

**Forum:** United Nations Office on Drugs and Crime

**Issue:** Tackling the use of foreign and smuggled firearms and their role in promoting violence and ongoing conflicts

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## Introduction

The trafficking of illegal firearms can be considered one of the main and most covert threats towards global peace and security in the twenty-first century. The issue of illegally trafficked firearms deserves great attention, besides their obvious use in armed robberies and murder, because they have strong connections to other crimes, such as corruption, human trafficking, maritime piracy, organized crime, and terrorism. Certain firearms can be considered illegal because they are a product of illicit manufacturing or have been acquired through illicit trafficking.

The main forms of illegal arms trafficking fall into the following categories, according to the UNODC:

- Illicit manufacturing. This entails the illegal manufacturing of guns, or using replicas to create functioning firearms,
- Theft, or diversion. This entails thefts from legal manufacturers, looting of military stockpiles,
- Conversion, recycling, and reactivation of firearms. This implies the alteration of an accessible replica firearm to function as a lethal arm.

The United Nations established a Register for Conventional Arms in 1991 to maintain track of imports and exports of several of the most dangerous armaments. However, participation is voluntary, and there is a lack of thorough data in places outside of Europe. Due to a high incidence of corrupt officials and loose trade restrictions, underdeveloped regions are hotbeds of illicit arms trafficking. Subsequently, in a resolution to make the Register legally binding, a Firearms Protocol was incorporated into the UN Convention on Transnational Organised Crime, requiring states to enhance systems and checks that control smuggled ammunition and firearms.

The 1999 Report of the UN Panel of Governmental Experts on Small Arms created a set of definitions that have been internationally accepted. It distinguishes between:

1. Small arms, weapons designed for personal/individual use:
  - a. Revolvers,
  - b. Self-loading pistols,
  - c. Rifles,
  - d. Carabines,
  - e. Submachine guns,
  - f. Assault rifles,
  - g. Light machine guns,
2. Light arms, weapons designed for use by a group of people/unit:
  - a. Heavy machine guns,
  - b. Hand-held-under-barrel grenade launchers,
  - c. Mounted grenade launchers,
  - d. Portable anti-aircraft guns,
  - e. Portable anti-tank guns,
  - f. Recoilless rifles,
  - g. Portable launchers of anti-aircraft missile systems,
  - h. Mortars of calibres of less than 100mm.

As part of efforts aimed at tackling all types of organised crime, including arms trafficking, the United Nations Sustainable Development Goal 16 includes an objective of drastically reducing illegal money and weaponry flows by 2030. According to the UNDP (United Nations Development Programme), "Accountable and inclusive institutions should be in put place to ensure participatory decision-making and responsive public policies that leave no one behind, ensuring citizens have unfettered justice and rule of law, without which there can be no sustainable development. Human rights are central to achieving SDG 16" is the path to achieving goal number 16.

## **Term Definitions**

### **Firearms**

A firearm is any weapon that is designed to be carried and used by a single person. According to Merriam-Webster, a firearm is: “a weapon from which a shot is discharged by gunpowder —usually used of small arms”. Furthermore, the five countries with the most civilian-owned firearms, in order from greatest to least: are the United States, India, China, Pakistan, and Russia.

### **Illicit Manufacturing of Firearms**

Illicit manufacturing is defined as the process of making or assembling firearms and their components, using materials that have been illicitly trafficked, that are made by an individual or group without proper government authorization, or that violate any of the terms of the Protocol against Illicit Manufacturing and Trafficking in Firearms.

### **Illicit Trafficking of Firearms**

Illicit trafficking refers to the “import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition,” according to “The Illicit Market In Firearms, UNODC” if such transfers have not been authorised by states involved in accordance to the guidelines of the Firearms Protocol.

### **Black Markets**

A Black Market is a secretive and clandestine market, made up of a series of transactions that contain elements of illegality or are characterised by ignorance towards a set of institutional regulations. A set of goods and services whose production and distribution are prohibited by law constitutes a black market trade because the trade is in itself illegal. All parties involved in the transactions of the black market, and those who engage in the manufacture or distribution of prohibited goods and services, are members of an illegal underground economy.

## Background Information

As the National Crime Agency of the United Kingdom states, “Illegal firearms are usually obtained through criminal networks and armourers, often exploiting cultural, ethnic and familial links to source regions. The market is supply-driven, meaning criminals’ choice of firearms is usually limited”. This means that black markets are developed and extensive with huge supplies of illegal firearms, resulting in even more danger for ordinary citizens. This is due to the limitless options when looking for firearms on the black market. According to EUROPOL, most illegal firearms come from one of the following sources or are products of one of these processes:

- the reactivation of neutralised weapons,
- theft of legally manufactured arms,
- the selling of legal weapons through illicit markets (including the Dark Web),
- illicit selling of military stockpiles, looting from existing military stocks,
- conversion of gas pistols or other replicas into firearms.

Nevertheless, it should be mentioned that the manufacture of firearms by individuals is becoming increasingly simple and accessible. For example, a policy challenge that many governments around the world are currently facing is the creation of weapons using 3D printing technologies, since there is no true legal basis or jurisdiction for the seizure of arms produced in this way, in addition to the difficulty of tracking down perpetrators of the aforementioned.

Even though regions with an abundance of political turmoil are magnets for illegal arms trafficking, it is not limited to those areas. For example, in South Asia, an estimated 63 million guns have been trafficked into the region, mainly to India and Pakistan. Europe has rapidly become one of the biggest exporters of illicit guns. It can occur domestically, regionally, or internationally, depending on the traffickers’ aims and on several other factors including the degree of border controls, the potential for detection, the possibility of receiving larger payments, and the geographical convenience of the transfer. This leads to the spread and acquisition of illegal firearms to become an issue of international concern. The Middle East and North Africa currently face one of the

largest crises of illegal firearm trafficking, mainly due to the political instability ingrained in the countries there. For instance, the destabilisation produced by the collapse of Gaddafi's regime in Libya in 2011 put the entire area in a politically precarious state, and governments lost control over their firearm stocks, with many illegitimate groups stealing the weapons and subsequently trafficking them to other areas in Africa. This had repercussions throughout the continent, having effects in Mali, Niger, and Burkina Faso. In countries overwhelmed by conflict, as is the case of Syria, legal firearms can quickly appear on black markets.

Hence, it can be concluded that the topic at hand is one of high complexity, and as the world grows more interdependent and globalised, it becomes progressively more complicated for states, intergovernmental bodies, and non-governmental organisations to both track and provide effective solutions for the issue.

The trafficking of illegal firearms does not only allow for individuals to consolidate their power within their respective communities, but it is also an extremely profitable business activity. In fact, according to the *Illicit Market in Firearms*, by the UNODC, it is estimated that the global illegal firearms trade generates between 125 and 236 million euros every year, which is equivalent to between 10% to 20% of the total trade in legal firearms. Furthermore, according to the Council on Foreign Relations, illegal arms transactions are estimated to amount to over US\$1 billion annually.

There are three main categories of actors that drive the firearms black market:

- The demanders, which are illicit firearms end-users that use the weapons in pursuit of their personal goals,
- The suppliers, which are likely to be motivated by the previous economic considerations, who intentionally supply illicit weapons,
- The experts, which can include military contractors and mercenaries who use their expertise to train weapon purchasers in the use of firearms alongside their deployment.

Each of these players becomes a member of these underground markets for a different reason, and these should receive special attention when trying to provide solutions

since proposed measures may not be effective in dealing with all of the groups mentioned. In a similar manner to how individuals get involved with other illegal markets, the illegal trafficking of firearms is often the only source of income for many families in areas prone to conflict and poverty. Therefore, when policy-makers discuss any potential solutions, all actors involved in the issue should be taken into consideration in order to not aggravate the poverty and instability they already face.



## Regions and Organisations Involved

### Africa

In the work “Under the Radar: Airborne Arms Trafficking Operations in Africa”, by Kimberly Thachuk and Karen Saunders, it is argued that arms trafficking is just like any other unlawful enterprise. While not the primary reason traffickers choose Africa, they argue that the large number of undeveloped areas there is very attractive to traffickers. Apart from land, regulations are significant factors when deciding a location for a base of operations. Traffickers search for regions with corrupt officials, which enables them to circulate regulatory and executive institutions, in addition to looking for regions with not-as-heavily-regulated financial systems, in order for large amounts of financial transactions to not raise red flags, or be labelled as suspicious.

### Europe

Since 1996, countries throughout Europe have taken notice of arms trafficking and manufacturing within the continent. It has been an overall large exporter of illegal firearms, with the UK, Germany, and France leading. The most common weapons trafficked throughout Europe are small arms and light weapons. These firearms are usually secondhand, cheap, and regularly available. In 2000 the OSCE started to explore regional solutions and security measures, in order to address the firearm trafficking problem.

### UNODC

Through the UNODC’s policies, efforts, and missions, it has enacted elements to mitigate arms trafficking and its effects. According to the UNODC, they “assist the Member States in the implementation of the Firearms Protocol in an integrated and coherent manner, through preventative and control measures, evidence-based research, the development of legal and technical tools, legislative assistance, capacity building, and international law enforcement and judicial cooperation for enhanced investigation and prosecution of crimes relating to illicit manufacture and trafficking of firearms”

## UNODA

According to UNODA (United Nations Office for Disarmament Affairs), its role in limiting the arms trade entails the following:

- “Coordinate the UN system on all issues related to the arms trade”,
- “Build synergies with related topics such as the illicit trade in small arms and light weapons and weapons stockpile management”,
- “Provide advice and assisting in implementation and capacity-building – especially through UNODA regional centres in Africa, Asia and the Pacific, and Latin America and the Caribbean”,
- “Liaise with the Arms Trade Treaty Secretariat to ensure complementarity of efforts, including in activities relevant to funding”.

## INTERPOL, EUROPOL & OSCE

The agencies’ main aims in relation to illicit firearms trafficking are that they help police identify firearms, track their movement, and limit their supply. All three have essentially tasked themselves with boosting member states’ investigation and detection skills, collecting data, allocating resources, training other law enforcement agencies, and spearheading operations aimed at reducing illegal firearms, in addition to increasing cooperation.

## Amnesty International

Amnesty International’s aims are to apply pressure on governments and companies so they stop selling weapons unlawfully. They assert that they use a network of activists, digital verification and weapon experts, and legal experts that use the courts to back efforts to ban illegal and irresponsible supply of arms. They have declared that they exert pressure on governments and enterprises until they stop fueling the trading of illicit arms.

## Timeline of Events

### **20<sup>th</sup> of July 2001**

The Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA), is adopted. As the UNRCP states, "it is a globally agreed framework for activities to counter the illicit trade in small arms and light weapons and control the negative consequences of Small Arms and Light Weapons" It was adopted by all UN member states in 2001, and they have since worked to implement the program at national, regional and international levels.

### **3<sup>rd</sup> of July 2005**

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol) enters into force. It is the only legally binding instrument to counter the illicit manufacturing and trafficking of firearms, their parts and components, and ammunition at the global level. The Firearms Protocol supplements the United Nations Convention against Transnational Organized Crime (Organized Crime Convention).

### **8<sup>th</sup> of December 2005**

The International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument - ITI) is adopted. It is a politically binding instrument outlining requirements on marking, record-keeping, international cooperation, and enabling states to identify and trace, illicit small arms and light weapons. Essentially, it enables states to more effectively trace illicit small arms and light weapons.

- 2<sup>nd</sup> of November 2011** Viktor Bout, regarded as the single biggest private arms trader in the world, is convicted by a jury in a Manhattan federal court of conspiracy to kill U.S. citizens and officials, provide anti-aircraft missiles, and deliver aid to a terrorist organization. He was sentenced to 25 years in prison. He is a Russian arms dealer, who reportedly used his multiple air transport companies to smuggle weapons from Eastern Europe to Africa and the Middle East, during the 1990s and early 2000s. His nickname was “the Merchant of Death and Sanctions Buster” for his reported wide-reaching operations, extensive clients, and willingness to bypass international sanctions and embargoes.
- 24<sup>th</sup> of December 2014** The Arms Trade Treaty (ATT) enters into force. It is a multilateral treaty that regulates the international trade in conventional weapons. The ATT is an attempt to “regulate the international trade of conventional weapons for the purpose of contributing to international and regional peace; reducing human suffering; and promoting cooperation, transparency, and responsible action by and among states.” (Arms Trade Treaty)

## **Relevant UN Treaties/Resolutions**

### **Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol)**

The Firearms Protocol (Protocol against Illicit Manufacturing and Trafficking in Firearms, Parts, and Components, and Ammunition) is the only legally binding tool to combat the illegal manufacture and trafficking of guns, their parts and components, and ammunition. The Firearms Protocol establishes a framework for States to oversee and regulate licit guns and arms flows, prevent their divergence into the black market, and facilitate the investigation and prosecution of connected offences while allowing legal transactions to continue. States commit to adopting and implementing the following crime control measures:

- Establishing the illegality of manufacturing and/or trafficking of illicit arms,
- Adopting efficient control and security measures to avoid arms integrating into the illicit market (e.g appropriate disposal of firearms),
- Ensuring legitimate distribution and manufacturing of arms by establishing a system of government authorizations and/or licensing,
- Ensuring that firearms are properly marked, recorded, and traced, as well as effective international collaboration in this regard.

The Protocol details specific strategies for dealing with specific offences, and promotes and strengthens cooperation between nations, in order to fight illegal firearms smuggling.

### **Arms Trade Treaty (ATT)**

It's a multinational treaty that regulates worldwide conventional weapons trading. The ATT is an attempt to "regulate the international trade of conventional weapons for the purpose of contributing to international and regional peace; reducing human suffering; and promoting cooperation, transparency, and responsible action by and among states." (Arms Trade Treaty). According to their website, it "is an international treaty that regulates the international trade in conventional arms and seeks to prevent and

eradicate illicit trade and diversion of conventional arms by establishing international standards governing arms transfers." As stated in the treaty its purpose is to "Establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms; Prevent and eradicate the illicit trade in conventional arms and prevent their diversion;" for the purpose of: "Contributing to international and regional peace, security and stability; Reducing human suffering; Promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties".

### **Resolution 70/29**

This resolution aims to promote innovation and cooperation in relation to "for curbing the illicit traffic in small arms and light weapons and collecting them". This is proven in clause 7, "Calls upon the international community to provide technical and financial support to strengthen the capacity of civil society organisations to take action to help to combat the illicit trade in small arms and light weapons".

### **Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)**

Governments pledged to work together to enhance national small arms regulations, import/export restrictions, and stockpile management, as well as cooperate and help one another. As the UNRCP states, "it is a globally agreed framework for activities to counter the illicit trade in small arms and light weapons and control the negative consequences of Small Arms and Light Weapons" It was adopted by all UN member states in 2001, and the UN has since worked to implement the program at national, regional and international levels.

### **Resolution 2117**

This resolution centred itself on small arms, focusing on illicit transfers, destabilising accumulation, and misapplication of small arms and light weapons. This is exemplified in clause 13 "Bearing in mind that the illicit transfer, destabilising accumulation and misuse of small arms and light weapons fuel conflict and impact on the protection of

civilians, reiterates its demand that all parties to armed conflict comply strictly with the obligations applicable to them under international humanitarian, human rights law and refugee law, and stresses the need for parties to take all required measures to avoid civilian casualties, respect and protect the civilian population”.

### **International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument - ITI)**

It's a legally binding document that lays down rules for marking, record-keeping, and international collaboration, as well as allowing states to identify and track illicit small arms and light weapons in a fast and reliable manner. It basically allows states to track illicit small guns and light weapons more effectively, and extends collaboration between countries.

## Previous Attempts to Solve Issue

Anti-arms trafficking initiatives frequently begin with high aspirations, a lot of fanfare, and, in some cases, genuine political support from top officials. However, success has been elusive at best. Improvements in specific programs and agencies are often fleeting, difficult to demonstrate, and difficult to extrapolate to other parts of the government. Why does this black market persist so tenaciously? There are various challenges, some of which are: inherent flaws in the nature of these efforts, and the result of avoidable strategic errors. Over the last generation, anti-arms trafficking and manufacturing efforts have gained widespread support and evolved into increasingly complex forms.

Given the difficulty of gauging the scope of the illicit market, any such assessment is speculative: the majority of arms trafficking and manufacturing acts are hidden and go unreported due to the illegality of the transaction, difficulty to trace and identify the transaction, the network is so extensive and decentralised, and those in the know frequently share a desire for secrecy. It's even harder to establish causation between data and a measurable variable.

Many of these efforts have been led mainly by the United Nations and its associated branches, such as the United Nations Office for Drugs and Crime or the United Nations Office for Disarmament Affairs. For example, the Firearms protocol and the Arms Trade Treaty have become the foundation for the global fight against illicit weapons. Nevertheless, due to the nature of the issue, additional solutions are required. Even though many of these operations are transnational, there is a significant lack of international cooperation. Which is the core reason why these initiatives fail. Nations are only able to partially stop or mitigate one element of the supply chain, the one that takes place inside their borders. Due to the decentralised nature of the trade, a lack of international cooperation leads to a lack of collective data, abilities to dismantle entire international operations, proper allocation of funds, and methods to preemptively prevent new players from participating in the illicit market.



## **Possible Solutions**

### **International Cooperation**

International collaboration should become the primary weapon for preventing the global acquisition of illegal firearms. This is because the situation is particularly prevalent in regions with lower socioeconomic development, and/or unusually high violence and conflict. Wealthier and more stable countries should assist their neighbours. An international awareness campaign should be implemented to tackle this problem, to inform the general public about the catastrophic repercussions of illegally making, obtaining, and selling firearms. This should also be accompanied by a program aimed at locating or encouraging the establishment of jobs in areas where the population is heavily reliant on the illegal firearms market to survive. Additionally, as mentioned above, despite the fact that many of these operations are transnational, international collaboration is severely lacking. Which is why these initiatives are doomed to fail. Only one section of the supply chain, that which occurs within countries' borders, can be partially stopped or mitigated, due to the decentralised nature of the illicit market. Furthermore, because of this, there is a lack of: collective data, the ability to dismantle entire international operations, effective funding distribution, and means to prevent new players from entering and participating in the illegal underground economy.

### **Sanctions and Arms Embargoes**

Sanctions should be implemented on individuals and states that facilitate or allow this trafficking and manufacturing to occur. It is crucial to keep in mind that many different stakeholders in society participate in this illegal market, and implementing sanctions and embargoes on the biggest and core players is an effective way to restrict the supply of illicit arms.

### **Laws Modelled off of the United States' RICO**

In the United States, RICO operations constitute dismantling organised crime networks, by arresting those who give the order for crimes to be committed. Therefore, the establishment of these operations, to detain the leaders of organised crime networks is

highly effective. Because it is the most efficient way to dismantle a complex criminal network, as it removes the source of the criminal activity.

### **Heightened Law Enforcement Presence in Borders**

As the National Crime Agency of the United Kingdom states, “Illegal firearms are trafficked into the UK from central and eastern Europe, often consolidated in Belgium and the Netherlands before transiting via France. They are often concealed in vehicles on channel ferry and tunnel routes”. This means that if border checkpoints and the increased presence of law enforcement at borders, will inevitably lead to more seizures of illegal firearms, reducing the size of the black market. It essentially restricts their supply.

### **Improvement of cyber branches of law enforcement**

Thirdly, by increasing manpower in the cyber branches of law enforcement, it will be easier for countries to apprehend those related to these illicit markets. Many criminal networks use cyberspaces to communicate and organise themselves (famous examples being Sky ECC, Phantom Secure, and ANOM). These cyberspaces are usually encrypted, making it difficult for law enforcement to decode the messages. Fortunately, as seen in past cases (cracking of the Sky ECC application), if enough manpower and skill are assigned to the cyber branches of law enforcement, these webs will be dismantled, leading to a decrease in illegal firearms. Furthermore, a large percentage of illicit arms market transactions occur on the dark web, which means that by creating units of capable cyber-specialists, dark web markets could be more easily targeted, thus further disrupting the illegal economy.

### **Improved oversight and licensing of gun dealers and legal arms trades**

Improving licensing and oversight of gun dealers will help decrease the prevalence of the illegal arms trade. For instance, in the United States corrupt arms dealers are a big source for illegal arms trades. Therefore, increasing licensing and oversight of dealers and trades, would result in more difficulties for corrupt dealers to sell arms on illicit markets. It is very common for there to be no laws preventing bulk gun purchases,

acquiring more than one, or even hundreds, of firearms at once. By imposing limits on the number of firearms that can be purchased in a given period, for example a month, it becomes more difficult for a potential trafficker to buy a large number of guns at once to resell them to criminals and/or integrate them into the black market. Essentially, this is a straightforward, easy, and effective way to reduce arms trafficking. By regulating these types of purchases, the number of firearms that enter black markets is therefore reduced, helping tackle the problem at hand.

### **More accurate and mandatory reporting of gun theft**

As B.J Jacobs states in "Can gun control work?", "Another way that firearms can move from the licit to the illicit market is through theft." By making it obligatory to report gun thefts, it will be easier for law enforcement to track down criminal networks, and apprehend the offenders, thus removing firearms from the supply of the illegal market.

### **Tracing the Source of Crime Guns**

The key for the effective implementation of each of these policies depends on the routine tracing of guns obtained from offenders. Requiring that all firearms have a unique serial number enables regulatory agencies to identify both the dealer and the initial retail customer of guns used in crime. Law enforcement can utilise the data to identify dealers who sell a disproportionate amount of weapons to criminals, and directly apprehend criminals. Dealers who fall into this category may be exposed to increased scrutiny or arrested. Furthermore, trace data can also be used to identify individual "lone" traffickers. Many developed countries, who have resources to do so, have already implemented this strategy.

### **Adopting "Straw Purchase" Laws**

Many firearms purchases are done by ordinary people with no criminal record. They can then easily pass background checks and can resell firearms on the black market, or directly to a criminal, for a profit. This is known as a "straw purchase." As a result, by screening all firearm purchases, it will be easier to identify those who buy disproportionate numbers of guns to resell them illegally, in addition to measuring other metrics, thus reducing illegal arms smuggling.

## **Limiting Access to Ammunition**

Tighter regulation of ammunition might not change the actual numbers of guns in a city, but it reduces the lethality of the weapons. This also disincentivizes individuals from buying guns as they won't be able to utilise their lethal power, instead turning to other less dangerous means that can be more easily regulated.

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