the country after the collapse of the Soviet Union, the outbreak of the conflict in eastern Ukraine in 2014 (and the resultant looting of government stocks), and weapons inflows across uncontrolled borders. Major problems are caused by the inadequacies of the legal system regulating the possession and use of small arms, and the lack of a central register of firearms, both of which make the measurement of illicit arms flows extremely difficult. While some data is available about arms seizures, it is not comprehensive enough to act as an indicator to measure progress towards meeting Target 16.4. In light of this, the paper explores additional indicators that may help to track illicit flows, focusing on firearms-related violence as a useful additional measurement.

Key findings

- Ukrainian civilians possess large numbers of unregistered small arms. The conflict in the east has contributed to significant diversion and losses from national stockpiles and the proliferation of a wider array of weapons types.
- The conflict and the concomitant increase in insecurity correlate with increased seizures from 2013 to 2014, although efforts to stem the proliferation of weapons have recovered only a modest number of illicit firearms.
- Ukraine still has no primary law regulating the manufacture, purchase, and possession of firearms and no central state register of civilian-held firearms. This makes it difficult even to differentiate between legal and illegal firearms in the country—and, by extension, complicates efforts to monitor and address illicit arms flows.

Introduction

Between 2013 and 2016, Ukraine experienced a revolution that toppled the government, an international armed conflict that afflicted the east of the country, and the near collapse of its economy. The government is still recovering from the revolution, and an uncertain ceasefire has failed to resolve the issues underlying the armed conflict in the east. The economy remains under strain and insecurity levels in the country are high. Although the situation has somewhat improved since 2014, Ukraine had the highest violent death rate in Europe in 2010–15 (Small Arms Survey, n.d.). According to the Office of the Prosecutor General of Ukraine (OPGU), the country's homicide rate was 13 per 100,000 people in 2016 (OPGU, n.d.).

Reducing illicit small arms flows is now recognized as a significant component of sustainable development. Target 16.4 of the Sustainable Development Goals that the UN adopted in September 2015 commits states to reduce illicit arms flows by 2030 (UNGA, 2015).

This Briefing Paper is the fourth in a series of publications exploring illicit arms flows in selected countries. The paper is based on interviews carried out in Kiev in August 2016 and desk research, including a review of publicly available statistics and data on weapons and ammunition seized in Ukraine. It first describes the sources of illicit arms flows in Ukraine and the status of government plans or action to counter the problem. It then examines trafficking routes used to smuggle weapons into and within the country and discusses key indicators of illicit arms flows in the period 2010–16, including weapons and ammunition seizures and homicide rates.

Arms trafficking in context

Considerable holdings of unregistered small arms¹ are in civilian hands in Ukraine, with estimates running as high as 3–5 million.² Since 1991 both the diversion of internal stocks and cross-border trade remain sources of illicit firearms in the country (IA, n.d.). The armed conflict in eastern Ukraine continues to simmer, while organized crime groups are also well armed. Both homicides and other serious crimes involving the use of firearms increased sharply in 2014 in conjunction with the conflict in the east, although they have decreased since 2015 (OPGU, n.d.).

The government's efforts to address illicit arms flows are disjointed. Ukraine has an incomplete and controversial legal framework regulating the manufacture,

purchase, possession, storage, accounting, transportation, and use of firearms. Instead of a comprehensive, primary law adopted by Parliament, the existing framework consists of a patchwork of regulations issued by various authorities, including the main regulating document issued as an instruction of the Ministry of the Interior in 1998.³ Members of Parliament (MPs) and the Ukrainian cabinet presented 14 draft laws to Parliament between 1998 and 2014 to rectify this problem, but none of these proposals has been adopted to date.⁴

Interior Ministry regulations prohibit private citizens from holding ‘short-barrelled’ firearms, including pistols and compact machine pistols. Some categories of citizens (for example, MPs, prosecutors, judges, and journalists) are allowed to own non-lethal weapons. Citizens aged 21 or older are permitted to own smooth-bore (shotgun-type weapons), while from age 25 they can obtain a licence to own rifled weapons (hunting rifles, etc.) that must be registered with the state (Ukrainian Parliament, 1998). No limit is placed on the number of weapons an individual can own. The registration process is cumbersome, and prices for the sale of such weapons are set by the state without reference to the marketplace outside Ukraine. The country also lacks a single state, or even regional, register of civilian-held firearms. To date, efforts to stem the proliferation of firearms have yielded only a modest number of seizures of illegal firearms.

Since 2014 several statements by officials of neighbouring states and media reports have referred to weapons leaking from Ukraine to international black markets.⁵ However, no verifiable evidence is available to confirm these claims, and several such reports were subsequently denied.⁶ Security Service of Ukraine (SBU) and State Border Guards Service officials also note that as of August 2016 neighbouring and Western European states have not raised the issue of illegal weapons flows from Ukraine through existing law enforcement cooperation channels.⁷ Strong domestic demand for small arms due to the ongoing tensions in eastern Ukraine and other forms of insecurity may help explain the apparent lack or low levels of cross-border outflows. Yet Ukraine’s domestic illicit market should remain a cause for concern for other countries in the region and be closely monitored.

Sources of illicit arms flows

There are two primary sources of illicit small arms and ammunition in Ukraine: the diversion of domestic holdings and cross-border trafficking.

Domestic sources

Civilian holdings

The lack of a clear legal framework for firearms possession⁸ in Ukraine means that the lines between legal and illegal ownership are sometimes blurred. Many weapons in Ukraine that were once legal are now considered ‘illegal’ for a variety of reasons. For example, smooth-bore and rifled firearms (mostly hunting related) that were once legally owned may be considered illegal after ownership is transferred by gift, testamentary transfer, or similar means. This may be a result of cumbersome or inconsistently applied regulations, including a lack of clear rules and procedures for establishing and maintaining a comprehensive central registry.⁹ Another example is that of converted weapons, where legally available deactivated, replica, or blank-firing firearms are modified for use as lethal-purpose weapons.¹⁰ The Zoraki 914S starter pistol, which is imported from Turkey in large numbers and is available in Ukraine for about EUR 100 (USD 105), is one such type of weapon that can be converted to a fully functioning but illegal handgun.¹¹ Finally, weapons scavenged from the sites of Second World War battles that took place on Ukrainian territory are restored and offered for sale by so-called ‘black diggers’ (MyVinnitsa, 2011).

National stockpiles

The collapse of the Soviet Union and the eventual withdrawal of the Soviet Western Army Group from Eastern Europe created unprecedented weapons and ammunition management challenges in Ukraine. The Soviet military left behind large amounts of small arms, light weapons, and associated ammunition, much of it without adequate (or, in some cases, any) inventory control and record-keeping.¹² In 1992 the Ukrainian military had some 7.1 million small arms and light weapons in stock; this total had been reduced to 6.2 million by 2007 (Razumkov Centre, 2005; Griffiths and Karp, 2008, p. 208). While officials explained that this reduction was the result of destruction and authorized sales, reports also show some weapons were diverted to conflict areas and highlight the risk of leakage to the local black market.¹³

After the beginning of the conflict in eastern Ukraine in 2014, groups and individuals supporting the two sides looted some of the arms and ammunition storage facilities of the SBU and the Interior and Defence Ministries.¹⁴ The looted depots and armouries were located in western and especially eastern Ukraine, as well as in Crimea.¹⁵ In the so-called Anti-Terrorist Operation (ATO) zone in the east, the first

volunteer battalions supporting the government also travelled to the front with their own weapons—usually legally purchased civilian versions of AK-pattern rifles or hunting rifles. Most of these battalions were subsequently registered with and received equipment from the Ukrainian Ministries of Defence and Interior (Piper and Karazy, 2015). While initially poorly equipped, irregular fighters on both sides progressively gained access to a wide range of military-grade equipment, including the full spectrum of small arms and light weapons (Ferguson and Jenzen-Jones, 2014).

Officials estimated that at least 300,000 small arms and light weapons were looted or lost between 2013 and 2015, comprising 200,000 lost mostly in the ATO zone and another 100,000 in Crimea.¹⁶ Of these, only 4,000 weapons were reportedly recovered.¹⁷ As a result, after two years of fighting in the east, the number of illegal small arms in the region drastically increased. Weapons from eastern Ukraine are becoming an important supply source for the black market¹⁸ in the rest of the country, where the prices for illicit arms are reportedly higher than in the ATO zone.¹⁹

Foreign sources

Illicit firearms originate from several sources outside Ukraine. Prior to the 2014–16 conflict these included armed conflicts elsewhere in the region, which contributed to the development of illegal possession and an illegal weapons market in Ukraine from the 1990s to 2013. For example, the conflicts in 1992 in both the former Yugoslavia and Moldova established a common trade route for illicit weapons and expanded the number and types of weapons available in Ukraine. The route from Transnistria through Odessa was a major trafficking route used to supply both Ukraine and other members of the Commonwealth of Independent States (Sibirtsev, 2015). Similarly, Chechen criminals who controlled businesses in Odessa, Donetsk, and Chernovtsy (and the regions surrounding these cities) imported weapons sourced from the conflicts in Chechnya during the first decade of the 21st century.²⁰

Since the beginning of the conflict in Ukraine, regular reports and statements from Ukrainian and Western officials have claimed that the Russian Federation provided assistance to the forces in eastern Ukraine, including arms supplies.²¹ Russian Federation officials have consistently denied these statements.²² The similarities between Ukrainian stockpiles and those of other former Soviet Union countries make it difficult to conclusively identify arms that may have entered the country illicitly. However, some specific models of weapons used in the conflict—including

anti-materiel rifles, rocket launchers, and man-portable air defence systems (MANPADS)—were not previously known to be in Ukraine and most probably originate from foreign sources, including through uncontrolled borders in eastern Ukraine (Ferguson and Jenzen-Jones, 2014, p. 84).

It is also worth noting the market for small arms components and parts (receivers, barrels, magazines, etc.). Such items are imported from abroad or originate from weapons that were disassembled in Ukraine. Individuals utilize these items to modify deactivated weapons or even assemble new ones (SBU, 2017). The purchase or transfer of weapons parts is not illegal in Ukraine, nor does it require a licence. The lack of legal restrictions makes trade in such parts and components very difficult to stop.²³

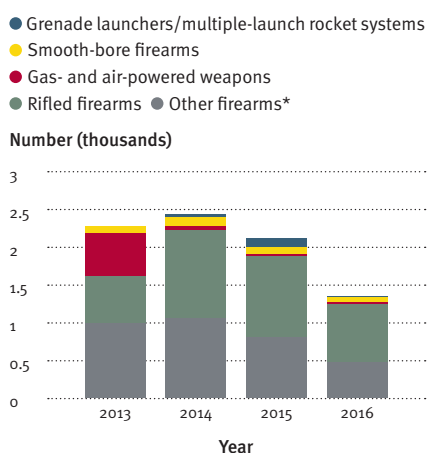
Measuring illicit arms flows

As the Small Arms Survey has noted previously,²⁴ measuring illicit arms flows presents a challenge in any context. It is possible, however, to learn more about the scale of the problem, current dynamics, and their possible evolution in a number of ways. These include the collection of weapons and ammunition seizure data, the analysis of qualitative data on arms seizures contained in official press releases, and monitoring firearm homicide rates.

Seizure data

The annual number of weapons seized in Ukraine since 2013 has varied between 1,000 and 2,500 small arms and light

Figure 1 Small arms and light weapons seized by Ukrainian authorities, 2013–16



Note: * Other firearms are not differentiated by the Ukrainian government, but include pistols and craft-produced weapons, among others.

Source: OPGU (n.d.)

weapons per year (see Figure 1). It is clear that this number represents only a small fraction of the illicit weapons in circulation in the country.

Aggregated statistics published by the OPGU about weapons seized due to violations of applicable regulations only provide totals for broad weapons types. The authorities treat tracing requests submitted to foreign governments or information on whether a weapon was illegally converted from a ‘deactivated’ state, for example, as ‘classified’ (non-public) information.

The publicly available aggregated seizure data nevertheless helps to identify some basic general trends. Figure 1 reveals only a modest increase in the overall number of small arms and light weapons seized from 2013 to 2014, with the totals decreasing in 2015 and 2016. This trend applies to the main categories of firearms, such as rifles. While their total numbers are relatively small, seized grenade launchers and multiple-launch rocket systems appear only after 2014 and especially in 2015, at the height of the conflict in the east.

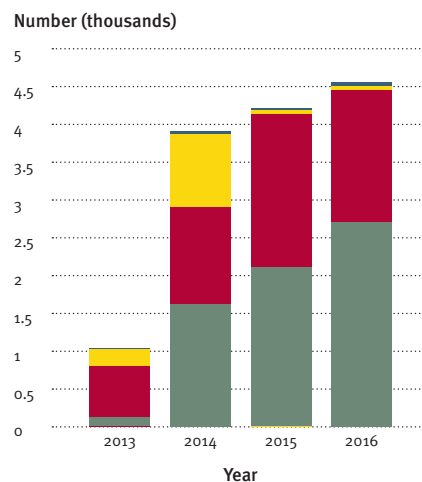
On the other hand, the number of rounds of ammunition and explosive devices seized increased substantially in 2014 and continued to do so in 2015–16 (see Figure 2). This can be attributed to the rise in grenade seizures, whose proportion among the seized items grew steadily between 2014 and 2016. Finally, seizures of explosive materials (expressed in kilograms) show a different trend: the seized quantity decreased by half in 2014, continued to decrease in 2015, then showed a significant increase in 2016.²⁵ These trends do not necessarily reflect an increase in trafficking: it is also possible that the authorities have increased their focus on interdicting grenade and explosives shipments.

Qualitative data from official press releases

While generally instructive about the emergence of seizures of grenades and some types of light weapons during the conflict, national-level weapons and ammunition seizure data does not provide detailed insights into the specific, unusual models being circulated or their possible points of origin. In this regard, official press releases on weapons seizures in Ukraine represent a valuable and complementary source of information on illicit arms flows. While the extent to which such press releases are representative of all seizures made in the country is subject to caveats,²⁶ the number of documented cases can be significant. For instance, preliminary analysis of press releases published by the Border Guards Service

Figure 2 Ammunition and explosive devices seized by Ukrainian authorities, 2013–16

● Mines ● Self-made explosive devices ● Cartridges (100s) ● Grenades



Source: OPGU (n.d.)

and SBU between 2013 and August 2016 shows more than 770 seizures. These include more than 1,600 small arms, 1.5 million small arms cartridges, 5,000 hand grenades, 20 MANPADS, and 900 rocket-propelled grenade launchers (Brehm and Shumska, 2016). The data often includes the type, calibre, and make of the seized item; the date of, reason for, and size of the seizure; and information on the individuals or criminal groups implicated. Photos of seized items are also occasionally provided, and sometimes include additional data such as weapons and ammunition markings.

While information on the source and destination of the weapons is often missing or partial, the data reveals that most seizures occur in the Donetsk and Luhansk oblasts,²⁷ while significant numbers of seizures were also made in Dnipropetrovsk, Kharkiv, Kiev, Odessa, and Sumy. Systematic monitoring and analysis of this data therefore has the potential to reveal additional trafficking trends and patterns that can supplement information contained in nationally aggregated statistics. Continued and improved public reporting by state agencies—including, for instance, the more systematic publication of weapons images and markings—would allow more informative analysis and reveal further patterns in the arms trade.

Firearm-related homicides

The ultimate measure of the success of policies to address illicit arms flows is a significant reduction in related armed violence (Alvazzi del Frate and De Martino,

2016). Statistics kept by the UN Office on Drugs and Crime indicated a clear downward trend in homicides in Ukraine from 2003 to 2010 (see Figure 3).

The downward trend in homicides reversed from 2012–14. The OPGU (n.d.) reported that homicides nearly doubled from 2013 (5,861) to 2014 (11,466) before falling in 2015 (8,224) and 2016 (5,992). It appears that homicide statistics from 2014 include combat casualties from the conflict in eastern Ukraine, which the government legally does not consider an armed conflict, but an anti-terrorism operation. The OPGU’s homicide data for 2013–16 very closely mirrors the Small Arms Survey’s total violent death estimates (conflict casualties and homicides) in Ukraine for the same period (OPGU, n.d.; Small Arms Survey, n.d.; see Figure 3).

Data indicating the proportion of homicides being perpetrated with firearms is incomplete. The OPGU provides data only on premeditated murders perpetrated with firearms, which represent only a negligible fraction of all homicides reported in Ukraine (1 per cent in 2013, and less than 2 per cent in 2016) (OPGU, n.d.). Due to data limitations, therefore, the proportion of homicides perpetrated with firearms is not currently available as an indicator of illicit weapons flows for Ukraine.

Statistics on criminal offences in which firearms were used are available, however. They show a drastic increase from 2013 (761) to 2014 (2,523), before falling in 2015 (1,526) and 2016 (579) (OPGU, n.d.). This trend for the period

2013–16 appears to generally follow the trends observed for total homicides (Figure 3) and seizures of small arms and light weapons (Figure 1). In contrast, and as shown in Figure 2, seizures of ammunition and explosives continued to increase in 2015–16.

Conclusion

Ukraine currently lacks a central registry of firearms and a comprehensive and modern licensing system. Parliament’s long-standing inability to adopt firearms-related legislation to compensate for these shortcomings means that this situation will likely continue. In these circumstances it is difficult even to differentiate between legal and illegal firearms in the country—and, by extension, to monitor illicit arms flows.

While an assessment of the number of illicit small arms in Ukraine is difficult to make, weapons used in or ‘leaking’ from the conflict in the east are plentiful and the number of illicit firearms in circulation is significant. The conflict in the east and a general increase in insecurity appeared to correlate with an increase in levels of seizures from 2013 to 2014. Several indicators—including small arms and light weapons seizures, violent deaths, and firearm-related crimes—then showed an improvement in the situation, and all decreased in 2015–16. On the other hand, seizures of ammunition and explosive devices continued to increase

between 2014 and 2016, whereas seizures of explosive materials significantly increased between 2015 and 2016.

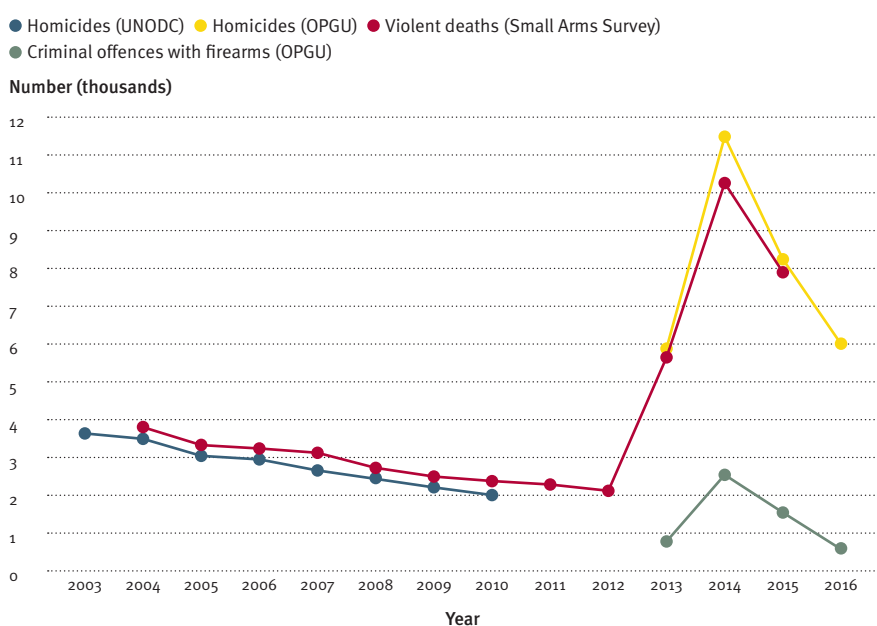
These contradictory patterns suggest a complex situation, even though the time period under review is too short and the amount of equipment seized too modest to draw definitive conclusions. More systematic analysis of trends in seizures of ammunition and explosives compared with those of weapons and levels of armed violence may therefore yield a more nuanced understanding and monitoring of illicit arms flows.

Ensuring parliamentary approval of long-pending legislative measures, undertaking ongoing reforms at the Ministry of the Interior, improving cooperation among the relevant agencies—Interior Ministry, SBU, Border Guards, Defence Ministry, Customs—and increasing cooperation with neighbouring countries are among the measures the government can take to address the proliferation of illicit small arms in Ukraine. Without them, the size and make-up of illicit arms flows in Ukraine will remain difficult to monitor and reduce, to the detriment of national security and Ukrainian citizens’ safety. ●

Notes

- 1 In this document ‘small arms’ refers to both small arms and light weapons. ‘Small arms and light weapons’ are only referred to when data sources use this terminology.
- 2 In addition to a reported 2 million legal firearms (Ukrainian Parliament, 2014), existing estimates suggest the presence of 2–3 million unregistered firearms in Ukraine at the time of writing, although even this range may be conservative (author interviews with expert community and government officials, Kiev, 15–20 August 2016). Other sources speak of up to 5 million unregistered firearms circulating in the country (Karmanau, 2016).
- 3 The main relevant by-law—Interior Ministry Instruction No. 622—was promulgated on 21 August 1998; see Ukrainian Parliament (1998).
- 4 Ukrainian draft laws on weapons: No. 1032, 13 May 1998; No. 1032-1, 26 May 1998; No. 1032-2, 10 November 1998; No. 1032-3, 6 July 2000; No. 1032-d, 5 March 2002; No. 1171-1, 2 October 2002; No. 1171, 22 November 2002; No. 1171-A, 29 October 2003; No. 1171-2, 8 October 2003; No. 3069, 22 August 2008; No. 2105, 9 February 2009; No. 0885, 12 December 2012; No. 1135, 1 December 2014; No. 1135-1, 10 December 2014 (Ukrainian Parliament, 1994–2017). A lack of consensus on whether to allow civilian possession of short-barrelled guns has blocked some of the proposed pieces of legislation. According to civil society sources, the Ministry of the Interior has also not resolved issues regarding licensing, registration, and the status of armed

Figure 3 Violent deaths and criminal offences perpetrated with firearms in Ukraine, 2003–16



Note: Violent deaths include both homicides and conflict casualties.

Sources: UNODC (n.d.); OPGU (n.d.); Small Arms Survey (n.d.)

security services employed by private businesses (author interviews with expert community members and government officials, Kiev, 15–20 August 2016).

5 See, for instance, Al-Qatari (2015); Prentice and Zverev (2016); Ramsay (2016).

6 See, for instance, Ukrainian MoD (2015); Grigoras Butu (2016); Tut.by (2016).

7 Author interviews with SBU and State Border Guards Service officials, Kiev, 15–20 August 2016.

8 In this document the expression ‘firearms possession’ covers the purchase, storage, transportation, carrying, and use of firearms.

9 Author interviews with National Police of Ukraine (NPU) and SBU officials, and gun owners, Kiev, 15–20 August 2016.

10 Author interviews with NPU officials, Kiev, 15–20 August 2016.

11 See Proma (n.d.) for an example of the Zoraki blank-firing guns for sale in Ukraine. For further information on the conversion of blank-firing handguns, see King (2015).

12 Author interviews with Ministry of Defence and SBU officials, Kiev, 15–20 August 2016.

13 See Polyakov (2003); Small Arms Survey (2001); Holtom (2011).

14 See, for instance, Lister (2014); Prentice and Zverev (2016).

15 Author interviews with NPU officials, Kiev, 15–20 August 2016.

16 Author interviews with NPU officials, Kiev, 15–20 August 2016. The total for Crimea does not include an unknown number of weapons that were stored at a large base in Sevastopol.

17 Author interviews with NPU officials, Kiev, 15–20 August 2016.

18 Demobilized soldiers also reportedly bring weapons back home as ‘war souvenirs’ (Shramovich, 2017).

19 The media reports the following prices in the ATO zone: UAH 7,000–8,000 (USD 265–300) for a standard AK-74, UAH 15,000 (USD 570) for the AKS-74U, UAH 5,000–10,000 (USD 190–380) for PM and TT pistols, and UAH 400–600 (USD 15–22) for a hand grenade (Shramovich, 2017; author interviews with law enforcement officials and civilian experts, Kiev, 15–20 August 2016).

20 An example is seizures of Chechen-produced ‘Borz’ sub-machine guns that reached Ukraine in the first decade of the 21st century during the Chechen wars (Zbroya.info, 2013).

21 See, for instance, ICG (2014, pp. 12–15); VOA News (2014); General Court of the EU (2017).

22 See, for instance, Dragosei and Valentino (2016); Lister (2014).

23 Author interviews with NPU officials, Kiev, 15–20 August 2016.

24 See Carlson (2016); Nowak (2016); de Tessières (2017).

25 The rounded quantities of seized explosive materials were 3,500 kg in 2013, 1,700 kg in 2014, 1,300 kg in 2015, and 5,800 kg in 2016.

26 Agencies possibly do not issue press releases on all of their seizures and focus on the largest operations. Also, it is possible that some of the weapons shown were later found not to be illegal and were subsequently removed from seizure statistics.

27 An oblast (region) is the primary Ukrainian administrative unit.

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For more information on illicit arms trafficking, please visit the Global Partnership on Small Arms website: www.smallarmssurvey.org/salw.

About the Small Arms Survey

The Small Arms Survey is a global centre of excellence whose mandate is to generate impartial, evidence-based, and policy-relevant knowledge on all aspects of small arms and armed violence. It is the principal international source of expertise, information, and analysis on small arms and armed violence issues, and acts as a resource for governments, policy-makers, researchers, and civil society. It is located in Geneva, Switzerland, at the Graduate Institute of International and Development Studies.

The Survey has an international staff with expertise in security studies, political science, law, economics, development studies, sociology, and criminology, and collaborates with a network of researchers, partner institutions, non-governmental organizations, and governments in more than 50 countries.

For more information, please visit: www.smallarmssurvey.org.

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