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PEACE AND PROLIFERATION

The Russo-Ukrainian war
and the illegal arms trade

MARK GALEOTTI | ANNA ARUTUNYAN

MARCH 2023



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ABOUT THE AUTHORS

Dr Mark Galeotti is the executive director of the Mayak Intelligence consultancy and an expert on Russian crime, politics and security. He is an honorary professor at University College London, senior associate fellow with the Royal United Services Institute and senior non-resident fellow with the Institute of International Relations Prague. His recent books include *The Vory: Russia's Super Mafia* (2018), *We Need to Talk About Putin* (2019) and *Putin's Wars: from Chechnya to Ukraine* (2022).

Anna Arutunyan is the associate director of Mayak Intelligence. Her work has appeared in the European Council on Foreign Relations, *Foreign Affairs*, *The Spectator*, and *Jane's Intelligence Review*, and she is the author of four books on Russia, including *The Putin Mystique* (2014) and *Hybrid Warriors: Proxies, Freelancers and Moscow's Struggle for Ukraine* (2022). Anna is a global fellow of the Kennan Institute and has worked as an analyst for International Crisis Group, as a correspondent for *USA Today* and as the news editor at the *Moscow News*.

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Please direct inquiries to:
The Global Initiative Against Transnational Organized Crime
Avenue de France 23
Geneva, CH-1202
Switzerland

www.globalinitiative.net

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ACRONYMS AND ABBREVIATIONS

APC	Armoured personnel carrier
BMP	Russian/Soviet-built infantry fighting vehicle
BTR	Russian/Soviet-built armoured personnel carrier
DDR	Disarmament, demobilization and reintegration
DNR	Donetsk People's Republic
DOD	Department of Defense (US)
ERW	Explosive remnants of war
EU	European Union
EUAM	European Union Advisory Mission
GI-TOC	Global Initiative Against Transnational Organized Crime
IFV	Infantry fighting vehicle
LNR	Luhansk People's Republic
MANPADS	Man-portable air defence system
MT-LB	Russian/Soviet-built gun tractor/personnel carrier
MVS	Ministry of Internal Affairs (Ukraine)
NLAW	Next-generation light anti-tank weapon
PTUR	Anti-tank guided missile
RPG	Russian/Soviet-built anti-tank rocket-propelled grenade launcher
SBU	Security Service of Ukraine



A machine gun and ammunition cartridges in Bakhmut, March 2023. © Anatolii Stepanov/AFP via Getty Images



EXECUTIVE SUMMARY

A Ukrainian artillery unit fires towards Russian positions near Bakhmut, 8 November 2022.

© Bulent Kilic/AFP via Getty Images

In Ukraine, a gun is like shoe polish in a shoe polish factory.

HEORHIY UCHAIKIN, HEAD OF THE UKRAINIAN ASSOCIATION OF GUN OWNERS¹

Wars create the conditions for the accumulation of weapons, often outside direct state control; the ends of wars tend to lead to an illegal outflow of those weapons into the hands of criminal and insurgent groups both within the combatant nations and beyond.

Despite some over-heated claims, there is currently no substantial outflow of weapons from the Ukrainian conflict zone. However, every precedent suggests that, especially if the threat is not addressed proactively and imaginatively, when the current war ends, Ukraine's battlefields could and will become the new arsenal of anarchy, arming everyone from insurgents in Africa to gangsters in the streets of Europe.

This report explores the current situation in Ukraine in terms of the spread of weapons into non-state hands and clandestine supply chains. It considers the prospects for more serious levels of proliferation after the end of hostilities, and makes practical recommendations for Ukraine and its foreign partners. The scope of the report is largely limited to government-held Ukraine because of the challenges of gathering data and maintaining connections on the Russian side of the front line, although it does explore the situation there. The hope and expectation are that in due course international law will prevail, and Kyiv's laws and authority will return to the occupied territories, such as it makes sense to focus on the measures best established within these bounds.

The war

On one level, Russia's brutal and unprovoked invasion in February 2022 has brought Ukrainians together as never before. Deeply embedded divisions between eastern and western communities, Orthodox and Catholic, Russian- and Ukrainian-speaking, which before the conflict were already beginning to dwindle, have largely faded away amid united efforts for national survival. Likewise, serious problems connected with corruption, oligarchic power and organized criminality, which represented serious and intractable challenges to meaningful reform beforehand – the country was rated as having 'high criminality – low resilience' under the GI-TOC's Global Organized Crime

Index 2021 – have receded from view.² Nonetheless, there are signs that ‘the criminal landscape is in flux – and history has shown that criminals generally emerge stronger from times of crisis’.³

Even within the Russian-occupied regions, the endemic and institutionalized corruption that underpinned the local regimes and helped defray the costs of administration declined in importance.⁴ Increasingly direct control from Moscow and the impact of new sanctions on such illicit economies as coal smuggling meant that there was simply less room for these illicit businesses.

Nonetheless, this should not be taken as evidence that the problems have disappeared. Most dramatically, institutionalized criminality in the unrecognized pseudo-states of the ‘Donetsk People’s Republic’ (DNR) and ‘Luhansk People’s Republic’ (LNR) has largely given way to anarchic looting and profiteering by Russian soldiers, local militias and gangsters, three elements that are often worryingly hard to distinguish from each other. In

government-held regions, the power of many oligarchs has been curtailed, criminal flows across the Ukrainian–Russian border all but blocked and overt gangsterism apparently much reduced.

However, as will be discussed in more detail below – and as explored in the GI-TOC report *New Front Lines: Organized Criminal Economies in Ukraine in 2022* – criminality has certainly not been banished.⁵ Gangs have shifted to new illicit sectors, and the conditions for corruption and illegal monopolies continue, ready to take advantage of future opportunities. With Kyiv expressing confidence that the war will be over in 2023 and many other external observers suggesting it could drag on for years,⁶ there is at once an opportunity and an urgency to tackling the potential problem of illegal arms proliferation, because the experience of past conflicts shows that it is when the shooting stops that this becomes a truly critical and dangerous issue.

The precedents

Just as wars tend to leave a residue of scarred, angry, damaged fighters with the skills and capacity to use weapons, their ends tend also to bequeath a toxic legacy of weapons, from battlefield trophies to mislaid standard issue. During the actual conflict, the fighters are fighting and, in the main, the weapons are being used.

If anything, the wars represent sponges, soaking up quantities of illegal and unregistered weapons, whether arming combatants or being stockpiled ‘just in case’. When the fighting stops and the armies begin to be demobilized, that is when the greatest risks of weapons proliferation, and, indeed, violent criminality, arise.⁷



Weapons used in the Balkans wars seized in Kosovo in 2015.

© Armend Nimani/AFP via Getty Images

Increased ease of movement for people and goods through permeable borders has meant that this risk has been a particular issue in recent decades. The end of the Soviet Afghan War in 1988, for example, not only led to the infamous transfer of US man-portable air defence systems (MANPADS) into the hands of jihadist terror groups, but also to a proliferation of standard weapons: both the Soviet-made Kalashnikovs issued to government forces and the Chinese and Egyptian versions supplied by the West to the rebels. Small arms ended up in the hands of non-state actors, from gangsters in Europe to insurgents in Indonesia, while Stingers reached, according to one source, 'North Korea; Qatar; Somalia; Sri Lanka; Turkey; the United Arab Emirates; and Zambia', as well as Iran. Some of them later made their way to Hezbollah forces in Lebanon.⁸

The Balkan wars of the 1990s likewise led not only to the widespread looting of government arsenals, but also an influx of smuggled weapons to insurgent groups that would eventually flow out into new markets. As a British Ministry of Defence analyst noted in 2005, 'the explosion of Yugoslavia actually was Europe's blessing, in that it sucked in so many weapons that were now available after the collapse of the Soviet Union [in 1991], but in part it only postponed the reckoning'.⁹ Various estimates suggest over a million weapons went missing (with another 600 000 looted in Albania's 1997 rising alone¹⁰). These firearms have cropped up in violent incidents from the November 2015 Islamic State attacks in Paris, which left 130 dead, to gang wars in Sweden, where it has

been assessed that 'most weapons used in shootings in public spaces are from the western Balkans'.¹¹

Every war since has flooded stocks of weapons onto illegal markets on their conclusion or suspension, and most attempts to prevent proliferation have failed. Indeed, the undeclared Donbas fighting has already led to a proliferation of illegal weapons and their use in criminal activities abroad and at home. As former Prosecutor General of Ukraine Vitaly Yarema noted: 'Many people who came back from the front in the early stages of the [Donbas] war brought their weapons back with them.'¹² Anecdotal support for this claim abounds, such as the soldier who was called up in 2014 and admitted that, as the men had not been paid their salaries while fighting, 'everyone who was mobilized brought home at least two or three guns,' adding, 'For my family, it was like hard currency.'¹³

However, it should be made clear that this is not a counsel of despair: it is possible to moderate the scale and nature of weapons proliferation. Serious, sustained and proactive measures can be formulated to address the problem. For example, while the Balkans are generally regarded as an example of failure, the region also acted as an incubator for initiatives such as the West Balkan Small Arms and Light Weapons Control Roadmap, which not only had positive outcomes in that region, but also provided lessons for analogous projects in the Caribbean and within the Economic Community of West African States bloc.¹⁴ Thus, it is not only time to 'brace for impact,' as one Pentagon analyst put it, but also to start preparing in a more positive way.¹⁵

Note on terms and language

To avoid having to rely too much on clumsy constructions such as 'government-held territories,' where the distinction is regarded as contextually clear, 'Ukraine' is used to refer to both the country as a single, internationally recognized political unit and to the territories currently under Kyiv's control. 'Occupied territories' mean all those under Russian control, including Crimea. There is also a difficult political context to naming places and individuals; generally, places will be called by their Ukrainian names (Chernihiv rather


than the Russian name Chernigov, for example), except for those in Crimea and the territories of the former unrecognized Donetsk People's Republic and Luhansk People's Republic, where the Russian forms are more widely used. Individuals' names will be rendered in the form they themselves generally use.

This report is based on a triangulation of official statements, open source accounts, and interviews with Ukrainian and other experts and professionals.



UKRAINE TODAY

A US shipment of munitions to bolster the defensive capacity of the Ukrainian Armed Forces is unloaded at Kyiv. © Sergei Supinsky/AFP via Getty Images



I remember how it all began: The guys were mobilized but not given automatic rifles, [but] they understood that an automatic rifle is the only thing that can protect their life. And then automatic rifles became worth their weight in gold. They bought them and hid them.

UKRAINIAN FORMER PILOT AND NATIONAL HERO NADIYA SAVCHENKO, 2016¹⁶

The largest land war in Europe since World War II is one in which high-intensity industrial conflict meets a mass strategy of national defence. Facing an invader with more than three times its population, Ukraine has tapped into powerful veins of patriotic voluntarism, for everything from crowdfunding materiel to arming for territorial defence. As President Volodymyr Zelensky put it, 'We became one big army.'¹⁷ Armies, though, need arms, and to the massive stocks of legally and illegally held weapons already within the country have been added many more: distributed by the government, acquired by patriots eager to defend their homeland and looted from the fallen Russians.

The supply

Even before the war, Ukraine's illicit firearm's market '[could] be characterised as a relatively accessible environment for individuals with the opportunity and willingness to participate in the market'.¹⁸ It is impossible to provide any kind of an accurate assessment of the volume of weapons currently held within Ukraine. The authorities in Kyiv themselves do not at present have an accurate tally of the legally held weapons distributed to government forces and licensed to civilians. The number of guns circulating illegally, in the hands of Russian troops and mercenaries, and abandoned on the battlefield, is even more difficult to account for. Very crude estimates – based on extrapolations of official figures before February 2022, and sporadic and limited data released since – would seem to suggest that the number of legally held weapons in Ukraine is between 7 and 9 million, with another million or more in Russian hands (including militias in the DNR and LNR), and perhaps another 7 million illegally circulating.¹⁹ These figures are, however, very tentative and should be considered no more than indicative.

Supply and accessibility within Ukraine

Given the mass proliferation of lethal weapons in Ukraine occurring since 2014, coupled with relatively lax gun laws and difficulties in enforcing controls over weapons, it is nearly impossible to offer an exact estimate of the supply before the February 2022 invasion. Tracking weapons flows was difficult enough thanks to the separatist conflict and Russian involvement in the east since 2014, which also created the DNR and LNR pseudo-states, within which Kyiv had no control and international observers very little access. However, anecdotal reports suggested this region was even more deeply awash with unregistered weapons than the government-held territories. One former fighter admitted that, as far back as 2016, 'everyone [knew] about the weapons market in eastern Ukraine'.²⁰ Assessing the scale of the problem, let alone policing it, was extremely difficult then, and meanwhile Russia's subsequent full-scale invasion and the intense fighting have made this even harder, not least because of the impossibility of conducting systematic research on proliferation on the Russian side, where some materiel is apparently heading out of the country, as will be discussed below.

At the end of 2017, there were reportedly approximately 11 million state- and civilian-owned firearms in government-controlled Ukraine,²¹ including up to 5 million unregistered firearms.²² Although there has tended to be hostility in Ukraine to a legalized right to bear arms, dating from Soviet times, Ukraine is the only country in Europe with no legal statute regulating the possession, sale or manufacture of firearms – other than a Ministry of Internal Affairs (MVS) instruction dating back to 2018 regulating how permits are issued. Of course, this did not mean guns were not controlled: Order No. 622 stipulates that citizens need to be at least 25 years old for a rifle licence and 21 for a shotgun (and 18 for a so-called 'traumatic' or pneumatic, notionally non-lethal gun²³), have no criminal record or history of mental illness or domestic violence. It also bans handguns except for target pistols.²⁴ Nonetheless, because this was not a statute, there was considerable leeway in practice, with licences being awarded in questionable situations, especially through bribes and favouritism. Some 50 000 weapons (and the corresponding right to bear them), often pistols otherwise limited to government use, have been presented to politicians, service personnel or businesspeople by state bodies since 1991. According to Interior Minister Arsen Avakov, who was himself accused of the practice in 2018, his ministry alone issued 2 230 guns between 2004 and 2016.²⁵ Overall, this made it difficult to 'differentiate between legal and illegal firearms in the country, and, by extension, to monitor illegal flows'.²⁶

These practices had been exacerbated by what essentially became a *carte blanche* to obtain weapons by various groups who needed them during the Revolution of Dignity, or the Maidan rising, which marked the collapse of the Yanukovich government in 2014 and the public mobilization against the Russian incursion in Donbas. Not only were weapons stockpiles poorly controlled or simply surrendered, but pro-Maidan militias were encouraged by the government, and by the then interior minister, Avakov, to take what they needed. 'Some in our groups were supplied with weapons through their connections in the government,' said a Maidan fighter, describing the events of January 2014.²⁷ After Right Sector²⁸ seized weapons from an Interior Ministry arsenal at the time, the new interim government struggled to get the militias to surrender their weapons.²⁹

In western Ukraine, police stations or outposts abandoned by Yanukovich's forces were looted with ease, with activists taking weapons and stockpiling them.³⁰ Likewise, in the east, in April and May 2014, before Russia took control of separatist groups in Donbas and

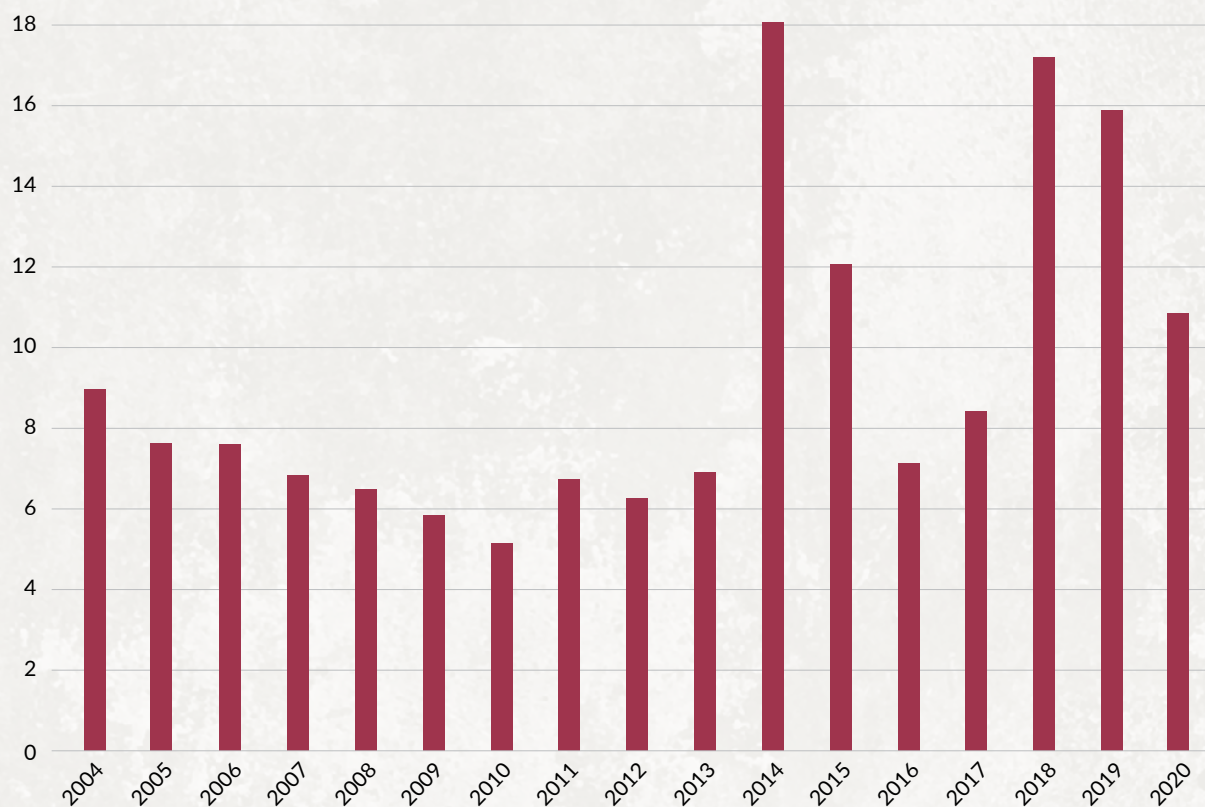


FIGURE 1 Violent deaths in Ukraine, per 100 000 population, 2004–2020.

SOURCE: Small Arms Survey, Global violent deaths 2020

established a supply of weapons to them, the pro-Russian separatist militias obtained most of their weapons from abandoned depots, police stations and military units.³¹ A Ukrainian pro-Russian separatist fighter who served under the short-lived ‘defence minister’ of the rebel forces, Igor ‘Strelkov’ Girkin, recalled that when he joined Strelkov’s forces, he saw ‘really old, worn-out weapons – BMPs, MT-LBs, MANPADS, PTUR. Our liaison officers,’ he said, ‘would reach out to Ukrainian forces and arrange to buy weapons from them. These liaisons didn’t want to fight, but they wanted to help. They would bring us rocket launchers in Zhigulis.’³²

These weapons inevitably found themselves in the hands of criminals, and contributed to a rise in violent crimes and settlings of scores. Interviewed in November 2017, for example, Serhiy Knyazev, then chief of the National Police, admitted that grenades alone had been used as a murder weapon in 39 cases already that year.³³ This undoubtedly contributed to the relatively high level of violent crime, although an uptick in 2018, when the rate effectively doubled (see Figure 1), was in part because of improved record-keeping rather than a dramatic change in the situation on the ground.

The flow of weapons within Ukraine and the ease of their acquisition by ‘near enough anyone who wanted them’³⁴ was further fuelled by the Russian invasion, and although attempts at oversight by Zelensky’s government and NATO countries that supplied some of the weapons later increased, as will be discussed below, the supply of weapons and the ease with which they were obtained grew exponentially. In any case, just a day before Russia’s invasion, Ukraine’s parliament passed a law in the first reading allowing all Ukrainians to carry firearms.³⁵



In the first two days of the Russian invasion, some 25 000 assault rifles were made available to Ukrainian civilians. © Wikipedia

On day one of the invasion, Zelensky announced his government would provide weapons to anyone who 'wanted to defend the country'.³⁶ In the first two days alone, over 25 000 automatic rifles, 10 million rounds of ammunition and unknown numbers of rocket-propelled grenade (RPG) launchers were handed out to civilians, according to Ukraine's erstwhile interior minister, Denis Monastyrskyy. Only an ID card was required.³⁷ Any past concerns about the bona fides of those being armed disappeared before the need to resist the invasion. These included criminals and, ironically, the kind of right-wing extremists Putin had claimed his invasion was meant to combat. In the words of a Western observer on the ground at the time:

It wasn't just machine guns, it was heavy infantry weapons. Assault rifles, grenade launchers, anti-tank weapons. So the invasion began, and all of a sudden, on 2 or 3 March 2022, all over social media these fuckers [members of neo-Nazi groups] started posing with NLAWs [next-generation light anti-tank weapons] and Javelins.³⁸

However, there has also been another crucial unregulated source of weapons since February 2022: Russian weapons and military materiel left on the battlefield or abandoned during one of Moscow's numerous and sometimes precipitous retreats. The Ukrainian military, after all, fields more tanks salvaged from the Russian forces than supplied by the West.³⁹ Although heavy equipment is difficult to hide, repair and sell – despite the anecdotal (and largely mythical) claims of salvaged tanks hidden in farmers' barns – man-portable weapons, from pistols to missile launchers, seem fair game. Often these are gathered by troops for future combat use,⁴⁰ and perhaps traded informally between units, a practice that retains them under government control but also undermines 'stockpile management procedures, potentially increasing the supply of untracked weapons that could enter the illicit market at a later date'.⁴¹ Others become trophies for senior officers and officials, especially the latest AK-12 rifle, as sported by such figures as military intelligence chief Brigadier General Kyrylo Budanov and Vitaliy Kim, governor of Mykolaiv Region.⁴²

However, these abandoned weapons are also gathered by civilians, sometimes with the intention of passing them on to the government, sometimes for self-defence and sometimes for potential future sale. One British soldier who had served as a liaison with the Ukrainian forces in 2022 recalled noting 'a rather rough crew of civilians' closely following the army unit with which he was travelling at one point, and being told by the soldiers with him that they were 'gangsters' waiting to loot the battlefield of everything from 'guns to rations'. From the soldiers' attitudes, they appeared to regard this as morally dubious but not unusual.⁴³

Supply from abroad

However open-handed the government was with its own arsenals, the invasion, consequent mass mobilization and upsurge in patriotic fervour for the national defence also contributed to an inflow of weapons from abroad, both from governments and the private



Volunteer fighters from the UK in Lviv train station depart for the front line, 5 March 2022. Volunteers are a potential source of unaccounted weapons.

© Kai Pfaffenbach/Reuters via Alamy Stock Photo

sector. Some of this equipment was under-regulated and even illegal, although stricter controls were generally applied to foreign-supplied weapons. The United States, by far the largest overseas supplier, had been sending weapons to Ukraine since 2017, with the first batch of 210 anti-tank missiles in 2018.⁴⁴ By September 2022, that figure had reached 5 000,⁴⁵ part of a total of nearly US\$30 billion in US security assistance, including lethal weapons, supplied by the US since 2014.⁴⁶ Smaller, but nevertheless substantial quantities were supplied a number of other countries, especially the UK, Poland, France and other NATO countries. Although they included consignments of small arms (such as Czech CZ Bren 2 rifles and US-made KelTec SUB2000 carbines),⁴⁷ in the main these were heavier weapons destined for the Ukrainian military rather than civilian volunteers, and were carefully accounted for and inventoried.

But there were other, less official sources of weapons flooding Ukraine as ordinary citizens and autonomous militias sought weapons, sometimes because they were unable to access government supplies, or because they had specific requirements or desires. Often, purchases were individual and small-scale. However, the demand for weapons also meant increased profits for European private arms dealers, driving up prices and causing intermediaries to multiply. In one case, a broker took three to six times the average price for mediating a weapons sale from a private dealer. While not illegal on the European side, the Ukrainian government has deliberately kept bidding out of the public eye under martial law controls. The increasingly opaque nature of such transactions amid heightened demand, coupled with Ukraine's history of corruption in military procurement, has led to reports of embezzlement, fuelling concern about how these weapons are tracked and who ends up obtaining them.⁴⁸

Crowdfunding campaigns have also proliferated, with one NGO reportedly raising US\$5.5 million in nine hours to buy 50 FV103 Spartan armoured personnel carriers from the British Army, while Czechs raised enough to buy a modernized T-72M1 Avenger battle tank (nicknamed Tomaš the Tank).⁴⁹ While these are often striking displays of

international public solidarity, the involvement of so many private actors in the logistics of organizing the shipments to the Ukrainian border raises questions about the oversight of these weapons and who ultimately receives them.

Contributing to the lack of transparency is what has been reported to be the involvement of non-state fighters from various countries, including the United States, with reports – denied by the US authorities – of unofficial encouragement from the Department of Defense.⁵⁰ ‘I know a lot of guys definitely not fighting in Ukraine and definitely not getting NATO weapons,’ a US special forces veteran joked with heavy irony.⁵¹ As of March 2022, of some 20 000 volunteers who had joined the Ukrainian military, several thousand were US citizens. While this is not illegal under US law, it does raise questions about jurisdiction, vetting and accountability.⁵² Given that, in practice, the Ukrainian National Guard has had a ‘bring your own beer’ approach to enlisting volunteers, encouraging them to sign up to fight with their own guns and equipment, and is lax about vetting them,⁵³ volunteers are a potential a source of unaccounted weapons flowing into Ukraine.

The controls

Despite the frequent expressions of Western concern,⁵⁴ as well as occasional examples of weapons from the war zone turning up in illegal hands, there is little real evidence of arms leaking out of Ukraine or of substantial arms trafficking channels out of the country being established. To a degree, as will be discussed below, this is thanks to existing mechanisms to inventory and control stocks, but to a larger degree it reflects the practical market conditions militating against exports.

This situation is largely due to two factors. First, the heavy fighting that ensued after Russia’s full-scale invasion on 24 February 2022 has disrupted existing illicit trade routes and organized criminal relationships, including those involving the movement of weapons. In the words of a Russian police officer: ‘Suddenly, criminal relationships that had survived [the annexation of] Crimea and everything that happened in the Donbas ... because it was all so lucrative, they ended on 24 February.’⁵⁵ Besides, the simple physical manifestations of the war – the battlelines, the mine-strewn and fire-racked ‘grey zones’ in between, the broken bridges and the abandoned railway lines – act as a powerful impediment to organized criminals to engaging in arms trafficking in eastern and southern Ukraine, which had been the main centres of their activity. However, as will be discussed in the section ‘After the war’, this cannot be taken for granted or expected to continue past the end of the active stage of the war.

Secondly, the recent history of Russian aggression in Ukraine and then the brutal nature of its invasion, especially given revelations of human rights abuses such as the Bucha massacre,⁵⁶ as well as indiscriminate attacks on population centres and critical national infrastructure, have all triggered an unprecedented mass mobilization of the population in an upsurge of national solidarity. The demand for weapons for personal and national defence has eclipsed profit-seeking behaviour as a motive for arms acquisition. ‘Patriotism is the currency now,’ said a private intelligence source tracking weapons among nationalist groups in Ukraine. ‘If there were going to be organized attempts to divert weapons, they wouldn’t let the weapons go all the way across the country, they would be stealing them on the border. They want to keep [them] all for themselves.’⁵⁷ Legal, illegal, state

and semi-state actors within Ukraine all currently see good reason to continue to stockpile weapons: the time to consider monetizing those stocks through internal and foreign trade is not yet come.

That said, both Ukrainian and Western governments are taking the risk of weapons trafficking relatively seriously and have begun putting some measures in place to counter it. In July 2022, Ambassador Bonnie Denise Jenkins, Under Secretary for Arms Control and International Security at the US State Department, had given a guarded statement that ‘the potential for illicit diversion of weapons is among a host of political-military and human rights considerations’, although she added: ‘We are confident in the Ukrainian Government’s commitment to appropriately safeguard and account for the U.S.-origin defense equipment.’⁵⁸

That month, the Ukrainian parliament set up a temporary special commission to monitor the flow and use of arms in Ukraine.⁵⁹ Over the summer of 2022, the US administration implemented measures to maintain inventory control over military assistance with a particular view to preventing unauthorized diversions, including training border guards and tightening gun and ammunition surveillance.⁶⁰ This was publicly presented as an adequate response, but less public statements were nowhere near as optimistic. ‘We have fidelity for a short time, but when it enters the fog of war, we have almost zero,’ a source close to US intelligence said of Washington’s ability to know quite where US-supplied weapons ended up. ‘It drops into a big black hole, and you have almost no sense of it at all after a short period of time’⁶¹

After all, given the near-unchecked supply of weapons, their easy acquisition by anyone who claims to need them in the name of defending against Russia, and the lack of vetting procedures for those enlisting to fight, there has been little evidence that it is these controls that are what is actually preventing weapons trafficking, and a number of issues – from corruption to political divisions within the country – may undermine these mechanisms of control, and will pose particular impediments once the hot phase of the war ends. The questions of corruption and poor cooperation between agencies are discussed below, but while it is clear that the extraordinary coordination, imagination and determination demonstrated by the Ukrainian people in the defence of their nation will have a lasting and wider impact, it cannot be assumed that it will magically remedy all the institutional challenges present before February 2022.

Indeed, one aspect of that national effort could also be a problem: the involvement of volunteer militias and paramilitaries in the overall Ukrainian defence. Indeed, the mass mobilization campaign launched by Zelensky encouraged the acceptance of all who wanted to fight, without question. While understandable, this inevitably raises issues of vetting and control. After the collapse of the Yanukovich regime in 2014 and the failures and disorientation that permeated the Ukrainian Armed Forces at the time, some 40 volunteer battalions, composed of nationalist groups and Maidan activists, were formed across the country to counter pro-Russian separatists and Russia’s direct but unacknowledged incursion in the east. Ukraine’s interim government had considerable difficulties controlling these groups. In March 2014, the government tried to disarm the self-organized groups,



Bonnie D. Jenkins, US Under Secretary for Arms Control and International Security, said the potential for illicit diversion of weapons was a serious consideration. © Andrew Kelly/Reuters via Getty Images

setting a deadline for them to surrender their weapons, but ended up instead enlisting them into the National Guard or the army when many battalion members refused to do so.⁶² While most of these groups ended up being effectively incorporated into the regular chain of command between 2014 and 2016, issues of control with some elements persisted. While these groups officially took orders from the interior and defence ministries (depending on whether they were in the National Guard or the army), some also made no secret of their intent to take matters into their own hands if need be. In the words of one battalion commander, they took it upon themselves to act 'independently from state structures' if they felt their or national interests were being neglected.⁶³ President Petro Poroshenko notably struggled with these groups, with armed standoffs with elements of the nationalist Right Sector in 2015.⁶⁴ These rivalries were largely resolved, although the Right Sector and the ultra-nationalist (some claim neo-Nazi⁶⁵) Azov Regiment remained sufficiently autonomous that in 2018, the US Congress added a provision to its bill authorizing assistance for Ukraine that bans any of it going to the latter.⁶⁶

In late 2019, major issues still persisted in getting some of these groups operating along the line of contact with Russian-held territories in the east to comply fully with commands. This was so marked in cases that, according to one Ukrainian parliamentarian, attempts to change certain policies in place on the line of contact were seen as useless in Kyiv because battalions on the ground would simply refuse to implement them.⁶⁷



Members of Ukraine's Azov Regiment. © Evgeniya Maksymova/AFP via Getty Images

Most of the former volunteer battalions, it is clear, had become wholly incorporated into the National Guard, any old identities and ideologies essentially eroded through turnover of personnel and commanders, and the habits of service. Nonetheless, the massive expansion of the forces in response to the invasion – the total number of Ukrainian combatants rose from 196 000 in 2021 to some 700 000 with full mobilisation⁶⁸ – has renewed some concerns about discipline and control. According to fieldwork conducted for this report, the Territorial Defence Force has already had to blacklist several known gangsters,⁶⁹ while some volunteer battalions accept fighters rejected from the Ukrainian army.⁷⁰ The International Legion of foreign fighters is particularly hard to control, with reports of not only criminal infiltration, but also arms leakages.⁷¹ Although it is entirely possible that these reports are also fuelled by stereotyping and racism, the Georgian Legion, the Chechen Dzhokhar Dudayev Battalion and the Sheikh Mansur Battalion – all of which are closer to company strength – have been identified by some Ukrainian sources as more prone to trafficking in captured weapons.⁷²

Given the centrality of the defence effort against Russia and the great deal of patriotic support for this effort, there currently are little to no real discrepancies between the goals of the volunteer battalions and those of the government. However, were that to change in the future, either because the war comes to an end or Kyiv is willing to make concessions in the name of peace of which the volunteer battalions disapprove, then that same self-motivation could mean that reining them in and getting them to comply – especially with orders to surrender their weapons – could become a serious issue. Past experience has shown that tracking and accountability of weapons, including heavy-calibre equipment, can prove extremely difficult.

The trade

The full-scale war in Ukraine and mobilization of weapons and volunteer groups have disrupted the cross-border arms trade, with little evidence of smuggling or trafficking of weapons outside Ukraine on a mass scale. In January 2023, Celeste Wallander, the US Assistant Secretary of Defense responsible for international security affairs, told a House hearing that the American government had not seen ‘credible evidence of any diversion of U.S.-provided weapons outside of Ukraine’.⁷³ However, there is evidence that the domestic black market continues to thrive, and local and international underground trafficking routes could quickly and easily be reopened.

Prior to the war, amid the simmering conflict in the east, the criminal firearms market was robust. The head of the Ukrainian Association of Gun Owners claimed in 2016 that his country had turned into a ‘supermarket for illegal weapons’.⁷⁴ At the time, stories of former Ukrainian soldiers turning into arms dealers selling rocket launchers for less than US\$400 were common (prices below both their formal sale price and what one would expect in the international illegal markets). In 2019, two Ukrainian soldiers were apprehended attempting to sell 40 RGD-5 grenades, 15 RPG-22 rockets and 2 454 rounds of ammunition for about US\$3 000, while another three were detained for attempting to sell 12 RPGs, 30 grenades, more than 30 grenade detonators and almost 3 000 rounds for less than US\$2 000.⁷⁵



FIGURE 2 Illegal arms flows and seizures before the Russian invasion.

To a considerable degree, this was wholly domestic trade, although there were instances of arms trafficking both by organized groups and individuals. In 2016, for example, a Frenchman was arrested trying to smuggle an assortment of weapons into Poland, including five Kalashnikov rifles and two RPGs in order, it was suspected, to carry out terrorist attacks.⁷⁶ However, organized crime gangs involved in weapons trafficking tended to avoid using land borders and instead shipped their goods via Odesa and Berdyansk, especially to Turkey.⁷⁷

Yet while the war has largely disrupted such illicit commerce – or perhaps simply made finding and tracking cases of smuggling more difficult – it continued in more isolated cases over 2022, again mostly on a domestic scale. In November 2022, for instance, the State Border Guard Service detained a man trying to sell a grenade launcher, an RPO-A Shmel thermobaric rocket launcher and 20 F-1 grenades, which he had found on territories reclaimed by Ukrainian forces from the Russians.⁷⁸ In December, several police personnel in Odesa were seriously injured by an exploding anti-tank round, which had been smuggled by a Ukrainian army volunteer who had brought it as a ‘souvenir’ from the Mykolaiv region.⁷⁹ Reports of domestic arms dealers selling hand grenades, explosives, machine guns, ammunition and anti-tank RPGs have continued.⁸⁰ In December, a returning British volunteer who had served in the International Legion alleged that two trucks of Western weapons and ammunition – including Javelins – had ‘disappeared’ from his convoy, one of a number of allegations of stolen arms.⁸¹ That said, only limited evidence has emerged of these weapons turning up abroad since February 2022. Claims about their use in Finland, for example, were quickly and apparently accurately debunked – although research for this study did uncover an abortive attempt by Finnish criminals to source weapons from Ukraine.⁸²

Most illegal firearms are likely to be circulating within the borders of Ukraine, but the apparent discrepancy between levels of theft and illegal sales may also in part reflect, firstly, problems in policing underground commerce at a time when police are serving in the front line and law enforcement is overstretched, and, secondly, stockpiling with an eye to sales later when movement is easier and the market may be more welcoming. According to our field research, there is a tradition of burying or stockpiling weapons so that they can be sold later on the black market, and given incidences of theft and looting, it is highly likely that this continues to occur.⁸³ Thus, the conditions are in place for the black market to reinvigorate and spread beyond Ukraine's borders after the war.

The other side

It is, of course, far harder to reach any kind of authoritative assessment of the situation in Russian-held areas, even before February 2022. The DNR and LNR regimes themselves were virtually bandit kingdoms, their leaders involved in a range of illegal businesses and their very economies underpinned by institutionalized criminality.⁸⁵ Increasingly, independent journalists were barred from the region or kept away by fear of extralegal pressure, further limiting access to proper data about the situation on the ground.⁸⁶ The Russian authorities were scarcely willing to acknowledge problems in the area, even though occasional concerns were raised in border regions such as Rostov-on-Don about the impact of crime such as the spread of illegal weapons or narcotics. As for Crimea, now regarded by Moscow, if not international law, as the Republic of Crimea, the need to maintain an upbeat narrative since annexation in 2014 appears to have stifled attempts objectively to report on the underworld situation there.

Nonetheless, it is necessary to consider the other side of the front line, both because of the fact that problems there are affecting the Russian mainland and Ukraine alike, and because, in due course, the problems of Russian-held areas are likely to become Kyiv's.

If issues of control over volunteer and paramilitary groups have been a problem for the Ukrainian authorities, this was ironically enough especially so for Russia, which struggled to rein in separatist militias in Donbas throughout 2014 and 2015, even while trying to maintain deniability and then deploying troops. Although this was primarily about political control, it was also to a degree about a fear of weapons and fighters seeping back into and destabilizing adjacent Russian regions, which, as will be discussed below, has indeed happened. Ever since 2015, the authorities had been making moves to try to address the problem, even digging some 100 kilometres of defensive ditches along the border between the Rostov region and occupied Ukraine to deter smugglers heading into Russia.⁸⁷ Inevitably, the particular concern at the time was that the small arms and heavier weapons might be smuggled to the North Caucasus, where they could be used by anti-government insurgents.⁸⁸ In September 2015, for example, Russia's Federal Security Service rounded up a nine-strong group from Karachay-Cherkessia, which had been moving arms from the Donbas through Rostov and then the Stavropol region. Even so, this was a relatively small outfit, which at the time had just 27 guns of various kinds.⁸⁹

The real market interest came not from insurgents, but organized crime gangs with an eye to domestic and international sales, although a share estimated by the police as anything from 10%–30% was retained for their own use.⁹⁰ This was part of the reason why the government decided in 2015 to increase the penalties for illegal arms

A lot of weapons have been coming from Ukraine lately. The DNR and LNR are literally stuffed with them.

RETIRED RUSSIAN POLICE COLONEL
IN 2015⁸⁴



FIGURE 3 Eastern flows of weapons, 2022–2023.

sales,⁹¹ and then to transfer not just the licensing of weapons, but also responsibility for aggressively tackling the market to the new National Guard, established in 2016. Nonetheless, the flow continued and crimes involving firearms rose steadily, particularly in regions close to the conflict. Rostov-on-Don became known as ‘the most dangerous city in Europe’.⁹²

The invasion has only exacerbated the situation. In Russia as a whole, the crime rate rose by 36% in the first 11 months of 2022, according to figures from the Prosecutor General's Office. However, they doubled or more in seven regions, including Kursk (where it grew by an extraordinary 540%) and Moscow, where it was up by 365%. This has been linked to the return of soldiers from the war and the weapons they have brought back to use and sell.⁹³

Meanwhile, since 2015 weapons had increasingly begun also to move westwards across Ukraine, although this trade has been curtailed since the invasion, and arguably many more Russian weapons are salvaged from the battlefield than bought across the western borders. Criminal connections between Russian-based and Ukrainian-based organized crime groups, which had largely suffered brief dislocation thanks to the Crimean annexation and the Donbas conflict, resumed. As usual, the laws of supply and demand helped encourage this cooperation, even though in some cases it meant Russian criminals selling weapons to Ukrainians who might then use them against Russian soldiers or proxies. (This had been even more of an issue during the two Russian wars in Chechnya.) In the main, though, the weapons were destined for personal or criminal use within Ukraine or onward resale, and they were generally sold



Ukrainian servicemen of the Donbas Volunteer Battalion in Luhansk. Arms have flowed steadily from Donbas to Russia since the conflict in the separatist-held region. © Anatoli Boiko/AFP via Getty images


in small quantities, and not in large batches. In 2016, a Makarov pistol that could be sold in Kyiv for US\$120–US\$160 could be bought in the DNR/LNR for as little as US\$20, but the mark-up reflected both supply and demand, and the extra costs of moving it across the de facto border. As a soldier-turned-arms dealer explained, ‘From the east, the road is long and dangerous.’⁹⁴ Nonetheless, in the period up to the invasion this was a road with many travellers creating an ‘ant trade’ pattern of numerous small-scale smugglers.

Now such routes are all broken, and battlefields offer more weapons than the illicit markets of Crimea, the LNR and the DNR ever could. Instead, thefts of official stocks and looting from the fighting are leading to a build-up of weapons within the occupied territories. Some are flowing into mainland Russia, but this appears to be only a part of the overall illegal holdings, and there is no evidence of any alternative destinations. Thus, the implication is that there are large quantities of arms and ammunition being held illegally, ominously awaiting the end of the war.



WHEN THE GUNS FALL SILENT

Ukrainian servicemen pass a mural depicting a Madonna (referred to locally as St Javelin) holding a US anti-tank missile, Kyiv, May 2022. © Maxim Marusenko/NurPhoto via Getty Images



Once the guns fall silent [in Ukraine], the illegal weapons will come. We know this from many other theatres of conflict. The criminals are even now, as we speak, focusing on them.

JURGEN STOCK, HEAD OF INTERPOL, JUNE 2022.

As of writing, the end of the war seems distant and uncertain, but the banal certainty is that some day and somehow, the war will end. Although their immediate focus is naturally on victory in the conflict, it is nevertheless crucial for both Kyiv and its partners to be thinking now how best to address the danger of post-war arms proliferation, and also the likely scope and routes of future illegal weapons flows.

Indications and warnings

It would be fruitless to try to predict specific trends about the future of the illicit arms trade in and Ukraine and across the borders, not least because much will depend on how and when the fighting stops. Instead, it is worth considering the scenarios and conditions that will influence the likely illegal trade(s) and determine their scale and form.

What kind of an end?

If the war comes to a true end, buttressed by negotiations and an agreement between Moscow and Kyiv, then there will be a renewed possibility, however faint, of technical law enforcement cooperation between the two countries to secure arms stocks, police the border and share intelligence. This may sound unlikely, but the kind of arm's-length or third-party cooperation that Israel was able to maintain with some of its Arab neighbours, even during periods of direct hostility, demonstrates that this is not impossible. That is, of course, a best-case outcome.

It is also entirely possible that direct combat operations will subside into a grudging stalemate that may become a de facto frozen conflict. In this case, not only would neither side be at all willing to cooperate, but there may be an active desire to cause problems for the other. As an EU monitor based in Kyiv noted, 'If Moscow can't win the war, it will probably want to make sure Kyiv can't win the peace, either.'⁹⁵ There will thus be far greater scope for cross-border illicit arms flows, as well as the maintenance

Abandoned munitions crates in the Kharkiv region following the Russian retreat in September 2022. Ukraine and its partners must address the issue of post-war proliferation. © Juan Barreto/ AFP via Getty Images



of militarized security zones on both sides of the front line, in which weapons will be plentiful and oversight limited and difficult.

Collapse, retreat or agreement?

How does the losing side lose? As of writing, it seems likely, if not certain, that Kyiv will in due course liberate the occupied territories, with the possible exception of Crimea. What is less clear is whether this will be the result of a slow pushback or agreed withdrawal, or the catastrophic collapse of one side's forces. In the latter case – as was evident when Russian troops hurriedly retreated during Ukraine's September 2022 Kharkiv offensive⁹⁶ – then the chances that large amounts of materiel, from personal weapons and small-arms ammunition all the way to artillery pieces and tanks will be left behind. This will create a free-for-all for looters and thus a substantial expansion of illegal arms stocks.

A land fit for heroes?

At present, the Ukrainian people and political elites are strikingly united in the face of the Russian invasion. Much will depend on the political situation that emerges after the war, and whether old divisions (especially between Zelensky's one-time insurgent Servants of the People party and the established political machines) re-emerge; whether there is a consensus on the settlement of the war; and how far and how quickly post-war reconstruction can begin. Political divisiveness, economic hardship and national disillusion could encourage a renewed rise of organized crime groupings, undermine efforts to reform and support law enforcement measures, and create fertile conditions for demobilized soldiers and others with access to weapons to feel they have no alternative – as has happened in the past – and engage in the illegal arms trade.

A new insurgency?

Most of the occupied regions liberated so far were only recently conquered by Russia and were overjoyed to return to Kyiv's control. However, this may prove to be rather different in the LNR and DNR regions, and even more so in Crimea, if it returns to Kyiv's control. While there will be many pleased for the fighting to be over, there will also be officials of the old order, members of militia units, potential Russian stay-behind agents and organized

crime groups unwilling to lose the freedom of operation they had acquired. This will be a test not simply of Ukraine's public order and counter-intelligence structures but also its wider disarmament, demobilization and reintegration (DDR) strategy.⁹⁷

A key indication will therefore be whether Kyiv develops a positive and viable DDR strategy before the end of the fighting, and is able to apply it to territories where it faces the greatest potential resistance.⁹⁸ Without this, the risk of perpetuating a cycle of violence, suspicion and thus instability will be great, facilitating weapons smuggling for both personal profit and also to fund any anti-Kyiv insurgencies as may emerge.

Daggers drawn or a new start?

Broadly, whether or not it joins NATO or whatever formal security guarantees Ukraine may receive, its long-term security ideally depends on a stable Russia that accepts its sovereignty and – as opposed to Putin's apparent belief – its right to exist as a nation state. It is, of course, at present hard to imagine any kind of harmonious relationship, but a final variable is precisely whether the end of the war leaves the two countries still in a state of hostility or whether there is any prospect of more positive relations. Joint policing of the border (and criminal flows across it) and intelligence sharing would greatly contribute to an effective anti-proliferation strategy that would benefit both countries. This is, however, regrettably unlikely to be a prospect for a long time to come.

Flows and impacts

There are already signs that illegal guns are playing a greater role in crime in both Ukraine and the nearby regions of Russia (no data is available for the DNR and LNR territories). According to data from the Ukrainian General Prosecutor's Office, for example, recorded offences committed with firearms rose tenfold in 2022, from 720 in 2021 to 7 003 in 2022.⁹⁹ In Russia, the number of violent crimes committed with firearms across the country rose by 30% in the first ten months of 2022, but the Kursk and Belgorod regions, bordering Ukraine, saw such incidents increase by 675% and 213%, respectively. In Moscow violent crime grew by 203% over the said period.¹⁰⁰

As discussed above, at present most flows of illegal weapons in Ukraine are either into or within the country rather than beyond its borders – although it is likely that there are

It is likely that there are current exports of weapons through the port of Odesa, shown here. © Stanislaw1999/Shutterstock





FIGURE 4 Potential future flows of weapons.

still some exports through the port of Odessa, not least because of the continuing scale of criminal smuggling going on through this traditional underworld hub. Likewise, there have been small-scale cases across its western borders, but not as much as expected. One Romanian police officer noted: 'When the war started, many criminals expected to see trucks of Kalashnikovs coming across the border, but so far, not so much.'¹⁰¹ Much the same could be said of the Moldovan, Slovak, Polish and Hungarian borders.¹⁰²

To the east, flows out of occupied regions are concentrated along the axes of Russian resupply and personnel rotation, with small arms either being sold directly out of the arsenals prepared for newly mobilized reservists, especially in the Southern and Central Military Districts, or being brought back by rotating (or injured) soldiers. The former deals tend towards being larger scale, often involving ten-rifle crates of AK-74s or older AKM-47s being diverted at once; the latter, conversely, tend to be more limited and opportunistic. In January 2023, for example, the personal effects of a seriously wounded soldier being evacuated to the Botkin Military Medical Hospital in Moscow were reportedly found to include an AKS-74U assault carbine, a Soviet RGO hand grenade and several boxes of ammunition. The soldier claimed to know nothing about it, and in past conflicts it has been the case that the effects of the injured (and the coffins of the dead) were sometimes used by unscrupulous third parties to smuggle contraband.¹⁰³



A Ukrainian sniper with a Barrett anti-materiel rifle.

Photo: social media

Looking to the future, though, the likelihood is that most illicit weapons transfers will, if not hindered, follow the established routes already present for other commodities, from counterfeit goods to drugs. However, the demobilization of forces will also create its own routes given the presence of thousands of mercenaries and volunteers on both sides. A particular concern is the fighters from the Western Balkans, who have joined both the pro-Russian and Ukrainian militaries.¹⁰⁴ Many not only come from countries with deeply entrenched organized crime but are themselves involved in such activities. They may not only seek to return with their own weapons, but a concern in both Kyiv and Europol is that they may also establish transnational connections for future trafficking operations. According to an EU security official posted to Kosovo, for example, some local volunteers fighting with the Ukrainians ('because the Russians backed the Serbs') were already in conversation with their family members back home about potential illicit post-war business ventures, including weapons trafficking. There may well be comparable conversations among the Serbs fighting with the Russians,¹⁰⁵ but either way, the future geography of illicit weapons flows from Ukraine has the potential to be complex and expansive.

Scale of weapons flows

Most of the current – and probable future – illicit trade is in individual and limited batches of small arms. These lend themselves to opportunistic acquisition and cater to a broad and reliable market. This way, there are also fewer challenges relating to the supply of ammunition, maintenance and identification. In the words of a British police officer: 'Unless you really want to track the serial numbers, which isn't always easy, one AK looks much like another. You can stick it in the boot of your car, and you can always find a buyer or ammo for it.'¹⁰⁶ He was drawing an explicit distinction with more exotic weapons, such as the Barrett M82 anti-materiel rifles supplied to Ukraine by Sweden and the Netherlands (which fire a hefty and rate .50 calibre round), or the Polish-provided FB Radom MSBS Grot rifle (which has been exported only to one East African country and is therefore extremely rare on the black market).



A Ukrainian soldier with a next generation light anti-tank weapon. There is evidence of a black market in Ukraine for heavier portable weapons. © Sergei Supinsky/AFP via Getty Images

Kalashnikovs in their various incarnations are dangerous enough, but another particular concern is heavier weapons. Organized crime groups do not usually seek these for their own use, although there have been such incidents as the so-called Nordic Biker War of 1994–97 between the Hells Angels and Bandidos outlaw motorcycle gangs, which saw Swedish AT4 and Russian RPG-22 anti-tank rockets used on several occasions.¹⁰⁷ Meanwhile, terrorists, street gangs and gangsters with grandiose ideas and poor impulse control may seek heavier man-portable weapons such as NLAWs and Javelin anti-tank guided missiles as either trophies or for use, and already there is at least anecdotal evidence of a market in such systems within Ukraine. There is also a whole new industry in fake darknet sites purporting to sell weapons provided to Ukraine, whether as Russian information operations to discredit Kyiv, or simply as scams.¹⁰⁸

Fears that even heavier systems, such as artillery pieces or tanks, may also make it onto the global black market are, however, unlikely to materialize. It is not simply that they are hard to hide and even harder to move discreetly: there is a limited potential market for such materiel, one largely confined to the larger and more powerful insurgent groups and pariah states. More to the point, without spare parts, ammunition and the


know-how to use or maintain them, they will quickly become little more than outsized ornaments. In the past, any such illegal transfers have required both high-level corruption and virtual state collapse. Illegal industrial-scale transfers from Russian stocks in the 1990s, for example, were often connived at by the management of defence plants desperate to monetize some of their otherwise unsellable inventory and a government in Moscow that regarded this as a means to retaining a degree of relevance after its loss of superpower status. Likewise, when the hijack of the Ukrainian ship *MV Faina* in 2008 happened to highlight the sale of 33 T-72 tanks and other heavy equipment, ostensibly heading for Kenya, but widely believed to be destined for South Sudan,¹⁰⁹ the US military alleged that this was a case of sanctions-busting by a Ukrainian arms company rather than a traditional criminal operation.¹¹⁰

It is hard to see Ukraine or even Russia collapsing to such a degree after the war, and in any case the scope for monitoring heavy weapons by everything from satellite surveillance to crowdsourced open source intelligence is far greater these days, to say nothing of the fact that at least on the Ukrainian side, this issue is already receiving considerable attention to satisfy nervous donors, including allowing onsite inspections by US personnel.¹¹¹ The illicit arms trade is therefore most likely to be confined to man-portable systems, from pistols to rocket launchers and everything in between.



RESPONSES

Zelensky addresses the German Bundestag by video, March 2022. His government needs to move quickly to develop a robust strategy to secure weapons once the fighting is over. © Spencer Platt/Getty Images



Properly securing weapons, particularly sensitive and advanced conventional weapons, ... is essential to [Ukraine's] post-conflict recovery and regional security.

US STATE DEPARTMENT, OCTOBER 2022¹¹²

First and foremost, it will be Kyiv's decision and responsibility how to respond to the potential challenge of arms trafficking and proliferation. Nonetheless, it is also going to be a danger to the whole strategic 'neighbourhood'. There is much that its partners and allies will and should do to encourage, guide, support and match Ukrainian efforts to deal with a problem that will have global implications.

Ukraine

Kyiv is not blind to the challenge. In June 2022, a temporary special commission was established by parliament to monitor use and disposal of weapons sent to Ukraine, and while since 2022, inspectors general from the US State and Defense Departments and USAID have been auditing flows of aid – including military ordnance – from outside the country, since February 2023 they have also had investigators working on the ground alongside their Ukrainian counterparts. Nonetheless, much of this is focused on heavy weapons of the kind less likely to be trafficked, and also guns supplied by the West, not acquired domestically. The Ukrainian government ought to be moving more quickly now to develop a comprehensive strategy to address it now, and primarily after the fighting is over. Elements of this strategy could involve what is discussed in the subsections below.

Legal reform

Addressing the anomaly of relying on Ministry of Internal Affairs (MVS) regulations rather than statutory instruments to regular legal access to guns would be a simple and welcome step. The fundamentals of Ukrainian firearms law are, after all, robust in terms of the requirements for issuing licences, the storage of weapons and the like. It is essentially a matter of ensuring a more robust process to apply them, and one less riddled with loopholes. It may well also be time to reconsider the practice of gifting military-quality handguns as an official perk.



Photo: GI-TOC

Accounting and inventory

Although considerable progress has been made in partnership with donor nations in strengthening accounting and inventory controls on heavy weapons, no serious efforts have been made to address retrospectively the widespread distribution of weapons at the start of the invasion. Likewise, little real effort is made to police the widespread practice of looting from the battlefield. According to one US military liaison who spent time visiting the front line, Ukrainian ‘soldiers, [National Guard], civilians, everyone picks up what they can, and no one pays any attention, except to make swaps’.¹¹³

This also applies to civilian weapons. It is still unclear whether Ukraine has a centralized digital register linking each firearm to its current civilian owner or whether it still relies on the MVS’s Centre for Criminal Research’s library of cartridge cases provided by gun owners. This system does provide some capacity for forensic matching and tracing of spent ammunition found at a crime scene, but it is a dated and inefficient approach.¹¹⁴

Policing reform

No controls are more effective than those tasked with applying and overseeing them, and thus controlling arms proliferation also depends on the wider issue of police reform. Considerable progress had been made as of the invasion, based heavily on adapting the experiences of the Republic of Georgia.¹¹⁵ However, this is still very much a work in progress.¹¹⁶ A much-heralded lustration process meant to weed out inefficient, abusive and corrupt officers, for example, led to around 5 000 dismissals – but every officer who appealed was allowed back into the force.¹¹⁷ The death of Interior Minister Denys Monastyrskyy in a helicopter crash in January 2023 also deprived Ukraine of a particularly committed reformist.¹¹⁸ There is a concern that the MVS will be resistant to further reform, and the inevitable focus on security – including pacifying regions that may contain numbers of pro-Moscow fighters – will leave few resources and little political capacity for anything else.

This is even more true of the Security Service of Ukraine (SBU), an agency originally built on the basis of the Ukrainian branch of the Soviet KGB, and which retains a substantial law enforcement role. While it has won plaudits for its successes combating Russian intelligence and subversion operations, there are serious concerns that it remains untransparent, over-powerful and prone to corruption.¹¹⁹ In 2019, for example, outgoing European Union Advisory Mission (EUAM) head Kestutis Lancinskis, while praising the progress of police reform, lamented that he had found ‘no political willingness to even start the SBU reform’.¹²⁰ Thus, reforming Ukraine law enforcement structures will inevitably be a highly political issue, with those arguing for and against it believing themselves to be working in the country’s best interests. Nonetheless, in the longer term effective law enforcement – which will also maximize Kyiv’s capacity to address arms proliferation – depends on professional but also reformed institutions.

Countering corruption

There is a common thread that runs through almost every recommendation: the need to tackle endemic corruption at every level of the state apparatus and in every institution. Before the war, after all, Ukraine was considered one of the most corrupt countries in Europe, alongside Russia, and President Zelensky was elected in 2019 on a strong anti-corruption mandate, saying that ‘my election proves that our citizens are tired of the experienced, pompous machine politicians who over the 28 years, have created a country of opportunities – the opportunities to bribe, steal and grab resources.’¹²¹ His personal commitment to this cause appears undimmed, and the National Anti-Corruption Bureau and Special Anticorruption Prosecutor’s Office are proving encouragingly active in their work. Nevertheless, the realities of office, and then the harsh exigencies of war have stalled or slowed true systemic progress, and there are differing opinions in-country how far his Servants of the People party has been subsumed into or taken over the existing political machine.¹²²

In fairness, Ukraine’s existing National Anti-Corruption Strategy for 2021–2025 recognizes most of the key challenges, from maintaining the independence of the judiciary to the ‘creation of convenient and legal alternatives to corrupt practices’.¹²³ The issue, of course, is implementing it,¹²⁴ something that will also challenge policymakers not to succumb to the temptations to replace oligarchic power and their enemies’ patronage with their own.

Amnesty and buy-back

It is impossible to undo the proliferation of weapons in the country, and it is unlikely that simple appeals to citizens’ goodwill would do much to address it – but cash might. Even back in 2018, there was a debate about a weapons buy-back scheme. Heorhiy Uchaikin of the Ukrainian Association of Gun Owners argued that only an amnesty – even of military weapons – and payments would make a difference: ‘Otherwise people won’t give them back. They will hang onto them for a “black day.”’ If this issue were to be left unresolved, said Uchaikin, one incident with a grenade launcher will cost a lot more than any buy-back.¹²⁵

At the time, the MVS was deeply hostile to the idea, but given the massively greater scale of the challenge now, it may be worth reconsidering buy-back as a simple way of addressing the fact that many of those who are collecting weapons are doing so with an eye to profiting from them. The state may not offer as much as illicit markets, but it does also offer security. An amnesty and buy-back programme, combined with a well-publicized campaign of police sting operations meant to underline the risks inherent in engaging in underworld deals may help at least remove some of the ‘amateurs’ potentially in the market.

On the other hand, one has to recognize that there is also a populist call from elements in both society and the political elite that clings to the notion that an armed Ukrainian people will remain a free Ukrainian people, such that even Monastyrskyy championed wider legal access to weapons.¹²⁶ This will be a difficult argument to fight in the immediate aftermath of the war, so it may make more sense to balance the two, cracking down on illegally-held weapons while also campaigning to encourage owners to get licences and for their weapons to be registered.

Demobilization at home

There is understandable nervousness both in Kyiv and in the West about the DDR challenge that will follow the end of the war, as soldiers are demobilized, displaced people return home and civilian practices again replace the exigencies of war. To be sure, there is also hope that veterans will prove an active and energetic force for national renovation and that returning refugees from Europe will bring with them the experiences of living in stable liberal democracies. However, there are also potential dangers – scarred war veterans who may have trouble re-adapting to civilian life or who become impatient with the pace of reform, for example, or migrants whose homes have been destroyed and who are forced into inadequate temporary housing.¹²⁷ There is precedent in other contexts that such alienated individuals and communities have often drifted into organized crime and may well also have access to illegal weapons, whether for use or sale. DDR is thus also a law enforcement priority.

Demobilization of the occupied territories

As discussed above, if and once Kyiv retakes territories that in some cases were held for eight years by Russia or Russian-backed separatists, it will have considerable issues disarming and integrating those militias that have gained a foothold there.

Kyiv's official line may well be that these are all 'Russian occupiers', but prior to the full-scale invasion, the militias of the DNR and LNR numbered some 40 000 soldiers, most of whom were Ukrainian citizens, armed and supported for eight years by Russia. Arresting all of them is impossible and disarming them may be exceedingly difficult. More broadly, deep-seated resentments among loyalists, especially fuelled by Russian abuses, risk leading to long-term intercommunal violence, made all the more deadly by the easy availability of weapons. A poor DDR strategy – and at present, tellingly, Kyiv does not have a coherent one to apply to the post-war settlement – will also make policing formerly occupied territories and thus decommissioning the huge stocks of weapons that could otherwise make their way into national and international illicit markets all the more difficult.¹²⁸ In the words of a senior US official involved in policy towards Ukraine: 'It's hard to tell Kyiv these days that they need to think how they are going to reintegrate the people [of the occupied territories] without them focusing on arresting war criminals, purging administrations and getting their understandable revenge. But that's not going to fix the country.'¹²⁹

Partners

The issue of proliferation must also be a priority for Ukraine's Western partners, from the EU and individual nations to the numerous civil society actors eager to help Kyiv rebuild and rebound, and address the arms proliferation threat in particular.

In July 2022, Brussels announced the establishment of the EU Support Hub for Internal Security and Border Management in Moldova, which, alongside such concerns as people trafficking, focuses on illegal arms transfers and is envisaged as a 'one-stop shop' to allow Europol and Frontex to share information with each other and Eastern Partnership allies. This is essentially a brokerage rather than a programme, though. By contrast, in October 2022, the US State Department's Bureau of Political-Military Affairs unveiled a comprehensive plan to help clear the explosive remnants of war (ERW) and counter the diversion

of weapons, noting that while ‘the Ukrainian government has committed to appropriately safeguard and account for transferred US-origin defence equipment ... the chaotic nature of combat can make this difficult’.¹³⁰ A particular priority is man-portable heavy anti-tank and anti-air weapons of the sort that are especially favoured by terrorists. The particular axes of what will be an open-ended, multi-year programme, will be:

- bolstering the ability of security forces in Ukraine and its neighbouring states (a reference especially to Moldova and adjacent NATO states, rather than Russia) to account for and safeguard their arms and ammunition during transfer, in storage, and when deployed;
- strengthening border management and security in Ukraine and its neighbouring states; and
- building the capacity of security forces, law enforcement officials, and border control agencies in Ukraine and its neighbouring states to deter, detect and interdict illicit trafficking of certain advanced conventional weapons.¹³¹

Although primarily geared to US activities and US-supplied weapons, there is every expectation that this could be built out into wider collaborative activities with other partners. In any case, along with comparable projects, such as the activities of the EUAM, it provides a useful basis for a serious and proactive programme to tackle the risk of arms proliferation after the war that can be broadened out from this technical basis into the political realm. It ought to focus on four main areas of activity.

1. Capacity building: Ukraine will be faced with a formidable range of challenges after the war, of which addressing the arms question will be only one. Although there will be scope to lend Kyiv specialist personnel or engage private-sector providers, there will also be the need to help Ukraine develop and deploy its own capacities in a range of fields:

- **Accounting.** Tracking and collecting weapons will be a massive task, but a necessary precondition to securing or destroying them.
- **Law enforcement.** As discussed above, helping police Ukraine is also helping police Ukraine’s borders and thus enhancing the security of its neighbours. The EUAM has since 2014 been committed to supporting the police reform programme, and with the prospect of Ukrainian membership of the EU, this is likely in the future to become only more important.¹³² There is already a range of support, training and cooperation activities in place working with and in Ukraine, from the UNOPS PRAVO Support for Rule of Law Reforms in Ukraine in the Areas of Police and Public Prosecution and Good Governance project (which closed in August 2022 but which is likely to be followed by a new equivalent) to the US Department of Justice’s International Criminal Investigative Training Assistance Program.¹³³
- **Intelligence.** Reform of Ukraine’s intelligence and security sector was identified as a particular priority before the war, especially with the work of the EUAM,¹³⁴ and while the scope for any major shake-up during a time of war is limited, resuming the programme afterwards would be an important step forward in helping build its indigenous capacities to tackle arms trafficking. Addressing the anomalous role of the SBU as both a political security and law enforcement agency, for example, needs to return to the agenda, and is something with which foreign partners can provide all kinds of assistance.¹³⁵ This should also include building on the extraordinary use of international and often civil society open-source monitoring of reporting to use it as an alternative means of accessing reports of illegal weapon movements or locations.

- **Safe disposal.** Beyond the wider ERW issue, ordnance and systems not due to be returned to donors, used by the Ukrainians, or sold through legal markets will need to be destroyed in a safe and environmentally responsible way. This can be handled by the Ukrainians themselves, although assistance will be helpful, or outsourced to private contractors paid by foreign donors.
- **Border security.** This is really a whole area of activity in its own right and deserves to be treated separately – see below.

2. Cooperation and control on and beyond the border: While the security and stability of Ukraine itself matters in its own right, the threat of arms trafficking is also a transnational question that needs to be treated in the same terms.

- **Practical support.** There is an urgent need for funds to develop Ukrainian border control capacities, ranging from recruiting and retaining officers (and paying them well enough to help reduce the temptations of corruption) to supplying equipment, whether more advanced systems, from container scanners to patrol drones, or something as basic as good winter clothing.¹³⁶
- **Training assistance.** Improved capacities also depend on know-how, involving everything from sharing overall best practice to very specific courses on recognizing weapons systems in transit.
- **Intelligence sharing.** Given Kyiv's commitment to developing fruitful and open relations with most of its neighbours and early membership of the EU, it will be important to develop effective intelligence sharing relationships with those neighbours. This involves technical measures but just as importantly fostering collaborative and mutually trusting human relationships that will encourage joint operations.¹³⁷ This is especially important when dealing with organized crime gangs who traffic in weapons as, in the words of one Europol analyst, these tend to be 'closed, careful, even paranoid' structures, which 'take full advantage of any lack of [cross-border] cooperation between the police and customs'.¹³⁸

The Poland-Ukraine border at Kroszno. The threat of arms trafficking is a transnational issue affecting Ukraine's neighbours. © Omar Marques/Getty Images



3. Rule of law environment: The Ukrainians' desire to build a working rule-of-law state and fight the enduring problem of corruption is one that needs support in both practical and political terms. This has a particular connection with the arms issue, in that corruption in control and border security agencies facilitates illegal weapon transfers within and over Ukraine's borders. There is already much work being done on this issue, from the EUAM to actors such as Sweden's Folke Bernadotte Academy, which has a collaborative project with the Rule of Law Centre at the National University of Kyiv-Mohyla Academy.¹³⁹ Indeed, it is almost harder to identify an international body or nation that is *not* engaged in some kind of anti-corruption programme in Ukraine, and this will be crucial in any reconstruction efforts.¹⁴⁰ For all that, there are specific areas of wider legal assistance with particular bearing on the arms proliferation issue:

- **Legislative assistance.** Ukraine's laws must necessarily reflect local needs and political priorities, but nonetheless there is a large body of laws on gun licensing and control, international arms trade and the like that could inform Kyiv's deliberations and help move to a quick adoption of necessary legislation.
- **Political accountability.** Finally, while strongly supporting Ukraine's sovereignty and right to chart its own future, Kyiv's allies would best demonstrate their friendship also by being critical when necessary and not encouraging or ignoring backsliding on the rule-of-law issue in the name of convenience or immediate political expediency. This was a mistake perpetrated in Western policy towards Russia in the 1990s, and by the European Union towards an array of authoritarian 'stabilocrat' leaders in the Balkans two decades ago, and has been proven to be seriously counterproductive.¹⁴¹ As a senior US official admitted, 'Ukraine's past track record on corruption is not so great. The best thing we can do is cheer them on when they are doing the right thing and hold their feet to the fire when they're not.'¹⁴² Whether supporting a free and pluralistic media or calling out any signs of backsliding, whatever Ukraine's international partners can do to support rule of law in the country will also help them protect themselves from illegal weapons trafficking facilitated by corruption and impunity.

4. Brokering and assisting regional cooperation: Even now, not all Kyiv's relations with Ukraine's neighbours are easy, creating unnecessary obstacles to cooperation. Moldova is supportive, especially during what it sees as its common struggle with Moscow, but there is also a clear concern (and perhaps some resentment) about being left in Kyiv's wake as it races towards EU membership. Hungary is ambivalent, grudgingly willing to provide humanitarian assistance, but also levelling questionable allegations about the mistreatment of Ukraine's small population of Transcarpathian Hungarians.¹⁴³ As for Romania, while it has strongly supported Kyiv in the war, its wider relationship with Ukraine has been described as 'weighed down by historically conditioned mistrust'.¹⁴⁴ Belarus is a virtual vassal of Russia's, but the other relationships can and should be improved to maximize the opportunities to cooperate against potential weapons trafficking which is, after all, a common regional threat. A Romanian security official, for example, lamented in 2022 that he could talk to his 'Ukrainian counterparts, no problem – but I can't get political approval to go beyond talking'.¹⁴⁵ To this end, there is a role for third parties with the capacity to broker specific agreements to reduce grounds of dispute or otherwise improve mutual relations.

NOTES

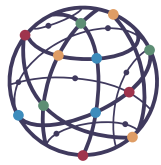
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