

Monitoring Adherence to the EU Common Position on Arms Exports by Means of an Online Database

The discussion on arms exports often suffers from a lack of information regarding the correspondence of recipient states to the specific criteria set out in the 1998 European Union Code of Conduct on Arms Exports that in 2008 became the legally binding Common Position (2008/944/CFSP) on common rules governing the control of exports of military technology and equipment. In order to ease access to relevant information, BICC has developed an online database, which examines the situation in over 170 countries with regard to eight criteria that are related to the criteria in the EU Common Position. For each criterion, every country is classified as either 'critical', 'possibly critical' or 'not critical' - with 'critical' pointing to a high probability of severe deficits with regard to the respective criterion. Although the criteria are derived from the Common Position, this classification should not be misunderstood as a definite recommendation as to whether a particular arms export license should be granted or not. This still needs to be decided from case to case and by taking into account a host of additional factors not considered by the database.

On 8 June 1998, the European Union adopted a Code of Conduct on Arms Exports.¹ Whereas the provisions of the Code were not legally binding, they did reflect the political commitment of EU member states to agree upon a set of common guidelines when approving or denying the export of military equipment from EU territory, specifying all together eight criteria on which such decisions ought to be based. With the 2008 Common Position,² the eight criteria specified were transformed into a legally binding document.

The **first criterion** refers to the international obligations of EU member states to enforce possible sanctions, particularly arms embargoes, of the United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE) and the EU against the recipient of arms exports, be it a state or non-state actor. Furthermore, member states are urged to respect their commitments under formal agreements on arms export control, such as the Nuclear-Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention, as well as informal arrangements, such as the Missile Technology Control Regime, the Nuclear Suppliers Group and the Wassenaar Arrangement.

The **second criterion** requires member states to consider whether the military equipment to be exported might be used for human rights violations, for example the internal repression of popular opposition, or for serious violations of international humanitarian law. The User's Guide to the EU Common Position spells out a list of indicators, which should be taken into account when assessing a country's respect for human rights and international humanitarian law. These include, amongst others, the recipient's ratification and "implementation record of relevant international and regional human rights instruments through national policy and practice" as well as "the political will to discuss domestic human rights abuses in a transparent manner".³

The **third criterion** urges member states to restrict the export of military equipment if there is a danger that such material might provoke, prolong, aggravate or even escalate internal dynamics of violent conflict within the recipient country. The User's Guide encourages a rather broad understanding of 'armed conflict', since it is defined as the use

¹ Council of the European Union, European Union Code of Conduct on Arms Exports, document 8675/2/98 Rev 2, Brussels, 5 June 1998.

² Council of the European Union. 2008. Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment. L 335/99, 13 December 2008.

³ Council of the European Union. 2015. User's Guide to Council Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment. 10858/15, 20 July 2015.

of arms between any two or more groups of individuals “based either on race, colour, sex, language, religion, political or other opinion, national or social origin, interpretation of historic events, differences in economic well-being or ownership of property, sexual orientation or other factors” (User’s Guide).

Whereas the third criterion refers to the possible use of exported military equipment in internal violent conflict, the **fourth criterion** seeks to restrict arms transfers “if there is a clear risk that the intended recipient would use the proposed export aggressively against another country” (User’s Guide) Importantly, however, this criterion does not intend to deny the export of arms for the purpose of self-defense on behalf of the recipient.

Criteria of the EU Common Position (2008/944/CFSP)

Criterion One

Respect for the international obligations and commitments of EU member states, in particular the sanctions adopted by the UN Security Council or the European Union, agreements on non-proliferation and other subjects, as well as other international obligations.

Criterion Two

Respect for human rights in the country of final destination as well as respect by that country for international humanitarian law.

Criterion Three

Internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts.

Criterion Four

Preservation of regional peace, security and stability.

Criterion Five

National security of the member states and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries.

Criterion Six

Behaviour of the recipient country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law.

Criterion Seven

Existence of a risk that the military technology or equipment will be diverted within the recipient country or re-exported under undesirable conditions.

Criterion Eight

Compatibility of the exports of military technology or equipment with the technical and economic capacity of the recipient country, taking into account the desirability that states should meet their legitimate security and defense needs with the least diversion for of human and economic resources for armaments.

The **fifth criterion** aims at preventing arms exports that would adversely affect the national security of any EU Member State, ally, or friendly country. For example, it needs to be asked whether there is a risk that the arms export under consideration will be “diverted to a force or body which is hostile to the interests or forces of a Member State, friend or ally” (User’s Guide).

Criterion six differs from criteria 2, 3, 4 and 5 to the extent that it does not focus on the specific nature of either the end-user or the equipment to be exported. Instead, it considers the more general attitude of the buyer country with regard to certain issues of international concern. As the User's Guide points out: "In assessing whether an arms export license should be granted or not, Member States should consider the current and past record of the recipient country with regard to its attitude to terrorism and international organized crime, the nature of its alliances, its respect for international commitments and law, concerning in particular the non-use of force, International Humanitarian Law and WMD non-proliferation, arms control and disarmament."

The **seventh criterion** seeks to restrict arms exports if there is a considerable risk that the equipment might be diverted to a third-party recipient, either within or outside of the buyer country. In order to assess such risks it is, for example, necessary to review the capability of the recipient country to exert effective export controls, as well as its active membership in regional and international control regimes.

Criterion eight refers to the risk of the proposed arms export negatively affecting sustainable development in the recipient country. It thus particularly applies to arms purchases of governments in developing countries. The User's Guide specifies a number of questions, which might be posed in this regard. For example: is the military expenditure in the buyer country in line with its Poverty Reduction Strategy? Has military expenditure been increasing? How transparent is it? What is the recipient country's level of military expenditure relative to its expenditure on health and education?

The BICC Database

This database does only provide information on the general situation in respective countries. Therefore it can only be the starting point for an evaluation of the compliance of an arms export with the criteria of the EU Common Position, since most of the criteria outlined above are meant to be applied to the specific conditions and circumstances of a particular arms export rather than to the recipient state as a whole. That is: with the exception of criterion six, decisions on either approving or denying an export application would not so much focus on the country of destination *per se* but take into account the individual nature of the arms transfer in question. Depending, for example, on the kind of end-user, the type of equipment and its overall value, possible export restrictions would be considered and re-considered on a case by case basis. The BICC database cannot and does not want to substitute this important and essentially political decision-making process, which needs to carefully examine every export application in its own light. Its aims are rather modest. It provides general information and data, which can serve as reference points for evaluating a countries performance *vis-à-vis* important aspects contained in the Common Position. Thus, although these eight criteria are based on those spelled out in the Common Position, our classifications should not be misunderstood as a definite recommendation as to whether a particular arms export license should be granted or not. This needs to be decided from case to case and by taking into account additional factors that cannot be considered by the database.

That said, however, the BICC project does collect and comprise a variety of country-based datasets, which serve as a valuable information source for decision-makers and the general public. Above all, it gives a rough indication of how individual countries correspond to areas important to issues of arms export control policy as identified in the EU Common Position. In each area, every country is classified in accordance to an evaluation system - 'critical', 'possibly critical' or 'not critical' - with 'critical' pointing to a high probability of severe deficits with regard to the respective criteria.

Next, the eight criteria of the BICC database will be briefly explained and the relation to those of the EU Common Position will be shown.

1. Arms Embargoes and other International Obligations

The first criterion checks whether the country is subject to either a UN, EU, or OSCE arms embargo, thereby differentiating between sanctions against entire states and sanctions against non-state actors within a particular state. This information is relevant to the first criterion of the EU Common Position. Depending on the kind of embargo in place, the country is then classified as either 'critical' (arms embargo against entire state) or 'possibly critical' (arms embargo against non-state actor). If there is no arms embargo in place, the country is classified as 'not critical', depending on the results of the additional evaluation indicators.

The User's Guide explicitly calls upon member states to consider, whether a recipient state has ratified the Non-Proliferation Treaty, the Biological and Toxin Weapons Convention, Chemical Weapons Convention, The Hague Code of Conduct, and the Arms Trade Treaty. If a country has ratified fewer than three of these non-proliferation treaties, it is classified as 'possibly critical'.

Indicators

A-1	United Nations Arms Embargo	0 = No 1 = Yes	
AA-1	UN Embargo Addressee	0 = State 1 = Non-State	
A-2	European Union Arms Embargo	0 = No 1 = Yes	
AB-1	EU Embargo Addressee	0 = State 1 = Non-State	
A-3	OSCE Embargo	0 = No 1 = Yes	
AC-1	OSCE Embargo Addressee	0 = State 1 = Non-State	
A-4	Treaty on the Non-proliferation of Nuclear Weapons (Non-Proliferation Treaty), 1970		1 = Yes 0 = No
A-5	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological and Toxin Weapons Convention), 1975		
A-6	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention), 1997		
A-7	The Hague Code of Conduct, 2002		
A-8	The Arms Trade Treaty (ATT), 2014		

Formula

Critical IF

[A-1 = 1 AND AA-1 = 0] OR [A-2 = 1 AND AB-1 = 0] OR [A-3 = 1 AND AC-1 = 0]

ELSE

Possibly critical IF

[A-1 = 1 AND AA-1 = 1] OR [A-2 = 1 AND AB-1 = 1] OR [A-3 = 1 AND AC-1 = 1] OR [(A-4 + A-5 + A-6 + A-7 + A-8) < 4]

ELSE

Not critical

2. Adherence to Human Rights and International Humanitarian Law

This criterion corresponds with the second criterion of the EU Common Position and evaluates a country's overall adherence to internationally recognized standards of human rights and international humanitarian law. For this purpose, the database first considers the ratification record of a country with regard to international conventions on human rights and humanitarian law; for example the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the Rome Statute of the International Criminal Court.

Second, the database takes into account a selection of aggregated human rights indices as they are annually published by international organizations, non-governmental organizations and university institutes. These include the Voice and Accountability Index and the Rule of Law Index of the World Bank, the Freedom House Index on Political Rights and Civil Liberties, the Political Terror Scale and the military interference in rule of law and the political process as measured by the Fraser Institute's dataset on Economic Freedom of the World (EFW).

Third, based upon the One-Sided Violence Dataset from the Uppsala Conflict Data Program (UCDP), the database checks whether the government of a respective country has conducted one-sided violence against civilians in the past five years.

Depending on both its membership in important human rights and humanitarian law conventions as well as its overall rating in different human rights-related indices, every country is classified as either 'critical', 'possibly critical' or 'not critical'. Here, 'critical' indicates that there are serious human rights problems in the country, whereas 'possibly critical' points to at least some concern with human rights issues. If the government has conducted one-sided violence against civilians in the last five years, the country is classified as 'critical'.

Indicators

B-1	Convention on the Status of Refugees, 1951	1 = Yes 0 = No
B-2	Protocol Relating the Status of Refugees, 1967	
B-3	International Convention on the Elimination of All Forms of Racial Discrimination, 1969	
B-4	International Covenant on Economic, Social and Cultural Rights, 1976	
B-5	International Covenant on Civil and Political Rights, 1976	
B-6	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 1977	
B-7	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 1977	
B-8	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1981	
B-9	Optional Protocol to the International Covenant on Civil and Political Rights, 1991	
B-10	Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1991	
B-11	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 2000	
B-12	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1987	
B-13	Convention on the Rights of the Child, 1990	
B-14	Rome Statute of the International Criminal Court, 1998	
B-15	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2002	

B-16	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2002	
B-17	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2006	
B-18	International Convention for the Protection of All Persons from Enforced Disappearance, 2010	
B-19	Freedom House	1 = Free 2 = Partly Free 3 = Not Free
B-20	Voice and Accountability Index (World Bank Governance Indicators)	-2,5 - 2,5
B-21	Rule of Law Index (World Bank Governance Indicators)	
B-22	Political Terror Scale	1 - 5
B-23	Military interference in rule of law and the political process (EFW)	0 - 10
B-24	One-Sided Violence by Government (past 5 years) (UCDP One-Sided Violence Dataset)	Figure

Formula

Critical IF

$[(B-1 + B-2 + B-3 + B-4 + B-5 + B-6 + B-7 + B-8 + B-9 + B-10 + B-11 + B-12 + B-13 + B-14 + B-15 + B-16 + B-17 + B-18) < (6)]$ OR $[(B-5 + B-6 + B-7 + B-9 + B-10 + B-12 + B-14 + B-16 + B-17 + B-18) < (5)]$ OR $[B-19 = (3)]$ OR $[B-20 \text{ AND } B-21 < (-1)]$ OR $[B-22 > (3)]$ OR $[B-23 < (6)]$ OR $[B-24 > (0)]$

ELSE

Possibly critical IF

$[(B-1 + B-2 + B-3 + B-4 + B-5 + B-6 + B-7 + B-8 + B-9 + B-10 + B-11 + B-12 + B-13 + B-14 + B-15 + B-16 + B-17 + B-18) < (9)]$ OR $[(B-5 + B-6 + B-7 + B-9 + B-10 + B-12 + B-14 + B-16 + B-17 + B-18) < (7)]$ OR $[B-19 = (2)]$ OR $[B-20 \text{ OR } B-21 < (0)]$ OR $[B-22 > (2)]$ OR $[B-23 < (8)]$

ELSE

Not critical

3. Internal Conflict

This criterion corresponds to the third criterion of the EU Common Position. In order to rate the degree of violent conflict in the recipient state, the database looks at data on internal armed conflicts published by the Uppsala Conflict Database Program (UCDP), and on several indicators for political stability and state fragility, such as the Political Stability and Absence of Violence/Terrorism Index from the World Bank Governance Indicators, the Constellations of State Fragility Index from the German Development Institute (DIE), and the Coup d'Etat Dataset compiled by Jonathan Powell and Clayton Thyne. Whereas a country classification of 'critical' would point to the frequent and organized use of force within the recipient state itself, 'possibly critical' could also indicate a state of internal or regional political instability and/or sporadic violence.

Indicators

C-1	Political Stability and Absence of Violence/Terrorism (World Bank Governance Indicators)	-2,5 - 2,5
C-2	Rule of Law (World Bank Governance Indicators)	
C-3	Number of internal armed conflict (UCDP Armed Conflict Dataset)	Figure
C-4	Number of non-state conflicts (UCDP Non-State Conflict Dataset)	Figure
C-5	Coup d' Etat (past 20 years) (Coup d' Etat Dataset)	0 = No 1 = Yes
C-6	Political Terror Scale	1 - 5
C-7	Constellations of State Fragility (DIE)	1 = dysfunctional state 2 = low-authority state 3 = low-legitimacy state 4 = low-capacity state 5 = semi-functional state 6 = well-functioning state

Formula

Critical IF

[C-1 < (-1)] OR [C-3 > (0)] OR [C-6 > (3)] OR [C-7 < (2)]

ELSE

Possibly critical IF

[C-1 < (0)] OR [C-2 < (0)] OR [C-6 > (2)] OR [C-4 > (0)] OR [C-5 = (1)] OR [C-7 < (4)]

ELSE

Not critical

4. Preservation of Regional Peace, Security and Stability

This fourth area considered in the BICC database corresponds to the fourth criterion in the EU Common Position. In order to rate the degree of violent conflict in the region, it looks in particular on data on armed conflicts published by Uppsala Conflict Database Program (UCDP), but also on indicators like the occurrence of a Coup d'Etat or the military interference in the political process as measured by the Fraser Institute's dataset on Economic Freedom of the World (EFW).

It is important to note here, that while a classification as 'possibly critical' could also indicate a state of internal instability, violent conflicts in the region or past violent conflicts, a country is classified as 'critical' under this criterion, only if it is a party to an ongoing international armed conflict (according to UCDP data). This does include the participation in military interventions as a secondary party to the conflict, but it does exclude military interventions that are legitimized by the United Nations Security Council, for example UN peacekeeping missions.

Indicators

D-1	Number of international armed conflicts (UCDP Armed Conflict Dataset)	Figure
D-2	Number of non-state conflicts (UCDP Non-State Conflict Dataset)	Figure
D-3	Number of historic international conflicts (past ten years) (UCDP Armed Conflict Dataset)	Figure
D-4	Armed conflicts in neighbouring countries (UCDP Armed Conflict Dataset)	0 = No 1 = Yes
D-5	Political Terror Scale	1 - 5
D-6	Military interference in rule of law and the political process (EFW)	0 - 10
D-7	Coup d' Etat (past 20 years) (Coup d' Etat Dataset)	0 = No 1 = Yes

<p>Formula</p> <p>Critical IF</p> <p>[D-1 >(0)]</p> <p>ELSE</p> <p>Possibly critical IF</p> <p>[D-2 > (0)] OR [D-3 > (1)] OR [D-4 = (1)] OR [D-5 > (3)] OR [D-6 < (6)] OR [D-7 = (1)]</p> <p>ELSE</p> <p>Not critical</p>
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5. Presence of Allied Armed Forces in Fragile Environments

This criterion relates to the fifth criterion of the EU common position which aims at preventing arms exports that would adversely affect the national security of any EU Member State, ally, or friendly country. This, however, remains a highly sensitive and essentially political decision, that the BICC database cannot display. Therefore, the database confines itself to provide information on the presence of EU/NATO armed forces or of UN peacekeeping forces in the recipient country or in neighbouring countries and combines it with data on state fragility and corruption in the defence sector. If such troops are present and the level of state fragility and/or corruption in the defense sector are very high, the country is classified as 'critical', as there is a risk that transferred arms might end up in the hands of groups that pose a security threat to the allied armed forces. If allied troops are present and the level of state fragility and/or defense sector corruption is high, the country is classified as 'possibly critical'.

Indicators

E-1	Presence of EU/NATO armed forces or of UN peacekeeping forces in the country or in neighbouring countries	0 = No 1 = Yes
E-2	Constellations of State Fragility (DIE)	1 = dysfunctional state 2 = low-authority state 3 = low-legitimacy state 4 = low-capacity state 5 = semi-functional state 6 = well-functioning state
E-3	Government Defence Anti-Corruption Index	1 = A

(Transparency International)	2 = B 3 = C 4 = D 5 = E 6 = F
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<p>Formula</p> <p>Critical IF</p> <p>[E-1 = (1)] AND [E-2 = (1) OR E-3 = (6)]</p> <p>ELSE</p> <p>Possibly critical IF</p> <p>[E-1 = (1)] AND [E-2 = (2) OR E-3 = (5)]</p> <p>ELSE</p> <p>Not critical</p>

6. Membership in International Conventions

This dimension is of direct relevance to criterion six in the EU Common Position. It checks the degree to which a country has ratified a number of select international conventions concerning humanitarian international law, arms control, terrorism and trans-national organized crime. For every country examined, the website provides updated information on whether all together 29 international conventions and treaties have been ratified or not. If a country is classified as 'critical' sufficient ratification of international treaties is clearly lacking. If a country is classified as 'possibly critical' the ratification record is at least problematic

Indicators

F-1	Convention for the Suppression of Unlawful Seizure of Aircraft, 1971	1 = Yes 0 = No
F-2	Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1977	
F-3	International Convention Against the Taking of Hostages, 1983	
F-4	Convention on the Physical Protection of Nuclear Material, 1987	
F-5	Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1998	
F-6	International Convention for the Suppression of Terrorist Bombings, 2001	
F-7	International Convention for the Suppression of the Financing of Terrorism, 2002	
F-8	International Convention for the Suppression of Acts of Nuclear Terrorism, 2007	
F-9	United Nations Convention against Transnational Organized Crime, 2003	
F-10	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2003	

F-11	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2004	
F-12	Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, 2005	
F-13	Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (Geneva Protocol), 1928	
F-14	Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Partial Test Ban Treaty), 1963	
F-15	Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies (Outer Space Treaty), 1967	
F-16	Treaty on the Non-proliferation of Nuclear Weapons (Non-Proliferation Treaty), 1970	
F-17	Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil thereof (Seabed Treaty), 1972	
F-18	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological and Toxin Weapons Convention), 1975	
F-19	Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques, 1978	
F-20	Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, 1983	
F-21	Comprehensive Nuclear-Test-Ban Treaty, 1996	
F-22	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention), 1997	
F-23	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1999	
F-24	Convention on Cluster Munitions, 2010	
F-25	Arms Trade Treaty, 2014	
F-26	Convention on the Prevention and Punishment of the Crime of Genocide, 1951	
F-27	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 1977	
F-28	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 1977	
F-29	Rome Statute of the International Criminal Court, 2002	
F-30	F-9 + F-16 + F-18 + F-22 + F-23+ F-24 + + F-25 + F-26 + F-27 + F-28	Figure

Formula

Critical IF

[(F-1 + F-2 + F-3 + F-4 + F-5 + F-6 + F-7 + F-8 + F-9 + F-10 + F-11 + F-12 + F-13 + F-14 + F-15 + F-16 + F-17 + F-18 + F-19 + F-20 + F-21 + F-22 + F-23 + F-24 + F-25 + F-

$26 + F-27 + F-28 + F-29 < 18$] OR $[F-30 < (6)]$

ELSE

Possibly critical IF

$[(F-1 + F-2 + F-3 + F-4 + F-5 + F-6 + F-7 + F-8 + F-9 + F-10 + F-11 + F-12 + F-13 + F-14 + F-15 + F-16 + F-17 + F-18 + F-19 + F-20 + F-21 + F-22 + F-23 + F-24 + F-25 + F-26 + F-27 + F-28 + F-29) < 23]$ OR $[F-30 < (8)]$

ELSE

Not critical

7. Arms Export Controls and Transparency

Criterion seven of the EU Common Position asks whether there is a risk that the military technology or equipment will be diverted within the recipient country or re-exported under undesirable conditions. The assessment of the database emphasizes membership in the two central international regimes for the control of the transfers of conventional arms, the ATT and the Wassenaar Arrangement. If a state is neither a member of the ATT nor of the Wassenaar Arrangement, it is rated as 'critical'.

The database also includes information on the level of transparency with regard to the transfer of small arms and on anti-corruption measures in the defence sector. This is based on the assumption that high levels of intransparency and corruption facilitate illicit diversion of arms. If a country performs very poorly with regard to these two indicators, it is rated as 'critical', too. Respectively, the country is rated as 'possibly critical' if it performs poorly here.

Finally, in order to support the risk assessment with regard to diversion, the database provides information on the arms export control regime of a recipient country. It asks, whether national export controls, brokering regulations and enforcement measures are in place; whether measures are taken to mitigate the risk of diversion; and whether a state is reporting on its arms transfers to the UN Register of Conventional Arms and the Arms Trade Treaty (ATT) reporting system. The source for these data is the National Transfer Control Database of the Arms Trade Treaty Baseline Assessment Project (BAP). If a country has, according to this data, established only few national arms transfer controls, it is rated as 'possibly critical'.

Indicators

G-1	Member of the Wassenaar Arrangement	1 = Yes
G-2	Arms Trade Treaty, 2014	0 = No
G-3	National Arms Transfer Control System (BAP National Transfer Control Database)	Figure (0-16)
G-4	Measures to Mitigate the Risk of Diversion (BAP National Transfer Control Database)	Figure (0-9)
G-5	Transparency (BAP National Transfer Control Database)	Figure (0-11)
G-6	Government Defence Anti-Corruption Index (Transparency International)	1 = A 2 = B 3 = C 4 = D 5 = E 6 = F
G-7	Small Arms Trade Transparency Barometer (Small Arms Survey)	0-25

Formula**Critical** IF

[G-1 = (0) AND G-2 = (0)] OR [G-6 = (6)] OR [G-7 < (5,25)]

ELSE

Possibly Critical IF

[G-2 = (0)] OR [G-3 < (8)] OR [G-4 < (4)] OR [G-5 < (5)] OR [(3) < G-6 < (6)] OR [(5) < G-7 < (10,25)]

ELSE

Not Critical

8. Danger of Disproportionate Military Capacities Impairing Development

Criterion eight of the EU common position refers to the risk of the proposed arms export negatively affecting sustainable development in the recipient country. In order to facilitate such an assessment, the database examines whether a country has a low standard of human development according to UNDP criteria, and does, at the same time, invest heavily into its military. For this purpose, the database relies strongly on the BICC Global Militarization Index (GMI) that depicts the relative weight of the military apparatus of a state in relation to its society as a whole. The GMI looks at: the relation of military expenditure of a state to its gross domestic product (GDP) and its health spending; the military and paramilitary personnel in relation to the overall population and to physicians; and the number of heavy weapons in relation to population.

Countries are rated 'critical' or 'possibly critical' if they have a low standard of human development and at the same time have relatively high military as compared to non-military capacities. Data is obtained from various sources, including the Stockholm International Peace Research Institute (SIPRI), the International Institute for Strategic Studies (IISS), as well as from the World Health Organization, the International Monetary Fund and the World Bank.

Indicators

H-1	Military expenditure (average H increase in the last 5 years)	Figure (%)
H-2	Global Militarization Index (score)	Figure
H-3	External debt	USD Million
H-4	Gross Domestic Product (GDP)	USD Million Constant
H-5	Relation of External Debt/GDP	Figure
H-6	Least Developed Country (LDC)	1 = Yes / 0 = No
H-7	OECD member country	1 = Yes / 0 = No
H-8	ODA as percentage of GNI	Figure
H-9	Bertelsmann Management Index	1 - 10
H-10	Global Competitive Index	2 - 6
H-11	Human Development Index	0,1 - 1

Formula**Critical** IF

If at least 1 of the following conditions is met in the case of 2 available figures:

[H-1 > (6)]

[H-2 > 699]

AND IF

[(H-6 = 1)] OR
[(H-7 = 0)] AND

If at least 5 of the following conditions are met in the case of 7 available figures OR
If at least 4 of the following conditions are met in the case of 5-6 available figures OR
If at least 3 of the following conditions is met in the case of 3-4 available figures:

- 1) [H-4 < 10.000]
- 2) $[(H-4/H-3)*100] > 50$
- 3) [H-5 > 0,6]
- 4) [H-9 < 5]
- 5) [H-10 < 3,7]
- 6) [H-11 < 0,500]
- 7) [H-8 > 9]

ELSE

Possibly critical IF

If at least 1 of the following conditions is met in the case of 2 available figures:

[H-1 > (2)]
[H-2 > 599]

AND IF

(H-6 = 1) OR
(H-7 = 0) AND

If at least 5 of the following conditions are met in the case of 7 available figures OR
If at least 4 of the following conditions are met in the case of 5-6 available figures OR
If at least 3 of the following conditions is met in the case of 3-4 available figures:

- 1) [H-4 < 10.000]
- 2) $[(H-4/H-3)*100] > 50$
- 3) [H-5 > 0,4]
- 4) [H-9 < 6]
- 5) [H-10 < 3,7]
- 6) [H-11 < 0,700]
- 7) $[3 < H-8 < 9]$

ELSE

Not critical