

International Arms Trade Legislation: Filling the Bullet Holes

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A complex picture

- **Context**
- **Sources**
- **Transit**
- **Destinations**
- **'Enablers'**
- **Legislation**
- **How to buy a gun**
- **Filling the gaps**
- **Conclusion**

Who is involved in illicit trafficking?

Organised crime groups

Corrupt officials and professionals

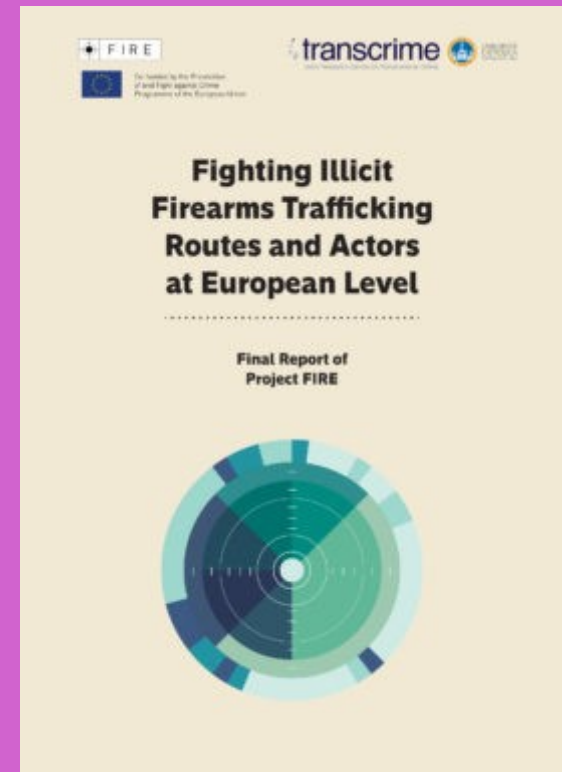
Individuals

To arm criminals/ OCGs

To arm terrorists

As a commodity for trade – rare/ high value

As trade for other legitimate/ illicit commodities



Sources of firearms

☐ The Grey Market

Licit firearms that become illicit

☐ The Black Market

Illicitly produced firearms

☐ The Dark Web and the Internet

☐ Parts and ammunition

☐ Thefts from legal owners and stockpiles

☐ Legal ownership

☐ (Post)-conflict/stockpiles

'[w]hile there have not yet been any reported EU seizures of firearms originating from these zones, [Libya, Syria and the Ukraine] experience from conflicts in the Western Balkans suggests that these areas may become significant sources in the future.' NCA 2017

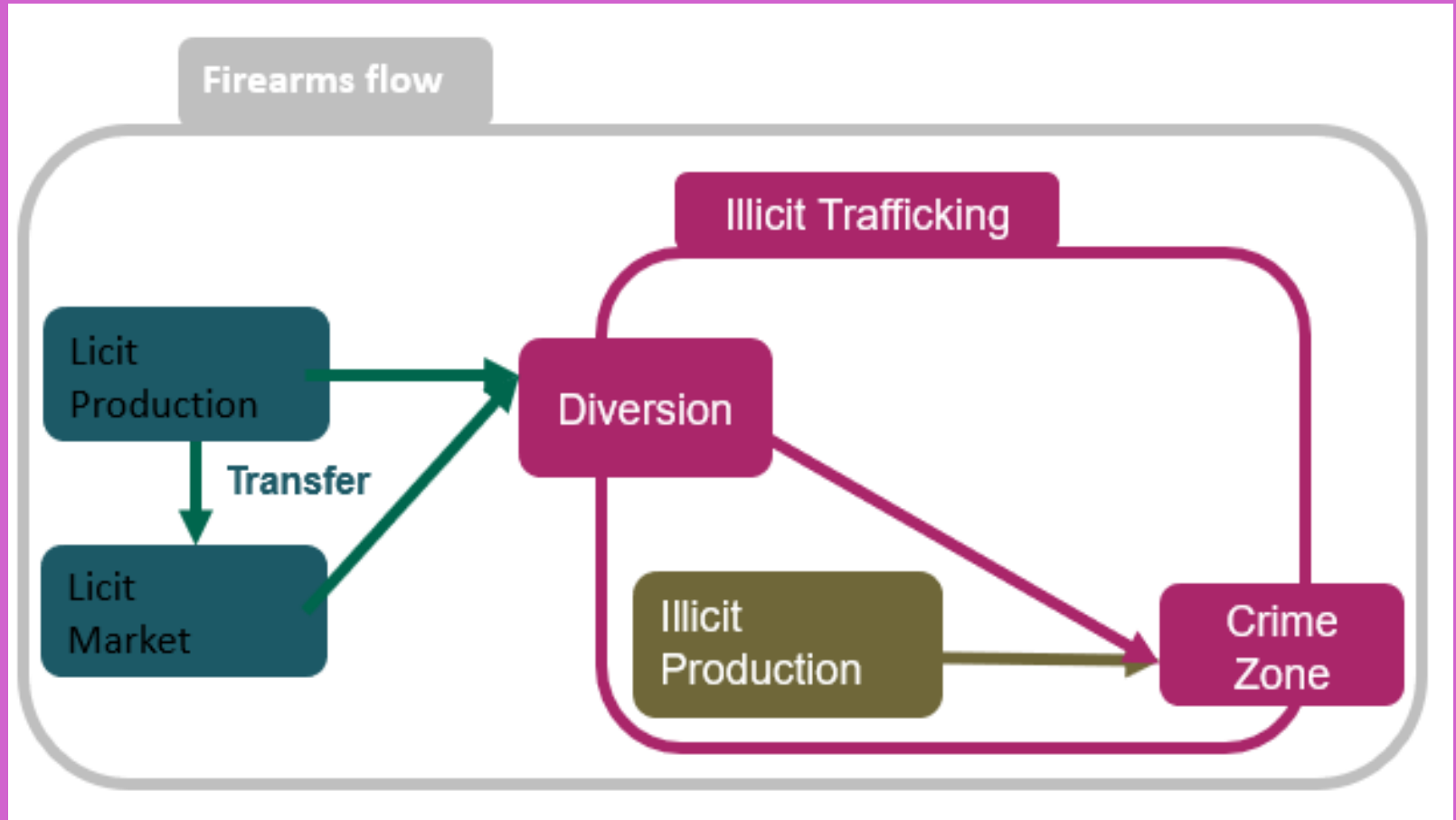
Grey Market legitimate to illegitimate

'Most illicit firearms stem from licit production and have subsequently been diverted to the illicit market. Licit firearms can be diverted during transportation, by leakage from factories or surplus stocks, theft from stockpiles, dealers, or individual owners, or converted to illicit firearms'
(Savona and Manusco, 2017: 14).
Project FIRE



The Grey Market – licit to illicit

(courtesy of UNODC)



The Dark Web and the Open

Webtype 2016

Cryptomarket	Total number of listings	Number of arms-related listings	Rate (per 1,000 listings)
Alphabay	36,906	414	11.2
Dreammarket	64,625	173	2.7
Valhalla (Silkkitie)	19,939	114	5.7
Hansa-market	22,151	49	2.2
Oasis1	11,932	29	2.4
Python market	7,377	14	1.9
TheDetox market	1,312	8	6.1
Traderoute	1,596	4	2.5
Minerva	697	3	4.3
Acropolis	253	2	7.9
Tochka	277	1	3.6
Dark-net-heroes-league	628	0	0.0
Total	167,693	811	4.8

Stockpiles

SEESAC: South Eastern and Eastern European Clearing House for the Control of Small Arms and Light Weapons



Transit

- ☐ **Often transited through more than one state/ continent**
- ☐ **Rarely trafficked in isolation**
- ☐ **Ant trade prevalent (Small Arms Survey, 2016)**
- ☐ **Air: in personal luggage**
- ☐ **Sea: in shipping containers**
- ☐ **Land: in trucks and cars**
- ☐ **Mail: internet orders, particularly parts and accessories**

From Slovakia to Britain – route the weapons took



All smiles: The gang unloading weapons at Cuxton Marina shortly before arrest



1 Aug 2015: Deactivated weapons bought from gun store in Partizánske, Slovakia. Guns converted back into live firearms in

Eastern Europe. Gang also visited Romania and Hungary.

2 Aug 9: They drove the arsenal to the Albermarle

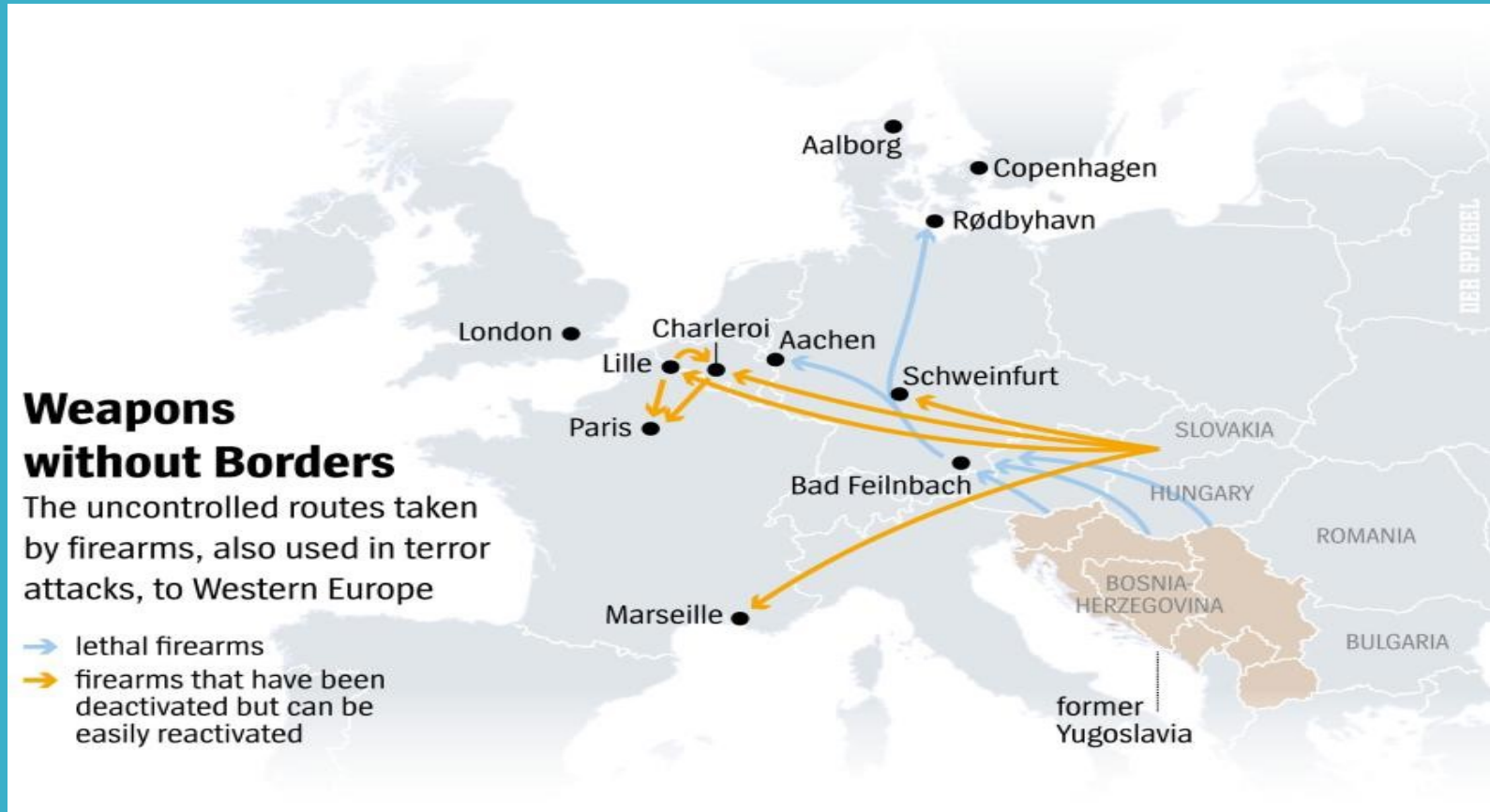
moored in Boulogne
3 Aug 10: They sailed across the Channel and up the Medway to Cuxton Marina, Kent.

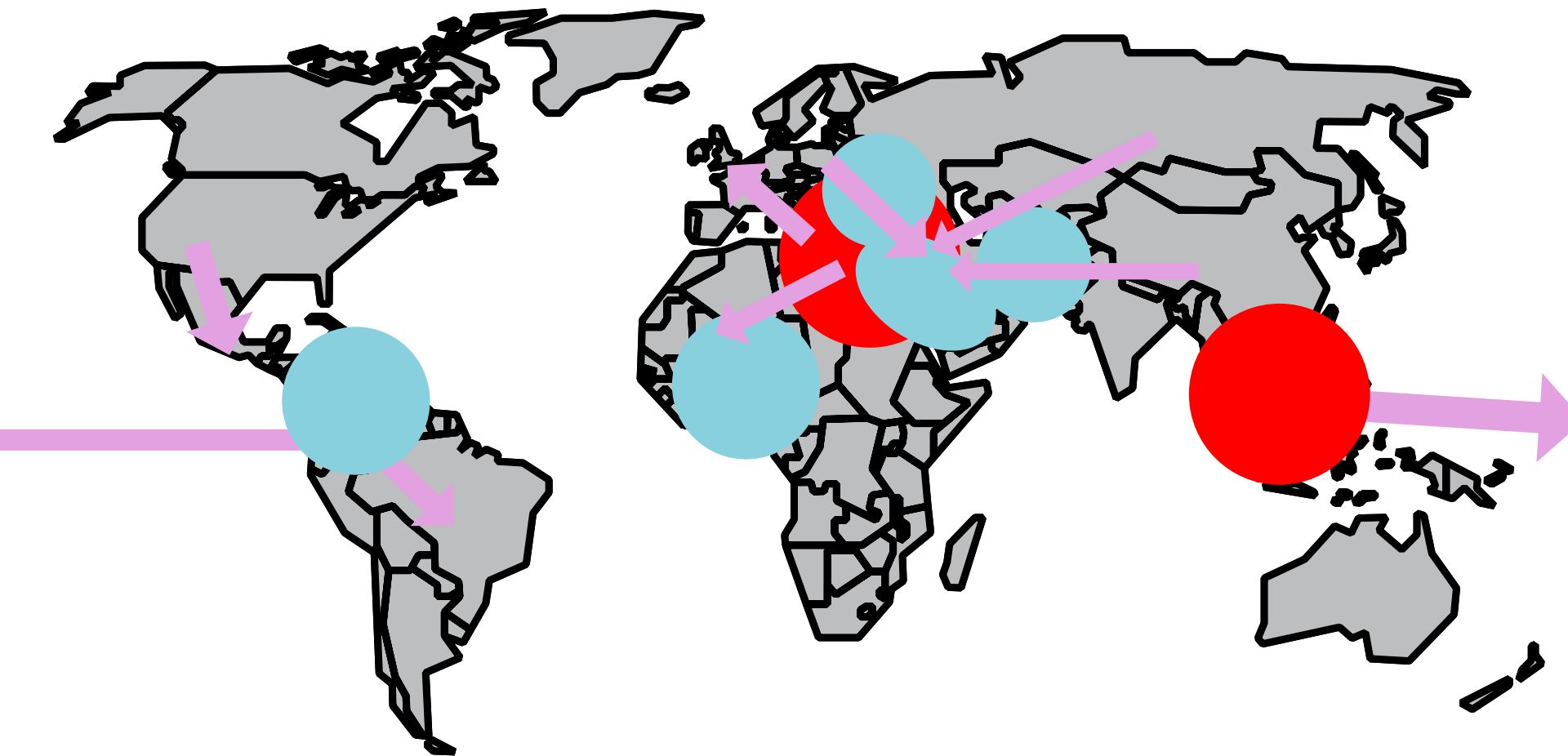
4 Aug 11: Armed officers arrested two members of the gang at the marina. Three others were arrested in Orpington.



Deadly haul: Six of the 22 Czech VZ58 assault rifles. Gang also bought nine Skorpion sub-machine guns (above), and 1500 rounds of ammunition

Terror Attacks: European Context





Firearms

Enablers

**Legal
framework**

Legislation

Definitions

Loopholes

**(Lack of)
robust
evidence
base**

**(Lack of)
international
cooperation**



Legislation and loopholes

A gun can be legally held in one country, cross an open (Schengen) border, and be illegal in the next.

Deactivated, acoustic, blank-firing and antique weapons particularly problematic



What legislation is in place?

1997 CIFTA (Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials)

Directive 2017/853/EU – The Firearms Directive

2000 Bamako Declaration ((on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons)

2002 Southern African Development Community Firearms Protocol

2002 Arab Model Law (on Weapons, Ammunitions, Explosives and Hazardous Material)

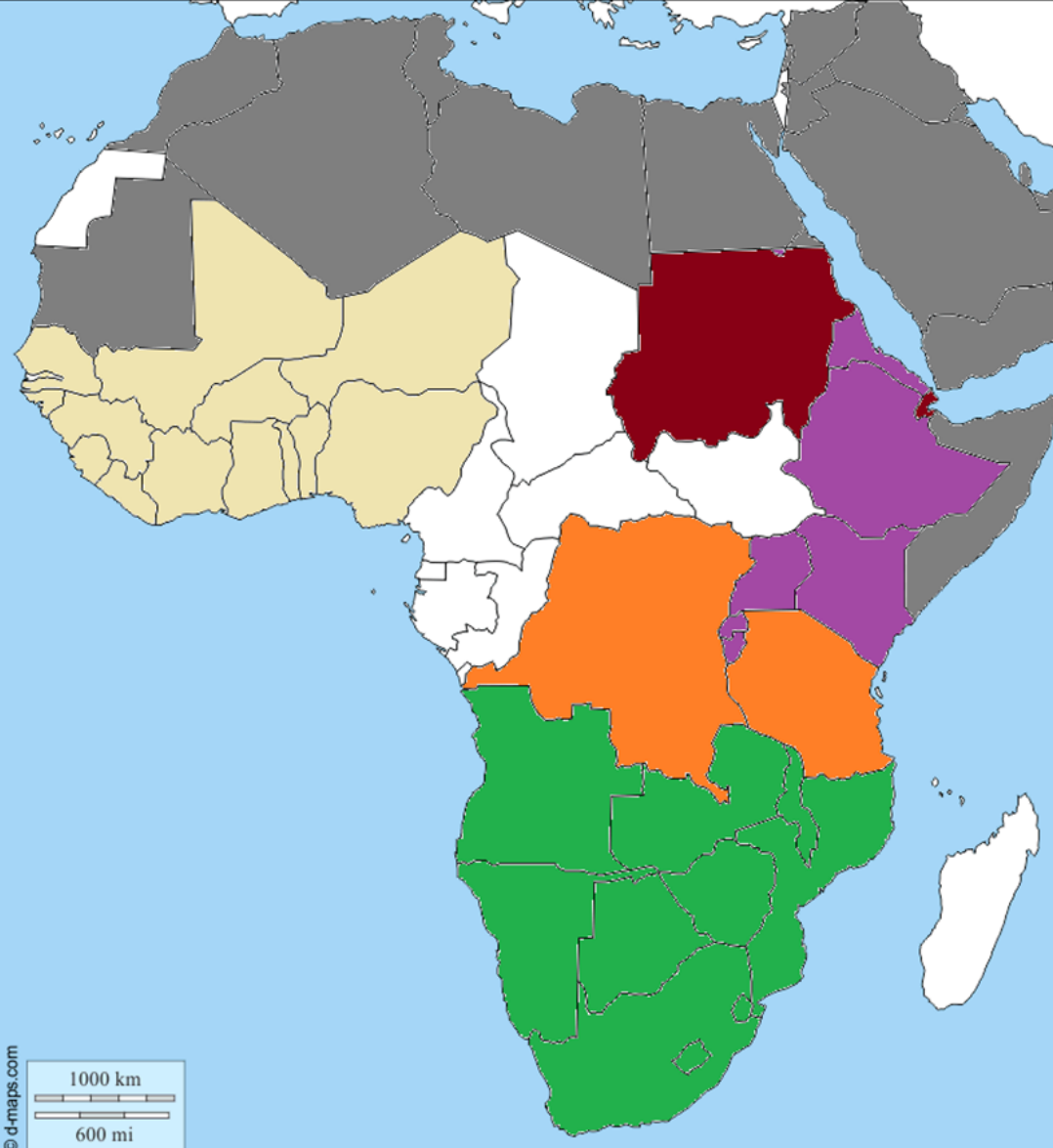
2003 Andean Plan (to Prevent, Combat and Eradicate Illicit Trade in Small Arms and Light Weapons In all its Aspects)

2004 Nairobi Protocol (for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and The Horn of Africa)







2005 UNTOC Firearms Protocol

2006 ECOWAS Convention (on Small Arms and Light Weapons, their Ammunition and Other Related Materials)

2013 Arms Trade Treaty



Key – International Mechanisms in Place:

SADC	
Nairobi Protocol	
ECOWAS Convention	
Arab Model Law	
SADC and Nairobi Protocol	
Arab Model Law and Nairobi Protocol	

Gaps

USA (World's largest arms exporter) is absent from all three of the measures it could have ratified (Firearms Protocol, Arms Trade Treaty and CIFTA)

Saudi Arabia and Algeria (World's two largest arms importers) absent from ATT

Heads of State publicly support the control of the illicit flow of weapons to organised crime groups and terrorist networks, practical implementation is far more problematic.

The legislative framework is riddled with loopholes which allow even those states which have ratified particular measures to routinely ignore them.

The UK, for example, is exporting weapons directly to Saudi Arabia, whose involvement in the ongoing conflict in Yemen has been argued to show “a clear risk that the military technology or equipment to be exported might be used for internal repression” (Criterion 2a) and to “affect adversely regional stability” (Criterion 4d) both of which are breaches of EU Common Position 2008/944/CFSP.

What does this mean?

Overlaps and differences in legislation are exploited by the unscrupulous
Even legitimate buyers can have differing experiences.

New York Times in 2018 looked at how long it took for a civilian to get a firearms licence.
Small Arms Survey had done something similar earlier, and found a range of restrictions:

- Waiting Periods (from 3 days (Florida) to 28 days (Australia and Canada));
- Training (theoretical and practical);
- Background checks (precluded under US Federal Law, enhanced checks in South Africa, India, Canada and others);
- Having a valid reason (Australia, Croatia, UK (for a shotgun) and others)

Next image illustrates the process of buying a firearm in the USA (green), India (yellow), and Japan (red)

Pass an instant background check that considers criminal convictions, domestic violence and immigration status



Buy a Gun

Join Shooting Club or demonstrate threat



Attend practical training course



Get Doctor's note (Physical / Mental health)



Say you have safe storage



Pass a review – tax, criminal, health, relationships



Pass Interview



Buy a Gun

Take a class, pass an exam (3 opportunities a year)



Obtain doctors note



Apply for shooting training permit



Police Interview



Pass review of criminal history, employment, debt, relationships



Apply for gunpowder permit



Take a class, pass a shooting test



Get a certificate for the gun you want from a dealer



Buy an approved gun safe & ammo locker (Police inspect)



Pass additional background review



Buy a Gun

How to develop better legislation?

Many organizations offer to help countries draft better legislation:

Stimson Center – ATT Baseline Assessment Project

Bonn International Center for Conversion

CIFTA Consultative Committee

Saferworld (NGO)

South East and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC)

Stockholm International Peace Research Institute (SIPRI)

UN Office of Disarmament Affairs (UNODA)

UN Office on Drugs and Crime (UNODC) Global Firearms Programme

UNODC Model Law (against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition)

Conclusion

Seen who is involved in the fight against corruption, and how they get to their destination.

Also seen the shape of the legislative framework, and the overlaps in their coverage. WFT has under 50% of the world signed up to it.

Holes in coverage, both major weaknesses. Signatories are

There are about 100 countries that have signed up to it, but without tighter legislation

