



Topic A: Illicit Small Arms/Light Weapons Trafficking

“The candle burns not for us, but for all those whom we failed to rescue from prison, who were shot on the way to prison, who were tortured, who were kidnapped, who ‘disappeared’. That is what the candle is for.”

– Peter Benenson, Founder of Amnesty International at the UN Arms Trade Treaty Conference

Introduction

The international arms trade is an important business for many countries. Supplying military equipment ranging from firearms to military vehicles, the legal arms trade is estimated to constitute around \$1.5 trillion USD, 2.7% of the world’s GDP.¹ With exports from the United States and Russia alone going to 59 different nations, the arms trade is a truly international business; notably, small arms/light weapons (SA/LW) make up an important portion of these sales. The SA/LWs trade is estimated to account for \$8.5 billion annually, and has become even more lucrative over the past decades.² The illicit arms trade is much harder to calculate, but these sales have been estimated to be anywhere from 10% to 20% of all of the SA/LW sales.³ SA/LWs are defined by the United Nations as any weapon ranging from handguns, rifles, and ammunition, to shoulder-mounted rockets, anti-tank weapons, and even explosives.⁴ The definition excludes armored vehicles such as tanks and weapons of mass destruction (WMDs). Illicit sales of SA/LWs then go to funding and providing weapons to many criminal groups, such as terrorist organizations, rebel forces, mercenaries, and drug cartels. The Disarmament and International Security Committee therefore convenes to address small arms, which destabilize regions in their mobility, accessibility, and yet integral nature to military and law enforcement.

Background

According to the Small Arms Survey (2005), anywhere from 60% to 90% of direct and indirect conflict deaths in civilians and military personnel are caused by SA/LWs through direct attacks and destruction of property and livelihood.^{5,6} The arms trade is a discreet and shadowy industry. It is primarily derived from the legal international arms trade. Many dealers purchase and sell SA/LWs legally to governments and individuals. However, many traders also have an open back door to the black market, where they either directly sell to criminal organization, or to a middlemen who then transfers the weapons to organized crime syndicates. The difficulty lies in

¹ Anup Shah, “World Military Spending,” *Global Issues*, June 30, 2013, accessed March 3, 2015, <http://www.globalissues.org/article/75/world-military-spending#WorldMilitarySpending>.

² “Authorized Trade,” *Small Arms Survey*, accessed March 1, 2015, <http://www.smallarmssurvey.org/weapons-and-markets/transfers/authorized-trade.html>.

³ “The Illicit Arms Trade,” *Federation of American Scientists*, accessed March 2, 2015, <http://fas.org/asmp/campaigns/smallarms/IssueBrief3ArmsTrafficking.html>.

⁴ Small Arms Survey, “Definitions of Small Arms and Light Weapons,” *Small Arms Survey*, accessed February 26, 2015, <http://www.smallarmssurvey.org/weapons-and-markets/definitions.html>.

⁵ Ibid.

⁶ “The Illicit Arms Trade,” *Federation of American Scientists*, accessed March 2, 2015, <http://fas.org/asmp/campaigns/smallarms/IssueBrief3ArmsTrafficking.html>.



stopping illicit transactions without harming the legal trades, which are an important sector of the economy for many countries. Restricting the legal arms trade in an attempt to combat the illegal arms trade could cause a shortage of military and police weaponry available for import, impeding the ability of state governments to protect their citizens. Furthermore, due to the lack of information and transparency in the illegal trade, restrictions on the legal trade may also be difficult to enforce effectively.

These illicit transactions often contain weapons that are stolen or bought from national governments, originating as legal weaponry before acquisition and abuse by criminal organizations. These weapons start in a government arsenal, often in less developed countries.⁷ Many government arsenals aren't well protected, and weapons can be easily stolen.⁸ Another possibility is that these weapons are sold by governments directly to criminal groups. Subsequently, the arms are trafficked transnationally by the recipient criminal groups. The same process also plagues the private sector. Weapons sold by private manufacturers may culminate in the hands of middlemen of the illicit trade. For example, in the United States, many gun traffickers procure weapons legally, but then cross borders and sell them illegally.⁹ This factor intertwines the two trades, and a separation is necessary to inhibit one trade without being detrimental to the other.¹⁰

The illegal arms trafficking business exists globally, but it is more prevalent in areas of political and social turmoil. Many governments have also started to perform black market deals to hurt opposing governments. Non-state actors are the primary recipients of these SA/LWs, and they use the weapons offensively against governments and international organizations alike. In 2007, rebels in Somalia used an illegally obtained shoulder-mounted portable air defense system to shoot down a transport jet delivering supplies to United Nations peacekeepers. A cycle has manifested itself in this situation. Organized crime groups and terrorist organizations seek to extend and maintain their influence in the areas that they control, and use SA/LWs as a cheaper and easier way of doing so. In Latin America, drug cartels use SA/LWs to maintain control of the areas in which they run their operations.¹¹

⁷ "The Illicit Arms Trade," *Federation of American Scientists*, accessed March 2, 2015, <http://fas.org/asmp/campaigns/smallarms/IssueBrief3ArmsTrafficking.html>.

⁸ Ibid.

⁹ Julia E. Sweig, Nelson Rockefeller, and David Rockefeller, "A Strategy to Reduce Gun Trafficking and Violence in the Americas," *Council on Foreign Relations*, accessed March 7, 2015, <http://www.cfr.org/arms-industries-and-trade/strategy-reduce-gun-trafficking-violence-americas/p31155>.

¹⁰ "Small Arms," *United Nations Office for Disarmament Affairs*, accessed March 2, 2015, <http://www.un.org/disarmament/convarms/salw/>.

¹¹ Jeanna Cullinan, "Latin American Leaders Demand Action on Illicit Arms Trafficking," *InSight Crime*, November 11, 2011, accessed April 5, 2015, <http://www.insightcrime.org/news-analysis/ibero-american-leaders-demand-action-to-prevent-illicit-arms-trafficking>.



Current Situation

The most recent action on SA/LWs comes in the form of the Arms Trade Treaty (ATT), adopted by the United Nations on April 2, 2013. The ATT was conceived from the ideas of UN resolution A/RES/61/89, “Establishing common international standards for the import, export, and transfer of conventional arms.”¹² The goal of the ATT is to provide a feasible, international solution to resolve the issue of illicit international arms trade. Intended to maintain national sovereignty, the treaty does not affect the domestic law of signatories, and is only binding on an international level. This limits the ability of the treaty to deal effectively with SA/LWs internationally, and leaves much power in the hands of the individual states. The ATT provides guidelines defining multiple aspects of the trade, such as weapons transfers and sales. It also outlines situations under which transfers are unacceptable by the United Nations.

The UN Convention against Transnational Organized Crime (UNTOC) was adopted in 2000 by UN member states. To supplement this resolution, three protocols were adopted. The third of these is the Firearms Protocol (Resolution 55/255) was adopted in 2001 and entered into force in 2005. This resolution aims “to promote, facilitate, and strengthen cooperation among States Parties to combat and eradicate the illicit manufacturing of and trafficking in firearms.”¹³ This protocol requires countries to establish: criminal offences for illicit trading, a system of identification, and advanced licensing systems.¹⁴ A similar treaty is the International Tracing Instrument (ITI), which is another politically binding document that specifically targets a system for tracking these weapons.¹⁵ Unfortunately, many countries have declared to be unbound by specific clauses contained within the treaty, including: Cuba, Tunisia, Argentina, Lithuania, Belgium, and El Salvador among others.¹⁶

There have been alternative methods employed attempting SA/LW disarmament. Governments are regulating the possession of weapons using techniques for civilian disarmament such as coercive and compulsory disarmament. Coercive disarmament concerns disarmament that is backed by the threat of government force, while compulsory disarmament is state-supported and state-regulated.¹⁷ The goal of these techniques is to remove weapons from groups in conflict, especially in the cases of conflicting African tribal groups.¹⁸ Results of

¹² “Arms Trade Treaty,” *United Nations Office for Disarmament Affairs*, accessed March 7, 2015, <http://www.un.org/disarmament/ATT/>.

¹³ “Firearms Protocol,” *United Nations Programme of Action*, 2012, accessed March 7, 2015, <http://www.poa-iss.org/FirearmsProtocol/FirearmsProtocol.aspx>

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ “Signatories to the COTC Firearms Protocol,” *UNODC*, accessed April 6, 2015, <http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-firearmsprotocol.html>.

¹⁷ Aaron Karp, “The Three Faces of Small Arms Disarmament,” *Small Arms Survey*, accessed April 5, 2015, <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2009/en/Small-Arms-Survey-2009-Chapter-05-EN.pdf>.

¹⁸ Ibid.



compulsory disarmament have generally been more positive than that of coercive disarmament.¹⁹ As expected, these strategies have been more effective when backed by civilian support. They also have been proven to work best when supported by a stable state government.²⁰ Due to the necessity of government support, developing nations have trouble effectively implementing these measures as they cannot provide the strength to enforce such policies.²¹

Finally, voluntary disarmament of civilians has proven an effective method when executed with public support. Voluntary disarmament is simply when citizens willingly turn in their weapons to the government for storage or destruction. States have used different strategies for this type of disarmament, from complete prohibition of gun ownership (Solomon Islands) to restrictions on types of guns (Australia), and even the banning of public firearms within specific areas (Yemen).²² While voluntary disarmament can be effective, many efforts require this to be conducted alongside compulsory disarmament. Voluntary disarmament is not strict enough to guarantee compliance from all parties, while compulsory disarmament encounters heavier resistance from local populace. The goal concerning these is to find the balanced medium that both encourages groups to comply while being strict enough to effectively enforce.

Committee Directive

The objective of the Disarmament and International Security Committee in relation to SA/LW trafficking is to develop solutions to diminish the international transfer of weapons to non-state actors. Delegates should consider arsenal reduction and restrictions on the legal trade of SA/LWs, weighing the benefits of reducing SA/LW proliferation against the negative impact this may entail on states' economies and law enforcement capability to protect civilians from organized crime. The ATT provides a strong foundation for state-level action aimed at preventing the illicit trafficking of SA/LWs, but alongside the UNTOC and Firearms Protocol, neither have significant duress in terms of acting as binding legislation with negative incentives to compel adherence. Aside from reviewing international legislation, delegates should also delve into regional disarmament tactics such as defining the balanced medium between voluntary and coercive disarmament. The establishment of an effective protocol is crucial to the international community in protecting and preserving global security.

Questions to Consider

1. Does your country have a significant amount of SA/LW exports or imports? How substantial is the legal trade to your country's economy?
2. What regulations does your country domestically have in place on the trade of SA/LWs?
3. Has your state ratified the ATT and/or UNTOC? How can the treaties be improved?

¹⁹ Ibid.

²⁰ Karp, 167.

²¹ Ibid.

²² Ibid.



4. What measures have you taken through regional blocs (such as the EU, NATO, AU, ASEAN, OAS, etc.) to combat the illicit trade of SA/LWs?
5. Have there been any recent uses of these SA/LWs for large organized attacks in or near your country?
6. What does your country hold to be more effective in past experience, coercive, compulsory, or voluntary disarmament?

Suggested Sources

1. The Arms Trade Treaty, Signatories, Ratifications, and Components
<http://www.un.org/disarmament/ATT/>
2. Collections of Small Arms Surveys by Year of Publication
<http://www.smallarmssurvey.org/publications/by-type/yearbook.html>
3. The UNTOC in its Full English Text
<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>
4. Regional Measures against the Illicit Trafficking of SA/LWs
<http://www.smallarmssurvey.org/regulations-and-controls/levels-of-action/regional.html>
5. Website for the UN Office for Disarmament Affairs
<http://www.un.org/disarmament/convarms/salw/>
6. Military Expenditures Database, Simply Select Your Country
<http://www.un-arm.org/Milex/home.aspx>