

DISEC
Measurements against illicit trafficking of small arms & light
conflict & post-conflict countries
Leander Andac, Philip Scherer



Measurements against illicit trafficking of small arms & light
weapons in conflict & post-conflict countries

Disarmament and International Security Committee (DISEC)



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A Note from the Chairs

Hello Delegates! As your chairs in the DISEC committee of LakeMUN 2019, we would like to welcome you all and thank you for signing up to this year's conference. In order to facilitate an effective and fun debate, we have prepared a study guide for you to prepare you for the conference. We kindly ask that you read it carefully, since the main information for the topic is summed up below. If you absorb the whole thing and gather further information on your own country's stance on the issue, you should be very well prepared for the conference. Of course, you need to do further research for your own specific country – we expect you to blow us away with your knowledge! We wish you all the best for your preparation and we're really looking forward to seeing you in October!

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I. Introduction

DISEC is the first committee of the General Assembly of the UN. As it is part of the GA, all Member States of the UN are automatically also members of DISEC. The committee was founded along with the GA after World War II as part of the UN system to further disarmament efforts around the world. It is fundamentally responsible for seven different topic clusters, including nuclear weapons, any other weapons of mass destruction, disarmament efforts in outer space, conventional weapons, regional disarmament and security, the disarmament machinery of the UN, and other measures for disarmament and international security. DISEC commonly cooperates with the UN Disarmament Commission. (Frankel & Regan, 2011) It follows all the rules of the other GA committees and is thus not entitled to issuing binding resolutions, unlike the Security Council.

A. Introduction of the topic

Illicit flows of small arms and light weapons (SALW) undermine security and the rule of law. They are often a factor behind the forced displacement of civilians and massive human rights violations (UNODA, SALW 2016). The problem of arms trafficking is multidimensional.

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Firearms are manufactured and traded both licitly and illicitly thus making the identification and tracking of illegally manufactured and trafficked firearms very complex (Firearms trafficking, UNODC). Further complicating matters, most firearms are produced legally and then diverted into the illicit market. Notably, illicit arms are present in most forms of violent crimes and increase the power of organized criminal groups. (Firearms trafficking, UNODC). The illicit trade of SALW can take place without further notice of general surveillance bodies, since the traded objects can be easily transported and smuggled over the land-, sea-, and railway. In addition, SALW persist, even when armed conflicts have had ended. This persistence often leads to an extension of the conflict or causes conflicts to rekindle in insecure states. A variety of international and regional instruments form part of the legal regime on firearms. The Organized Crime Convention is among the most significant global efforts to tackle firearms trafficking (Firearms trafficking, UNODC). One of the three supplementing Protocols to this Convention is the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunitions (Firearms Protocol). It addresses the issue of illicit manufacturing and trafficking of firearms from the criminal justice angle and it was the first legally binding instrument on small arms adopted at the global level. It was developed with a view to providing measures to address the transnational nature of the phenomenon and its links to organized crime. The Firearms Protocol contains a definition of firearms in article 3 (Firearms trafficking, UNODC). Like one of those Protocols is trying to tackle the dangers caused by SALW, we're looking forward to work on a maybe similar, maybe groundbreakingly different solution to the topic!

II. Definition of Key Terms

1. Small arms

Weapons designed to be carried and used by an individual, mainly including pistols, rifles, and light machine guns. (UN G.A. A/CONF.192/15, 2015)

2. Light weapons

Weapons intended for use by a small crew, though they may in some cases be used by one person. These include heavy machine guns, grenade launchers, portable anti-tank and anti-aircraft guns, portable rocket launchers, and mortars. (UN G.A. A/CONF.192/15, 2015)

3. Conflict and post-conflict zones

Conflict and post-conflict zones or conflict-affected areas are commonly defined as areas where there is an armed conflict present, where an armed conflict is transitioning into peace, where there are widespread or serious human rights violations, where there is prevalent political and social instability or groups are being repressed, or where state infrastructure has undergone or is undergoing a collapse. (Kemileva, 2013)

4. Illicit trafficking

Arms and weapons are illicit or illicitly trafficked if they are illegal in the country in which they are found, they are moved across borders in a way that violates arms embargoes enacted by the Security Council, they are manufactured without authorization by the country in which they are built, or they are transferred to other nations without authorization by a national authority. (UN G.A. A/CONF.192/15, 2015)

III. History of the Conflict/the Issue

Since SALWs have existed and been traded legally for over a century all around the world, the illicit trafficking of SALWs has no definite beginning. But with the advent of smaller conflicts all around the globe, illicit arms trafficking has become a severe issue in many conflict-affected areas in the past. Illicit weapons are typically sourced from once-legal weapons and arms storage. For example, weapons that were used in a previous conflict in an

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area by intervening or participating actors often remain in the area after the conflict has passed – due to the chaotic nature of many conflicts, many unauthorized actors can then seize control of these “now-lost” weapons by stealing or buying them in the area and trafficking them to new locations. In other cases, legal weapons are stolen from their authorized owners or are sold via illicit channels after legal purchase. Embezzlement of legal arms during shipments or storage is also a large source of illicit weaponry. (Europol, n.d.)

International criminal organizations have historically been responsible for much of the illicit arms trafficking not committed by nations. For example, Mexican drug cartels have been able to acquire large amounts of SALWs in the past with funds gained through drug trade. These weapons are used to inflict fear and intimidation in the areas of drug trafficking activity, as well as to protect drug shipments. It can be difficult to determine the actual prevalent sources of these weapons, but estimates suggest that a significant portion of these weapons were acquired in gun stores in the United States and subsequently trafficked over the border. (Schroeder, 2013)

The Philippines are another example of a historically conflict-affected area in which many different insurgent groups engage in conflict with the government for ideological or religious reasons. Many of these groups are armed, and, according to government reports, many of their weapons were originally intended for Philippine security forces, but were then either diverted by arms dealers or stolen from military and police arms depots, some even being looted off security forces captured or killed in combat. (Schroeder, 2013)

In order to combat arms trafficking and promote stability and trust on a global scale, the United Nations created the United Nations Register of Conventional Arms (UNROCA) in 1991, to which states can submit reports about weapon shipments to other countries. According to UNROCA, the register captures over 90% of the global arms trade, though it shows deficiencies in differing reporting styles between countries and varying definitions of weapon classes. This promotes transparency but has an impact mainly on heavy weapons and vehicle trade. The small arms and light weapons (SALW) category was only recently added, and some countries do not report their SALW exports and imports. As such, the UNROCA is of limited effectiveness in preventing illicit trafficking of SALWs. (UNROCA, n.d.)

Many other conflict-affected areas exist beside the ones mentioned above, though these can be considered to be representative as they show both rebel groups and criminal organizations acquiring and using weapons to their own ends, which is typically the result of SALW trafficking.

IV. Current Situation

A. Root causes and general threats & effects

The illicit trafficking and smuggling of SALWs is intrinsically linked to criminal organizations and networks: as facilitators of violent crimes, as tools to perpetrate power, and as lucrative trafficking commodities, that fuel armed conflicts, crime and insecurity. In many occasions different forms of criminality are intertwined, such as human, SALW- and Drug-trafficking. (Global Firearms Programme, UNODC). No region in the world is exempt from the dramatic consequences of firearms violence. While the death toll in the context of armed conflicts is well known, less evident, but even more dramatic, is the fact that more lives are lost worldwide from non-conflict firearm events, than are lost during ongoing wars (Global Firearms Programme, UNODC). The problems associated with illicit SALW-trafficking covers the whole spectrum of human security, ranging from high levels of individual physical insecurity¹ with serious economic and social consequences for the society, to large scale armed conflicts in which these arms enable widespread violence and account for the majority of deaths (Global Firearms Programme, UNODC). The problems associated with criminality and firearms are often the root cause for escalating and persisting conflicts such as in Central Africa, affected regions in Central- and South America and countries in the Middle East (Global Firearms Programme, UNODC). Curtailing trafficking of SALWs in these regions requires tailored interventions involving corresponding criminal justice responses for prevention, investigation and prosecution of crimes (Global Firearms Programme, UNODC). One of these responses is the UNODC Global Firearms Programme, which was created to assist states in building adequate criminal justice systems to effectively respond to the

¹ domestic violence and street, gang and criminal violence

challenges posed by organized criminality specifically related to trafficking in firearms, their parts and their components (Global Firearms Programme, UNODC).

B. Market and Development of SALW-trafficking

Similarly to other illicit products and services, new sales channels (e.g., the Internet and its encrypted networks) are increasingly being used to traffic firearms (Countering Illicit Arms Trafficking). Organized criminal groups take advantage of new technologies, while also continuing to use old channels and known markets. As an example, police reports recently found that some organized criminal groups have been using parcel services to smuggle firearms into countries, often by sending their parts and components separately because they are harder to detect (Firearms trafficking, UNODC). The trafficking of SALWs is different from most other forms of organized crime activity in that it is a durable, rather than a consumable good (Global Firearms Programme). Consequently, the global turnover in the licit and illicit arms industry is limited and trafficking tends to be episodic, generally from an established stockpile to a region descending into crisis (Firearms Trafficking, UNODC). Many of the weapons available illicitly stem from the end of the Cold War and the unloading of no-longer-needed weaponry, which became available to former government officials, criminals, and, in some cases, the highest bidder. (Countering Illicit Arms Trafficking). The result of this switch from government manufacture and ownership, to private manufacture and ownership of arms and weaponry, is that wars, civil conflicts, and violence are now easier to wage than ever before. Another worrisome consideration relates to the current size of the illicit arms industry, since there are more handguns, AK-47s, missile launchers, grenades, mines, and nuclear components available illicitly than ever before (Firearms trafficking, UNODC).

The production of SALWs, designed for use by one or a small number of individuals, is estimated in the millions of units per year. Most of these are commercial firearms (handguns, rifles, and automatic weapons) made and purchased in the major manufacturing markets (Countering Illicit Arms Trafficking). There are also several small producers, located in many different countries, which make variations of well-known and highly desired weapons, such as AK-47 type automatic rifles (Firearms trafficking, UNODC).

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The availability of these weapons is aggravated by a surplus of expertise. There are many private military contractors and mercenaries that are most often former soldiers for armies that no longer exist, or which can no longer pay them (Firearms trafficking, UNODC). Therefore, their expertise is used to train weapon purchasers in their use and deployment. The result is that many of these weapons land in the hands of trained insurgents, organized criminal groups, and terrorists who are waging conflict in various locations around the world. (Coates and Pearson-Merkowitz, 2017; Naim, 2006; Salton, 2013)

As for the geographical distribution, according to the Small Arms Survey - an independent research project located at Graduate Institute of International Studies in Geneva, Switzerland - more than one-third of the global supply of small arms is located in the United States. (Small Arms Survey, 2015) The same Survey shows that well over 200 million small arms are owned by US citizens, far more than any other single country or world region. Some of these guns are bought legally in the United States and then smuggled abroad to Mexico and other countries, aggravating problems of violence there (Firearms trafficking, UNODC).

C. Challenges, opportunities, general questions

The current problem of SALW trafficking can be summarized as follows: What can be done to reduce the steady supply of overstock and low-cost weapons, which is difficult to control and is supplying an increasingly well-armed group of insurgents, private groups, and free agents? A multinational solution is clearly needed, as national borders often benefit weapons dealers and straw purchasers, in that they shop for countries with the fewest restrictions. Also, national borders limit the reach and action of law enforcement agencies, while international cooperation requires both time and willing partners (Firearms trafficking, UNODC).

The effort of the United Nations to regulate the illicit market in the trafficking of firearms looks primarily to controlling supply. Nonetheless, efforts to reduce the supply of firearms are hampered by the large number of weapons already in circulation, which often outlive their owners and existing armed conflicts, only to be sold again. The transnational sale of weapons is a threat to both unstable regions and any other country where the weapons might land undetected. The destruction of weapon stockpiles once intended for military use is therefore

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crucial to reduce the supply of weapons available for sale to unscrupulous buyers and sellers (Firearms trafficking, UNODC).

Another important international instrument in this field is the Arms Trade Treaty (ATT), which entered into force in December 2014. The ATT is of broader scope and covers eight categories of arms, whereas the Firearms Protocol only covers firearms, their parts and components and ammunitions. In particular, the ATT applies to "all conventional arms within the following categories: (a) battle tanks; (b) armored combat vehicles; (c) large-caliber artillery systems; (d) combat aircraft; (e) attack helicopters; (f) warships; (g) missiles and missile launchers; and (h) small arms and light weapons" (article 2, Arms Trade Treaty) (Firearms trafficking, UNODC).

A UNODC survey of 40 countries discovered needed changes in the areas of reporting of firearms seizures, firearms tracing, and local firearms trafficking problems. In addition, training and other capacity building are needed in strengthening data collection efforts, and providing regular opportunities for the sharing of information, data and good practices in reducing the illicit trafficking in firearms. (UNODC, 2015).

D. SALW, security and development

Since SALWs have many uses beyond their primary function as weapons of war, the effects of their proliferation are widespread. The first cluster of effects is connected with conflict and insecurity, and includes both the direct costs² and the indirect costs³ of SALW proliferation and use. Although the presence or proliferation of small arms and light weapons does not cause the conflicts that are evident around the world, they do contribute to their level of violence, and generally therefore make the resolution of these conflicts more difficult. The second cluster relates to development and governance issues. Investments of time and money – by governments, the international development community, major international aid agencies and NGOs – often have little impact in conflict-affected environments because gains are undermined by violence and insecurity. Up to 1.5 billion people live in countries that are

² deaths and injuries in conflicts

³ post-conflict insecurity, inter-communal tensions, etc.

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affected by conflict and fragility, and 70% of fragile states have experienced conflict since 1989. SALW misuse is one of the factors that cause insecure situations and therefore undermines development. At the same time, a lack of development and a state that does not provide security to its people are some of the factors causing people to have weapons. For this reason, international focus on SALW issues has often been cast more broadly to address the roots of conflict and strengthen security provision through processes like security sector reform (Global Firearms Programme / UNDDR 2016).

E. Impacts of SALWs on conflict and insecurity

Since the invention of SALWs, they have been used in many wars and conflicts, including between states, but also at the sub-national level. Because SALWs are so easily available, relatively cheap (in comparison to conventional weapons) and easy to carry or move around, it has become possible for ordinary people to possess and use SALWs relatively easily. But the illicit, uncontrolled proliferation and misuse of SALWs have severe effects on conflicts, security and human development, as outlined below (UNDDR 2016).

Impact on earlier wars in the 19th and 20th centuries already involved the use of rifles, carbines, machine guns and similar weapons, but the range and frequency at which such weapons were used in more recent conflicts suggests that modern SALWs are both increasing in numbers and becoming more prevalent in armed conflicts. For example, armed conflicts in Sierra Leone, the Democratic Republic of the Congo and Uganda all had child combatants using small arms with ease. And since these weapons are easy to move around – and given the history of so many armed conflicts in Africa already – SALWs are already present to a large degree in many societies (UNDDR 2016). SALWs are used both by government forces (military and police) and by non-state actors (guerrillas, ethnic militias, self-defense units, violent criminals, etc.) engaged in conflicts against each other or against the state, or in violent criminal activities (Impact of SALW Module 3). Of the 49 armed conflicts since 1990, all but three relied on SALWs as the only instruments of war, and only one, the 1991 Persian Gulf War, was dominated by heavy weapons. Modern small arms – especially assault rifles like the Soviet/Russian AK-47 and the US-made M-16 – have played an especially conspicuous role in recent conflicts, accounting for anywhere between 35 and 60 percent of all of the

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deaths and injuries in warfare since 1990 (Impact of SALW Module 3) The widespread availability of SALWs is a threat to human security because their presence encourages violent rather than peaceful ways of resolving problems, and negate confidence- and security-building measures. The unregulated circulation of SALWs to a wide range of unaccountable and untrained actors also contributes to violations of human rights and international humanitarian law (Impact of SALW Module 3). Even after a conflict has officially ended, SALWs often remain in the conflict zone in the hands of ex-combatants, civilians and criminals, making it easy for fighting to restart. Even when further combat is avoided, small arms become tools of other forms of violence, such as criminal activity, ethnic and political rivalries, and interference with efforts to deliver food, medicine, and supplies to people in dire need of relief (Impact of SALW Module 3) Refugees are often afraid to return to their homes because of the large number of weapons that remain in the hands of ex-combatants who have not been demobilized or have become affiliated with local gangs, warlords, or militias (Impact of SALW Module 3) While some people may feel that they and/or their families are made more secure by owning a weapon, particularly in situations where governments cannot protect their citizens, this arming of civilians can create a feeling of insecurity among other members of the community. More deaths, injuries and accidental wounding are likely during quarrels and disagreements if a weapon is available in households. Psychological consequences such as trauma may also result (Impact of SALW Module 3). Meanwhile, the proliferation of criminal, domestic and anti-state violence can lead governments to commit resources to security rather than development (Impact of SALW Module 3). After a conflict, SALWs may become instruments for other forms of violence, such as crime and banditry and disruption of economic activities. In countries that receive development assistance or where emergency relief is required for people affected by violence or other disasters, SALW use can make it too unsafe for such help to be provided (Impact of SALW Module 3).

V. Important Actors

1. United Nations Register of Conventional Arms (UNROCA)

The UNROCA is responsible for monitoring international weapons trade by allowing countries to send in reports about their imports and exports. These reports include SALWs, but these are often not all registered and thus unmonitored. (UNROCA, n.d.)

2. Main weapon exporters

These nations produce many weapons for their own use and for profit through exports. Thus, they represent the ultimate source for many of the SALWs used in conflict-affected areas. These countries include the United States of America (USA), Russia, France and Germany, as well as other, smaller producers. (SIPRI, 2019)

3. International criminal organizations

These organizations fund themselves through criminal activity in multiple countries, typically trafficking many types of goods over national borders. Drug trade often funds these organizations, with SALW trafficking using the same routes to move weapons between countries or to acquire them for use by the organization. (Europol, n.d.)

4. Insurgent and rebel groups

These groups are active in conflict-affected areas and are in conflict with the government that is sovereign in the zone. These groups are interested in procuring weapons for their own use and often acquire them through trafficking or victories in combat leading to looting of military stores. (Schroeder, 2013)

VI. Relevant UN Documents

1. Security Council Resolution **S/RES/2220** (22 May 2015)

This was a resolution on small arms that contained new provisions aiming to strengthen UN coordination and action on small arms, promote effective implementation of UN arms embargoes and support the Arms Trade Treaty.

2. Security Council Resolution **S/RES/2117** (26 September 2013)

This was the first thematic resolution on small arms adopted by the Council focusing on the illicit transfer, destabilising accumulation and misuse of small arms and light weapons.

3. Security Council Resolution **S/RES/1467** (18 March 2003)

This resolution was on the proliferation of small arms as a threat to peace and security in West Africa.

4. Secretary General's Report **S/2017/1025** (6 December 2016)

This was the Secretary-General's fifth biennial report on small arms and light weapons.

5. Secretary General's Report **S/2000/101** (11 February 2000)

This was on the role of the UN in DDR that included small arms and light weaponry among the primary targets of DDR operations, and highlighted the importance of tracing small arms and combating the illicit trade in small arms.

6. Security Council Letter **S/2010/143** (15 March 2010)

This includes the concept paper for the 19 March thematic debate on the impact of illicit arms trafficking on peace and security in the Central African region.

7. General Assembly Document **A/RES/63/240** (24 December 2008)

This resolution endorsed action against the illicit trafficking of arms through an arms trade treaty.

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VII. Questions to Consider

- What can be done to reduce the steady supply of overstock and low-cost weapons, which is difficult to control and is supplying an increasingly well-armed group of insurgents, private groups, and free agents?
- How can previous efforts like UNROCA and treaties be expanded upon to better combat the issue?
- In which ways could theft or reappropriation of once-legal SALWs be prevented with policy changes among member states?
- What different strategies must be employed for either conflict- or post-conflict zones?

VIII. Bibliography and further reading

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- A/RES/70/29 Assistance to States for curbing the illicit traffic in small arms and light
weapons and collecting them
https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/29
- A/RES/63/23 Promoting development through the reduction and prevention of armed
violence https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/63/23
- A/RES/60/68 Addressing the negative humanitarian and development impact of the illicit
manufacture, transfer and circulation of small arms and light weapons and their
excessive accumulation
https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/60/68
- Countering Illicit Arms Trafficking and its Links to Terrorism and Other Serious Crime**
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The side event to the 26 th session of the CCPCJ on "Web-based Arms Trafficking: Investigating the illegal trade of firearms through the hidden web" [

<http://www.unodc.org/unodc/en/firearms-protocol/news/the-government-of-the-united-kingdom--rand-europe-and-the-unodc-global-firearms-programme-and-global-programme-on-cybercrime-discuss-illicit-arms-trafficking-on-the-hidden-web.html>]

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https://www.un.org/events/smallarms2006/pdf/international_instrument.pdf

UNODC analyses the policy implications of illicit firearms trafficking on the dark web

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