

Forum: Disarmament Commission

Issue: Measures to counter illicit trafficking in firearms in all its aspects*

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Introduction

Governments are accountable for national security, public safety and public wellbeing. To achieve this they use a variety of weapons, which unfortunately, have fallen in to the wrong hands. Hands that do not serve the same national interests. Globally, illegal trade in arms and weapons happens every day, for example each year in the United States over half a million firearms are stolen and then sold illegally. However most illicit trafficking of weapons happens in war-torn countries and in areas where organized crime is rampant. This triggers civil wars, motivates terrorists to gain weaponry, power and causes drug cartels to become stronger. Currently 875 million guns are in circulation around the world, but less than 25% of those are possessed by military forces meaning more than three quarter of those are purchased and used by civilians which contributions to gang violence, terrorist attacks and domestic abuse.

Most guns in black markets today, where illegal dealing of arms between sellers and purchasers are done (either online or in face-to-face transactions), can be dated back to the Cold War, where immense quantities of weapons were given to groups of people to heighten tensions and cause war. The Cold War was decades of global superpower stand-off between the US and the former Soviet Union from right after the second world war until the early 90s. They both gave guns to opposing sides in other conflicts around the world in proxy wars, wars fought by two countries or groups that are supported by larger powers that are opposing one another. An example of this is the Vietnam War, during 1955-1975, where the US would arm the Vietnamese government that was fighting the Vietnamese rebels from the South who were backed by the USSR.

Often times illicit trafficking intertwines with criminalities such as human and drug trafficking too, although most concerning is the fact that the number of deaths from non-conflict firearm occurrences, incidents that happen outside of warzones and conducted by civilians, is more than casualties caused by war as proven by the Small Arms Survey. Annually firearms are used in over 245,000 homicides and this does not include conflicted areas with ongoing war. It is important to note that the misuse of firearms poses a real threat to security and the stability of a country and stands in the way of development and growth and the UN sustainable development goal 16 (SDG 16). The UN, specifically the UNODC,

promotes Sustainable Development Goal 16, which is “Peace, Justice and Strong Institutions.” Their aim is to reduce the flow of illicit arms to ensure security of nations worldwide.

Most guns are bought illegally in the US and trafficked across borders because gun laws there are the weakest. Guns are also cheap in the US because of deliberate strategy used by the gun designing and selling industry in the US. Illicit trafficking is also easy in the US because of how common firearm ownership is in American society. This is furthered by organizations like the National Rifle Association (NRA) which promotes gun rights alongside the Second Amendment, which helps it gain support from the population.

Definition of Key Terms

Illicit trafficking

Forbidden by law to sell, trade or deal specified goods such as guns or drugs.

Drug Cartels

Drug cartels are organisations that intend on supplying drugs illegally.

Embargo

An official ban on trading of specific goods with particular country.

Firearms

A weapon that does not include a pistol or revolver that is less than eighteen inches in length.

Black Market

A market that provides the illegal selling and purchasing of goods such as drugs and guns.

Organised crime

Organised crime groups are a group of people who intend on pursuing illegal deals in order to gain profit, however some of these groups, like terrorists, may be politically motivated such as the extremist group the Islamic State of Iraq and Syria who have been linked to various terrorist attacks in Germany, France, Turkey etc.

Small arms and light weapons (SALW)

This term encompasses military-style guns, munitions used by the weapons, grenades and include landmines and explosives. Small arms usually refers to man portable arms such as handguns, rifles and light machine guns.

Insurgents

Individuals or groups of people defying the government and fighting against them such as the Houthi rebels in Yemen fighting against their government in the Yemeni civil war.

Darknet

Encrypted networks that may store illegal content. The dark web is a subset of the deep web which similar to the darknet can not be accessed through a normal browser like Google.

Background Information

Cold war

Many of the firearms kept illegally today are due to the Cold War, where the US and the former Soviet Union delivered large quantities of illicit weapons to insurgents or government alliances in countries like Afghanistan, Nicaragua and Angola in the 1980s. Weapons like rifles and mortars were sent and until this day remain active on black markets because of the discrete way they were distributed and because of they have not been destroyed. However the US has tried to change this; in 1995 President Clinton urged governments to work with the US to shut down illegal markets that terrorists and insurgents could potentially buy illicit weapons from. This lead to the illicit trafficking of firearms that contributed to insecurity and violence in different regions. An example of this is the Paris shooting that happened in November 2015 where 70 people were killed and hundreds of people were kept hostage. The weapons in this shooting were used by terrorists linked to the Islamic State group. They had acquired their guns illegally through military stockpiles in the Balkans that were transferred to criminals in Belgium.

Corrupt governments

Private entities are not the only organisations who illegally trade guns. Many times, governments supply proxy groups that support their ideologies with weapons to oppose a rivaling government. This happens most commonly in Africa even though the UN implements arms embargoes. For example, the extremist group Al-Shabaab in Somalia, despite UN embargoes, have received large amounts of weaponry from other governments such as Iran in trade for Uranium, however Iran has denied trading

with Al-Shabaab. Recently, a study gained by the Small Arms Survey, showed that there was a clear correlation between the market prices of illicit weapons in Lebanon and the number of casualties in Syria during the first year and a half of the conflict.

Warfare

War zones are where illicit trafficking of firearms is most prevalent. Illegal weapons cause tensions and insecurity which leads to violence and conflict. Conflict needs more and more guns to be acquired because there is a higher level of demand. A cycle is created as this causes the war to go on for longer which contributes to immense casualties and an increased amount of people seeking refuge. Even when the war ends, the state is left with no security and peace due to the possession of guns inciting violence within the community.

It is difficult to establish economic stability or a reconciled government - this is the leading cause of new problems and more conflicts. The Ukraine Revolution that started in 2014 is still ongoing today, where weapons are stolen and from the battlefield then distributed elsewhere, since gun inventories are not kept safe and soldiers are failing to surrender their weapons at the end of their duties. These weapons end up in criminal hands since organized crime is becoming more and more prominent in Ukraine as an underground trade has started to transfer weapons to other organized crime groups.

Black market

The trafficking of arms starts by guns being purchased legally through shops by licensed owners but then the users/buyers/criminal groups may sell the weapon illegally to a criminal, particularly in the US. The American gun market is another source for international black markets. Sometimes guns transported legally also end up on black markets when they fall into the wrong hands if not tracked and monitored closely. The black market for small arms especially is thriving, since it is easily transportable and cheap for smugglers. The black market allows insurgents to acquire illegal weapons and is a major cause of violent conflicts happening around the world. Stolen military weapons are a large source of firearms sold illegally on the black market.

Darknet

There are online black markets too; where entrepreneurial criminals use the dark web to facilitate the selling of illegal weapons. Its use is growing in recent years. The 2016 Munich shooting was done by one person who had purchased his weapon through the darknet. The black market is dominated by weapons made in the US, it is becoming easier to supply better weapons for cheaper prices online, criminals both sell and purchase weapons illegally on black market sites on the darknet. However Europe seems to have the biggest illegal firearms market; creating revenues up to five times the amount of

revenue the US makes. Often the products come with guides and instructions that further encourages more dangerous criminal activity, such as the building of explosives and guns.

Particularly, more recently the model of guns has been available on 3D printing model websites. Criminals mask their identities by using virtual networks to hide their IP address, this ensures their anonymity when doing criminalities. This gives anyone in access to a 3D printer the option to download files and to print a fully functional weapon although downloading these files is illegal. The estimated value of arms trade on the darknet is estimated to be about \$80,000 per month, but this is only an estimate since it's very difficult to trace all the trafficked firearms and to count concealed transactions.

The amount of firearms sold online is significantly less to the amount sold in face-to-face transactions therefore it is unlikely to fuel conflicts because it is not large scale but it may have the potential to increase the amount of terrorist attacks by lone-wolves or extremist groups internationally. It is especially hard for governments to find and track the purchasers and traffickers since the darknet is notorious for its anonymity.

Profit

Annually, the black market for illicit trafficking of firearms is a billion dollar business but the financial profit can not make up for the instability it causes in different regions, the civil wars it sparks and most definitely can not make up for the lives it has cost. Often soldiers that have not been paid sell their weapons or sell weapons from military stockpile to earn more money. Sometimes even soldiers working for a specific government will sympathise with rebels and sell them weapons. This has happened in Israel, where Israeli militants have sold Palestinian civilians their weapons. After coming into the black market, these weapons become cross linked with other commodities that are trafficked such as drugs, diamonds, endangered species and even humans. Terrorist groups use profits from other commodities to buy weapons, fund their operations and become stronger. The Revolutionary Armed Forces of Colombia (FARC) earns 500,000 dollars every year through drug operations and uses most of this money to buy weapons.

Major Countries and Organizations Involved

United States of America

Since different states have different gun laws, the inconsistency makes it weak and easily exploitable in the system for trafficking guns. The main source of gun trafficking is irresponsible gun dealers such as straw purchasing or selling to criminals without background checks although stolen firearms are common as well. Federal law allows anyone who owns a gun to sell online or face to face

even if they are unlicensed. Unlicensed sellers are not required to do background checks or keep track of purchasers therefore being a major cause of gun trafficking in the long-run.

Most criminals involved in firearm trafficking falsely claim that their weapons have been stolen or lost to hide their participation in this crime, however actual theft of firearms is extremely common in the US, with over 500,000 arms being stolen every year. Studies have shown people who bulk buy firearms (buying arms in large quantities) are more prone to be involved in gun trafficking. A lot of traffickers also use a method called Straw Purchasing, where the buyer purchases a gun under a different identity. Most people who do not want to be traced or who are prohibited from buying guns use this method.

Mexico

Mexico is one of the few countries that allow the ownership of guns but with this right comes very strict laws. The Mexican government has been emphasising for a long time that unlawful possession of guns (mostly by drug cartels) are coming from the North border. The Mexican government blames the US's weak gun laws for illicit trafficking of guns into the country since many distinguished people are assassinated with illicit weapons bought from the US.

Between 2009 and 2014 over 70,000 guns, which accounts for around seventy percent of those found in crime scenes in Mexico were found to be American guns. Organized groups in Mexico rely on straw purchasers in the US for their weapons. The Washington Post found that drug trafficking and gun trafficking use the same routes to get from the US to Mexico. Annually the US makes 127 million dollars in revenue from selling weapons to Mexicans across the border.

UNODC

The United Nations Office on Drugs and Crime (UNODC) has acquired a Global Firearm Programme to tackle the problem of illegal arms trade. They work with governments of countries facing instability and insecurity to implement laws and regulations to stop the flow of firearm trading. Their mission is to confiscate and destroy firearms that are manufactured or dealt with illicitly. UNODC keeps records of firearms for at least ten years to be able to track arms and make sure they are licit. Furthermore UNODC works with member states to implement a fair justice system that has a strong rule of law to ensure criminals face proficient punishment and victims are given the right assistance and meet their human rights. The UNODC does this by promoting training manuals and setting a strong code of conduct and standards within the state.

UNODA

The United Nations Office for Disarmament Affairs promotes strengthening disarmament regimes in weapons of mass destruction, including chemical and biological weapons. They also work on efforts for the disarmament of weapons such as landmines and small arms. They host an annual

Disarmament Conference to discuss nuclear weapons as well as chemical and biological weapons with member states. The UNODA promoted the Arms Trade Treaty and is currently promoting the 2030 agenda for sustainable development. Specifically they aim to reduce the flow of illicit small arms significantly to achieve goal 16.

Australia

On April 28th 1996, a 28 year-old man killed 35 people and injured 12 others using a semi-automatic weapon. Within weeks of the tragedy, the Australian government banned military style weapons and introduced a gun buyback program. This meant that Australian civilians could sell their privately owned guns to the police and following that incident and over 600,000 guns were brought back to the government. Mass shootings were common events in Australia prior to 1996 but with the implementations of new laws it all came to an end. There was not one more mass killing following that.

However, in 2002, a student came into Monash University with handguns and managed to kill two people and injured five others. Consequently, the Australian government added a new national handgun agreement, which entails their gun buyback system to prevent this event from happening again. Gun violence has fallen since remarkably. The murder rate is now 1 in every 100,000 people, which is 20 percent of America's rate. With the introduction of these laws, arms trafficking could be significantly reduced.

Timeline of Events

Date	Description of event
1947-1991	Cold War
April 1996	Mass shooting in Australia
July 1996	The Wassenaar Arrangement
July 2001	Report of the United Nations Conference on Illicit Trade
2002	Shooting in Monash University
May 2017	The Impact of arms transfers
December 2017	Arms Trade Treaty

Relevant UN Treaties and Events

- Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in all its aspects, New York 9-20 July 2001 **(A/RES/54/54 V)**
- The Arms Trade Treaty, 4 December 2017 **(A/RES/72/44)**

- The Impact of arms transfers on the enjoyment of human rights, 3 May 2017 (**A/HRC/35/8 – 2017**)
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 27 August 1990
- Programme of Action on small arms and its International Tracing Instrument
- The Wassenaar Arrangement on Export Controls and Conventional Arms, Vienna 1996
- The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition New York 31 May 2001 (**A/RES/55/255**)

Previous Attempts to solve the Issue

In 1995, a panel of government experts from 23 states including US, France and Japan came together as requested by the UN's General Assembly and made a report which was published in 1997 to battle the issue of illegal firearm trafficking. They decided that transparency is one necessary action states must take in order to share information and monitor the trafficking to be able to stop it. The group held three sessions following the publishing of the report to discuss security for surplus weapon storage and to destroy weapons under the UNODA. The UNODA also introduced the Programme of Action on small arms. This was to ensure governments strengthened small arms laws including the import and export laws and finally managing their stockpile. In 2005, they also adhered to the International Tracing Instrument which was to guarantee weapons are marked and kept records of so they can be traced.

Similarly the US also has its own special agency called The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) that focuses on the regulating of firearms and the strengthening of federal firearm laws. The ATF is able to issue licenses, conduct compliance dealership inspection which help to trace illegally purchased guns and help licensees to adequate record keeping and moral business practices. However the power ATF holds is very limited by congress. Congress has refused to hire a permanent director for the ATF and prohibits the Bureau from creating a registry for firearms. This makes it difficult to track the buyer of guns from crime scenes. Congress also limits ATF to only one compliance dealership inspection a year by issuing the Firearms Owners Protection Act in 1986. Moreover the falsification of records has been reduced to a misdemeanor instead of a felony. All of these restrictions has made gun trafficking much easier for criminals and has made the Bureau almost ineffective in preventing these crimes.

Many countries, such as Australia and Brazil have implemented buyback programs to decrease the number of guns owned by civilians, this is a good initiative since it helps promote security because it lowers gun ownership if everyone is selling their guns back to the police forces. These countries have enforced new legislations that make previously bought arms, illegally owned under the new laws. This highly encourages people to sell their guns to the state as well as the compensation given to the sellers. This is a highly effective method since it gives people incentive to sell their guns and promote security

from lack of gun ownership. It has been proven effective by countries like Australia and Brazil too that do not suffer from mass shootings and terrorist attacks.

Possible Solutions

A ban on guns is unrealistic since they are too widespread and accepted as an important tool for national defence, therefore it is important to limit the damage they cause as much as possible and that can be done by preventing the oversupply of guns. The root of the problem is US and their weak gun laws since most trafficked arms come from the US. A solution may be to ensure private sellers do background checks on their customers. By law only licensed sellers in the US have to check for the customers' eligibility status which means criminals may still have access to firearms if buying from a private dealer. Straw purchasing could be prevented too if laws are enforced and private dealers recognise that they can be held accountable for an unlawful act of trafficking firearms. Since theft is also common, if reporting of theft becomes compulsory it will be easier to track traffickers and monitor the illicit transferring of guns. Moreover if agencies like the ATF are given more power they can establish investigative forces, monitor to track the traffickers and investigate the illegal transactions that happens in firearm trafficking.

A limit on the amount of guns purchased in a certain amount of time should also be placed. Undoubtedly this would stop the bulk buying of guns and the illicit dealing of them. Tracing guns is also an important method to prevent trafficking. Every gun has a specific serial number which will trace back to the owner of the gun and the initial seller. By tracing back, the state can rule out gun shop owners who are selling guns disproportionate. This could be put into practise by making license qualifications harder to gain.

First, the stockpile of military weapons in every country should be reduced by producing less, destroying the surplus and reducing the motivation to have a gun. According to the Small Arms Survey, more than 38% of weapons possessed by countries are just a surplus. Not only does this waste resources to manufacture the guns and to keep them in storage but also people living next to these locations are faced with dangers of explosives going off or even how it attracts thieves and insurgents which may contribute to illicit trafficking. Many countries redistribute their oversupply of guns rather than destroying them. Eradicating all guns is unfeasible, however the surplus supply of guns can be destroyed to stop the danger instead of transferring them to a different country which only helps spread the danger from one community to another.

Furthermore the demand for guns acquired illicitly should be reduced and that can be done by establishing more security and stability in countries. The reason why many people want to acquire guns

is because other people have them and this makes them feel unsafe. Governments should provide reassurance and information as well as tackling other factors such as poverty and human rights which lead to people feeling insecure and because this encourages them to acquire guns illegally.

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Appendix or Appendices

- I. https://www.washingtonpost.com/news/wonk/wp/2016/01/14/why-mexicos-drug-cartels-love-americas-gun-laws/?noredirect=on&utm_term=.8c785c474806

This website is useful because it puts into perspective just how much the firearm trafficking in the US affects other countries, such as Mexico.

- II. <https://unchronicle.un.org/article/small-arms-no-single-solution>

This website provides possible solutions and how it could potentially help disarm civilians.