ARMS TRAFFICKING

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The primary significance of arms trafficking lies in the ability of a trafficker to increase the destructive potential of a recipient of illicit weapons.^{1,2} In contrast to illicit trades in commodities such as narcotics or counterfeit goods, arms trafficking usually involves comparatively little money and few individuals or groups are involved as purchasers or traffickers. Nevertheless, arms trafficking can have a profound political and societal impact when groups involved in political violence or organized crime obtain weapons. As has been shown again and again, massacres can be carried out by small groups or even individuals using powerful firearms.

Various campaigning organizations have often presented what Bourne (2007) describes as the ‘amorphous image’ of easy access to illicit arms throughout the world, sometimes illustrated with tales of Kalashnikovs being traded for the price of a chicken (see also Chivers 2011, p. 381, Jackson 2010, Marsh 2015). This amorphous image is used by politicians and campaigning NGOs to draw attention to arms trafficking by presenting ‘supermarkets for terrorists’ or criminals (Marsh 2017, p. 79). Empirical research on arms trafficking, however, paints a very different picture (Bourne 2007, Markowski et al. 2009, Karp et al. 2015, Marsh 2020). Instead, supply and demand for illicitly trafficked arms varies considerably geographically and temporally. Arms trafficking is usually local, and closely linked to regional economies of conflict or organized violence.

The legal production, transfer, and possession of arms is controlled via a complex web of multi-level governance (Greene and Marsh 2012a). At the societal level, weapons are governed via norms, customs, and informal authority (Ashkenazi 2012, Buscemi 2019). Customs or traditional authority figures may dictate who is entitled to own and carry weapons, and under what circumstances they can be used. In areas where state authority is weak or non-existent (such as in borderlands) weapons are usually still governed via other forms of authority (Bartolucci and Kannevarff 2012, Buscemi 2019). Practices and networks can be more important than formal or informal institutions (Buscemi 2021).

At the level of the state, a core function of governance is to regulate weapons present within a jurisdiction (Marsh 2018, Tar and Adejoh 2021). National governments regulate the production, trade, and possession of weapons, though national laws differ (e.g., see Parker 2011a on firearm regulations). In most states, people can lawfully obtain firearms and other weapons used for recreation or hunting. Weapons designed for use by military forces are generally heavily restricted, with civilian possession usually limited to entities such as museums or film

production companies that own deactivated weapons.³ In particular, states typically have transfer control regulations which govern the international trade in arms. Normally, a party requires authorization from a government to export, transit, or import arms across borders.

At the international level, regional organizations (such as the European Union or the Economic Community of West African States) and the UN Security Council play a role in regulating the arms trade. States have also negotiated agreements, in particular the Arms Trade Treaty. There is considerable interaction between these three levels of governance (Greene and Marsh 2012a), and rules formulated at one level may be unacceptable at another. Successful attempts to control illicit trafficking require concurrence at all three levels (Ashkenazi 2012).

This chapter proceeds as follows: first, we illustrate the implicit scholarly debates on arms trafficking. Next, we detail the four categories of the arms trade. Then, we explain the supply and demand for illicit arms, the extent of arms trafficking, and the national pool of recirculating illicit arms. Finally, we elucidate state- and international-level responses to arms trafficking. We conclude with implications for the study of other types of smuggling.

Academic debates

While it is axiomatic that weapons play a vital role in conflict and violent crime, there has been little specifically academic research into illicit arms trafficking (Marsh 2020: 21–25). The substantial majority of scholarship has taken place outside of peer-reviewed journals, and mostly can be found in reports published by think tanks and research centres (such as Small Arms Survey), international organizations (especially various parts of the UN), NGOs (such as Amnesty International), and consultancy firms (such as Conflict Armament Research). Investigative journalism is another rich source of information.

Research in academic journals similarly focuses upon describing specific illicit flows without engaging in theory building or wider academic debates, for example, McDougal et al. (2015) on total illicit firearm flows from the USA to Mexico, or McDougal et al. (2019) on detection of illicit military–civilian flows of ammunition in Haiti. The one larger body of academic work which engages with other fields is research on illicit arms markets in the United States (e.g., Zimring 1976, Moore 1981, Cook and Braga 2001), though given its unique level of lawful firearms availability and focus upon US gun control debates, research on the US has limited applicability elsewhere. Only a handful of authors have attempted to go beyond geographically limited case studies and descriptions of data collection in order to examine arms trafficking as a phenomenon (Kinsella 2006, Killicoat 2007, Markowski et al. 2009, Marsh 2015).

As such, the great majority of the existing research comprises disparate case studies and data collection that are fragmented geographically, temporally, and methodologically. This body of work is atheoretical and there has often been little engagement between researchers working on arms trafficking and relevant academic fields such as the micro-foundations of conflict. The lack of interest in arms trafficking can be explained partly by the general failure of arms researchers to go beyond case studies and produce datasets or theories that can be used readily by other social scientists (Marsh 2007, Greene and Marsh 2012b). Lacking engagement with experts, social scientists sometimes hold implicit assumptions about arms trafficking which preclude further examination of the subject.

There are two notable areas of *implicit* theory concerning arms availability which can be found in academic research. Firstly, some scholars, many of whom wrote from the 1990s onwards about the so-called ‘New Wars’ (e.g., Kaldor 2013), have assumed that the world is awash with vast quantities of illicit arms (for summaries see Bourne 2007, pp. 34–39, Jackson

2010, pp. 133–137, Marsh 2012, pp. 23–24). This view, described by Bourne (2007) as an ‘amorphous image’ of ubiquitous easy availability can be summed up by Klare (1999, p. 16) who writes that “the outbreak of conflict in weak and divided societies is fostered by an immense worldwide abundance of small arms and light weapons.” The amorphous image, while drawing attention to arms trafficking, precludes further research. So long as availability is assumed to be constant it cannot be used to explain variation in the outbreak or intensity of violence, nor is there any point in examining the relationship between violence and different means of illicit supply. The amorphous image has been explicitly challenged by scholars who emphasize that arms trafficking is usually local, and closely linked to regional economies of conflict or organized violence (see Bourne 2007, Jackson 2010, Marsh 2012). Many more scholars have implicitly criticized the amorphous image simply by describing the extent to which illicit arms are frequently scarce and the local nature of arms trafficking (e.g., Strazzari and Tholens 2010, Gilgen 2012, Schroeder 2013, Karp et al. 2015).

An implicit consequence of the amorphous image is scholars who do not consider arms supply to be a factor worth considering. For example, Krause (2017, pp. 42, 70–73) lists three factors which he claims encompass the strength of all rebel movements: “members, wealth, and popular support,” and he explicitly excludes other forms of resources such as arms (2017, p. 353). Krause does not assume that rebels don’t need arms to fight, but that if they have enough people, money, and support they can get all the arms they need. Such an assumption implicitly assumes that resources are fungible (Hazen 2013, pp. 6–15). However, other scholars have argued that illicit arms and other conflict goods are not fungible. Rebels or organized crime groups that are well financed still need to expend considerable effort to develop sources of illicit arms supply (Bourne 2007, Marsh 2007, Hazen 2013). The ease or difficulty in obtaining arms varies considerably depending upon closeness to sources of supply (such as arms obtained from military depots after state collapse). There are logistical challenges even in areas where it is apparently easy for individuals to obtain military-style weapons. High intensity violence uses up vast quantities of ammunition that constantly need to be resupplied, something which is much more difficult if fighters are equipped with a wide variety of weapons.

Secondly, scholars studying conflict or crime have often made two basic and usually implicit assumptions about arms which Bourne (2012) terms *substantive* or *instrumentalist*. The substantive view is that the presence of weapons determines social phenomena. For example, concerning trafficking, Greene and Macaspac Penetrante (2012, p. 142) summarize a “framework of understanding” that a “malign synergy” of uncontrolled flows of weapons and the presence of armed groups will “drive the affected country down a spiral of decline toward state failure.” This view has been criticized by scholars who point out that societies are able to govern weapons use and inflows of illicit arms may not result in their use in acts of violence (see, e.g., Greene and Macaspac Penetrante 2012, pp. 154–159, Greene and Marsh 2012c, pp. 258–260, Sagawa 2010, 2018). Conversely, the instrumentalist assumptions view weapons as being irrelevant, something that can be summed up by the phrase made popular by advocacy groups such as the National Rifle Association: “Guns don’t kill people, people do.” Such an instrumentalist view can be found among scholars who assume that motivation to use violence is an adequate explanation for the incidence and intensity of violence. For example, Booth (2007, pp. 120–1) argues that “politically or racially motivated slaughter, regardless of the perpetrator, is committed with the technology at hand” and so crimes like genocide will still occur whether the perpetrator is armed with clubs or with high-tech weapons. Instead of the substantive or instrumentalist dualism, authors such as Marsh (2020) and Sislin and Pearson (2001) argue instead that arms provide opportunities for violence, which may or may not be used.

Arms trafficking is a usually unseen but necessary condition for armed conflict and organized crime. Scholars make assumptions about it even if they haven't actively thought about arms trafficking or consulted the empirical research. It is therefore useful to provide a summary of how it usually occurs, something which can be found in the following sections.

Types of illicit arms transfers

Researchers and practitioners classify the forms of arms trafficking and drivers of illicit supply and demand. This provides a starting point for understanding how illicit arms markets operate.

The arms trade can be divided into four categories⁴:

1. The *authorized trade* in which transfers are fully in compliance with national and international laws and regulations.
The following three categories comprise different forms of illicit arms trafficking.
2. The *semi-legal trade* in which different aspects of a transfer may be authorized or unauthorized.⁵ For example, a transfer may involve an authorization from the exporting state, but not one from the importing state. Parties involved in arranging arms transfers which break national or international laws may be adept at exploiting loopholes to provide the appearance that their activities are lawful.
3. The *state-sanctioned illicit trade* involves direct complicity of government officials who have political approval for their actions.⁶ State-sanctioned trafficking occurs when arms transfers are used as a foreign policy tool and usually involves transfers to non-state parties that have not been authorized to receive weapons by the state where they are located.
4. In the *wholly illicit trade*, all aspects of an arms transfer are unlawful and unauthorized (such as if weapons were sold by one organized crime group to another).

There are often blurred boundaries between the latter three categories. For example, the semi-legal trade and state-sanctioned illicit trade may at times use similar methods; the difference is the level of government complicity. Arms transfer regulations can be complex, and can be broken inadvertently by exporting companies. Even if they are involved in breaking national laws, military or intelligence personnel involved in state-sanctioned trafficking may not be prosecuted if doing so is not in the national interest (Marsh 2002). National laws and regulations may be unclear or non-existent in contexts of state collapse or where there is contested sovereignty between different sides involved in civil wars.

In the absence of marketing and advertising, there is usually little price competition between illicit suppliers. Instead, in areas with effective law enforcement, weapons transfers are arranged through trusted networks (in general, see Morselli 2009, pp. 63–71, or for examples concerning arms trafficking see Duquet and Goris 2018). Such a reliance on networks limits the potential market for trafficked weapons.

Supply and demand of illicitly trafficked arms

The main sources of arms used by illicit traffickers include (Marsh 2018):

- Illicit production of often low-quality firearms.
- Theft or illicit sale from private firearm owners.
- Theft or illicit sale from government stockpiles.

- Use of deception in the semi-legal trade to obtain arms from government stocks or from arms-producing firms.
- Donations via the government-sanctioned trade, or from supporters.

The limited illicit production of arms is one constraint on the supply of arms to illicit markets. Weapons need to be made to exacting specifications or they may malfunction and possibly injure the user. Due to economies of scale, mass producing weapons in factories is more efficient than craftsman individually making them to similar specifications in workshops. Arms that are illicitly trafficked were usually lawfully produced in a factory.

Most trafficked weapons are diverted to the illicit market after they have been lawfully produced and transferred (Marsh and Dube 2014, Marsh 2019). Diversion occurs when authorized holdings are transferred to unauthorized end users – for example, when weapons are stolen from a government stockpile.

The most widely used sources of arms differ over time and across regions. In general, armed groups seek to diversify their sources of supply (Bourne 2007). Government stocks are most attractive as they contain large quantities and powerful weapons, but outside state collapse they can be a difficult source for an armed group to access (Marsh 2007, Jackson 2010).

Simply put, people demand illicitly trafficked arms because they wish to obtain weapons that they could not easily obtain lawfully. Normally, users of trafficked arms lack the ability to use or maintain the most sophisticated arms. The only users of illicit fighter aircraft or warships are embargoed states, or quasi-states which may lack diplomatic recognition but control large territories, populations, and resources. The non-state groups and individuals who usually demand trafficked weapons wish to obtain arms that are easy to use and maintain, and that can be transported and concealed from government forces. In practice, illicit arms trafficking usually involves what is known as small arms and light weapons, such as assault rifles, machine guns, grenades, and portable rocket launchers (Greene and Marsh 2012d).

Trafficked arms offer the following three advantages. First, individuals who would otherwise be prohibited can obtain arms. In particular, national regulations may prevent lawful acquisition by people convicted of violent crimes or members of extremist groups. Second, people can obtain prohibited types of weapons, especially powerful arms designed for military use, such as grenades or fully automatic firearms. Third, illicitly trafficked arms may be difficult or impossible to trace by law enforcement officials.

There are three basic forms of demand for illicitly trafficked arms: instrumental need; symbolic role; and collection (Marsh 2015). These are linked to the different forms of illicit trade which are described below. The first is instrumental – weapons may be needed for a specific task. For instance, a group planning a bank robbery will obtain arms used to subdue the staff and customers. Secondly, trafficked weapons may serve a symbolic role. As examples, the Kalashnikov has become a symbol of revolution globally, and groups may prize weapons captured from enemy government forces. Finally, in developed countries, some collectors have obtained significant quantities of illicit arms. While those arms may not have been purchased with aggressive intent, in some cases illicitly acquired collections can involve tens or even hundreds of weapons.

Different forms of demand tie to the three forms of trafficking mentioned earlier. First, the semi-legal trade is typically used to supply larger groups that are involved in political violence or organized crime and often involves complex arrangements designed to obtain weapons under state control. Transaction costs are high and frequently involve rare skills such document forgery. Second, state-sanctioned illicit trade is a policy tool usually used to supply groups involved in political violence. Third, the wholly illicit trade is the most pervasive and can be

found in all countries. It most commonly involves demand by individuals or smaller groups (Marsh 2015).

Violence drives most of the demand for illicit arms. In developed countries with low levels of internal violence, demand for illicit arms is limited to small numbers of criminal groups and some collectors. For example, in 2013, UK police officials stated that ballistic tests indicated that most gun crime could be traced back to fewer than 1,000 illicit firearms still in circulation (Fiola 2013). In contrast, in the same year in Colombia – a country that experienced very high levels of organized violence – authorities reported the seizure of 38,236 guns (which were likely a small proportion of the pool of illicit arms in the country) (Karp et al. 2015).

Development also interacts with supply and demand. Firstly, developed states usually have more effective law enforcement agencies and so are better able to prevent illicit trafficking. Secondly, partly as a result of better law enforcement, the most developed states almost always have low levels of lethal violence, resulting in lower demand (the United States is an exception). Finally, higher average incomes entail more resources that can be used to acquire illicit arms. Some middle-income states and some of the least-developed countries may have comparable levels of illicit trafficking.

Extent of arms trafficking

There are large differences in the scale of the different types of arms trafficking noted above.

The semi-legal trade usually involves complex transactions involving several actors. Large quantities of arms may be transported under a veil of apparent legality; for example, shipments crossing borders facilitated by a mixture of forged and genuine documentation. The semi-legal trade has been featured in Hollywood movies such as *Lord of War* but in practice it is rare, and its heyday was in the 1990s and early 2000s. Then, it was possible for dealers and brokers to obtain large quantities of weapons from post-Soviet arsenals with few questions asked. Those practices have declined as stocks were sold off and countries improved their arms trade controls upon joining the EU and NATO.

The largest single transactions can be found in the state-sanctioned trade. Ministries of defence can obtain arms from government stocks or procure them directly from companies. They can also obtain powerful sophisticated weapons such as guided anti-aircraft or anti-tank missiles that are usually difficult to source in illicit markets. Governments can ensure that customs and other officials ignore transfers that may not comply with regulations. The largest contemporary example of the state-sanctioned illicit trade was the CIA-led supply of arms and training to anti-Assad groups in Syria ('Timber Sycamore'), lasting from 2013 to 2017.⁷ Precise details of the programme are not publicly stated, but it reportedly cost the US about USD 1 billion per year (Miller and DeYoung 2015). In addition, Timber Sycamore also received financing and weapons from Saudi Arabia claimed to be worth billions of dollars (Mazzetti and Apuzzo 2016), along with further support from other states including Qatar and Turkey.

Trafficking in the wholly illicit trade is usually small scale, moving small numbers of weapons (Marsh 2015). If traffickers cross borders, it is most commonly between neighbouring countries. Arms are bulky and heavy, so it is usually not feasible to try to traffic large quantities in areas where states have effective law enforcement agencies. A trafficker might be able to conceal five firearms in a car, but, in much of the world, they would find it difficult to secretly transport five thousand.

Many small-scale transfers can add up to large numbers of weapons. The 1994 Zapatista uprising in the Mexican state of Chiapas popularized the term the 'ant trade' to describe how many individuals would purchase arms in the United States to smuggle over the border

(Ross 1995). Later, it was estimated that between 2010 and 2012 about 200,000 firearms had been trafficked over the US border into Mexico (McDougal et al. 2015).

Differences between trafficking weapons and their ammunition become apparent when violence is more intense. Battlefields use up vast quantities of ammunition, and rebel armies constantly need to be resupplied, whereas they do not need significant numbers of new weapons every day. For less intense violence, a gun and its ammunition can be supplied together.

Illicit prices

Analysis of geographical and temporal differences in illicit prices has been used to describe arms trafficking (e.g., Killicoat 2007, Florquin 2014, McDougal et al. 2019). Recent research provides some insights into the nature of arms trafficking (Marsh 2020, Marsh and McDougal 2020):

- Illicit arms are expensive. Globally, among 727 price observations, the average price of an illicit assault rifle in constant 2010 US dollars is USD1489 (Marsh 2020). When one considers that almost all conflicts are fought in low- or middle-income countries, purchasing illicit arms constitutes a considerable investment for an individual fighter or group.
- There is considerable variation in illicit prices, even in geographically close areas. For example, in 2004, the average reported price for an illicit assault rifle in Iraq was approximately USD160, while in Israel/Palestine it was approximately USD2200 (Marsh 2020).
- Arms prices tend to rise after increases in violence (Marsh 2020). Higher prices suggest that supply is not able to meet demand, and this may limit the intensity of violence and the ability of parties to achieve their aims.
- Prices paid by governments in the authorized trade are usually much lower than illicit prices for similar weapons. Compared to the thousands often paid by insurgents, governments could obtain new Kalashnikovs for about USD200 each, and used ones for as little as USD65 (Marsh 2020).

Analysis of illicit prices suggests that illicit arms are a ‘partially tradable’ good (Killicoat 2007). Arms trafficking clearly occurs, but anti-trafficking measures by governments and international organizations are able to restrict the illicit trade in most places. Indeed, exceptionally low prices are associated with places where state authority has collapsed (most notably in Iraq during and after 2003).

Recirculation of illicit arms

Illicit arms are durable goods and can be transferred from one owner to another (in some circumstances guns may be rented out by the hour). If properly stored and maintained, weapons can remain in working order for decades, even hundreds of years. Ammunition has a shorter life, as explosives become unstable over time. In practice, though, arms will degrade mechanically if they are allowed to corrode, are damaged while in use, or are not properly maintained. In time, the number of working weapons will slowly decline unless losses due to attrition are replaced with new production.

Because arms are durable and tradable goods, there is a pool of illicit weapons which can be drawn upon, as illustrated in Figure 16.1. As described later in this chapter, a key aim of

Figure 16.1 An illustration of the national pool of illicit arms

government and multilateral anti-trafficking measures is to shrink the size of the pool – by restricting inflows and extracting arms via seizures and amnesties.

How states counter arms trafficking

States must regulate the manufacture, transfer, state storage, civilian possession, and disposal of weapons in order to prevent the diversion of conventional arms to the national pool of illicit arms (see Figure 16.1). During manufacture and later transfers, marking the weapon can record unique information on its production and ownership and a serial number. Transfer controls require the authorization of the export, transit, and import of weapons. Having a mechanism for information exchange and using end-user certificates (designating the final recipient) helps mitigate the risk of weapon diversion. Export may also necessitate a risk assessment of diversion and/or violating international law. Robust controls on arms transfers also regulate brokering – when an intermediary links interested parties and facilitates the transaction. The government must also oversee the physical security and management of its own storage and stockpiles of law enforcement weapons and military weapons. Control of civilian weapons ownership varies extensively across states, partly due to the lack of international instruments addressing civilian possession.

Due to resource constraints and prioritization, governments vary widely in their ability to effectively monitor and analyze illicit arms flows. Many governments – in both developed and developing countries – do not effectively collect and analyze data on firearms trafficking, and the least developed countries often lack the necessary capacity (Karp et al. 2015, Marsh 2015).

Without intelligence on illicit arms flows, in the short term, governments cannot develop sufficient policies and law enforcement responses, and, in the long term, governments may assume that in the absence of information there is no problem (Marsh 2015).

There are two main political challenges in preventing arms trafficking. First, some states are simultaneously involved in promoting anti-trafficking measures and directly engaged in state-sanctioned arms trafficking (or at least allowing it to occur in their jurisdiction).⁸ Some states, especially permanent members of the UN Security Council, perceive arms trafficking as a useful foreign policy tool, and so undermine wider attempts to prevent illicit arms proliferation.⁹ Second, attempts to prevent arms trafficking are frequently stymied by official inaction and indifference.¹⁰ Often, arms trafficking is ‘someone else’s problem.’ Law enforcement officers may correctly perceive that diversion occurred in another jurisdiction, but attempts to uncover traffickers will involve lengthy and perhaps fruitless attempts to cooperate with other agencies.

States vary in both interest in countering arms trafficking and available financial and human resources. The transnational nature of illicit trafficking makes international cooperation imperative, since weak-link actors can otherwise allow arms trafficking to endure. With resources, technical ability, willingness, and international collaboration, a government can limit access to arms for criminals, terrorists, and actors involved in conflict.

International assistance and cooperation to counter arms trafficking

Many states are unwilling and/or lack the capacity to counter illicit arms trafficking; as a result, other states contribute international assistance to build capacity to control illicit arms. Anti-trafficking assistance includes aid to augment technical skills and resources, reduce corruption, and strengthen institutions. The provision of assistance to limit the movement of illicit arms uses several avenues, including:

1. physical efforts (e.g., disarmament, destruction, stockpile security and surplus destruction, and law enforcement) that collect, destroy, secure, or detect arms on behalf of the state;
2. legal efforts (e.g., writing legislation and training for customs and border control) to bolster state-level governance; and,
3. social efforts (e.g., dialogue and public relations campaigns) that target the societal level of governance, aiming to construct norms of arms ownership and use.¹¹

Governments may have functional or political reasons to provide international assistance to counter arms trafficking – whether to limit illicit arms within their own borders or to help a foreign region of interest. As a result, access to international assistance is not equal across regions. For instance, capacity-building to counter arms trafficking in Central and Eastern Europe is able to access significantly more donor resources and specialist implementing organizations compared with Latin America and the Caribbean, even though the latter region includes states dealing with significant violence carried out with illegal weapons.

Effective international assistance requires matching a state’s needs to offers of assistance. In the best-case scenario, international assistance and cooperation involve providing resources alongside sharing technical assistance and other experience-informed solutions to common challenges. Complicating matters for donors, recipient governments sometimes have incentives to reject assistance projects, since receiving resources may entail more external oversight or additional transparency in a politically sensitive area (Pinson 2020).

Several primarily Western states and regional organizations provide international assistance to help control the use and spread of illicit weapons. Major donor states include the United States,

the United Kingdom, Germany, and France (Pinson 2020). While some states provide bilateral assistance, states often supply assistance through regional organizations (e.g., EU or NATO) and specialist assistance programs (e.g., South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons or Regional Approach to Stockpile Reduction).

Historically, donor states and organizations have focused the majority of their international assistance on destroying arms and ammunition, securing state stockpiles, and, to a lesser extent, funding disarmament campaigns. Destroying surplus and insecure weapons eliminates a potential source of weapons to divert. If local law enforcement or military are trained in effective destruction techniques, it also builds local capacity to manage the state stockpile. Physical security and stockpile management measures help to secure state-owned weapons from being diverted to the illicit market. Successful civilian disarmament campaigns remove weapons held by the population. All of these capacity-building measures focus on helping limit the number of weapons that could potentially be diverted to the national pool of illicit arms through theft, corrupt sale, or donation.

Donor states and organizations strategically provide such capacity-building assistance to states and regions as a result of spillover avoidance, responsibility ties, or acute need. First, states with stricter gun control sometimes try to avoid the consequences of illegal guns smuggled over their borders or disrupting regions of interest (spillover avoidance) by focusing assistance toward potential sources of illicit arms (Pinson 2020). For instance, partially in response to terrorist attacks in Western Europe perpetrated with illegal arms, some major donor states, including Germany and France, have shifted funding towards more dynamic aspects of illicit arms trafficking in recent years, such as training for law enforcement and border patrols. Much of this assistance funds capacity building projects in Central and Eastern Europe, making the region a destination for more concentrated assistance even compared with areas experiencing immediate violence. Second, donor states tend to be more involved with former colonies or areas where they were directly involved in a conflict (responsibility ties), sometimes funding stockpile security, arms destruction, or disarmament. Third, though a recipient state's acute need to control potential sources of illicit arms is sometimes matched with resources, donor states tend to target aid to reduce smuggling across their own borders, stabilize a region of interest, or have some historic responsibility (Pinson 2020). While the United States is a major donor state in this issue area, it rarely funds capacity-building measures to counter arms trafficking in its own region, tends to focus on physical security and stockpile management, and domestic political constraints somewhat limit the types of assistance provided. As noted above, some states may bargain over or reject offered assistance, reducing the amount of control held by a donor state or organization. Some of the international instruments discussed in the following section attempt to match needs with resources but often requests remain unfunded.

International and regional agreements and regulations

While international assistance provides resources and expertise aiming to build capacity at the national or regional level, limiting arms trafficking requires international coordination and agreements. International and various regional communities have attempted to set forth guidelines and commitments to capacity-building measures in order to counter arms trafficking.

The main international instruments relevant to countering arms trafficking require different responsibilities from governments:

1. Firearms Protocol – 2001: All State Parties of the Firearms Protocol¹² that supplements the UN Convention Against Transnational Organized Crime have an obligation to implement

legislation to counter firearms trafficking, exchange information on legal and illegal participants in the trade, and provide technical assistance to other states. While legally binding, several major arms-exporting states have not ratified the protocol (UN General Assembly 2001).

2. UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) – 2001: All UN Member States are committed to enhance national SALW laws, import and export controls, and stockpile management, in addition to engage in cooperation and assistance to help meet those goals more broadly. The PoA lacks an enforcement mechanism, limiting its utility (United Nations 2001).¹³
3. International Tracing Instrument (ITI) – 2005: The ITI supplements the PoA by establishing international standards on marking, record-keeping, and tracing for small arms and light weapons (UN General Assembly 2005).
4. Arms Trade Treaty (ATT) – 2013: State Parties to the ATT seek to thwart and eliminate the illicit trade in conventional arms, pursuant to their national laws and regulations. The ATT regulates the legal conventional arms trade. However, several major arms-exporting and -importing states are not State Parties to the ATT (UN General Assembly 2013).¹⁴
5. UN Sustainable Development Goal (SDG) Target 16.4 – 2015: In the SDGs, UN Member States made the commitment to significantly reduce illicit arms flows. Due to the clandestine nature of firearms trafficking, directly measuring these flows is not possible. As a result, SDG Indicator 16.4.2 focuses on how efficient the international community is in tracking origin of illicit firearms in a State (UN General Assembly 2015).

These different international instruments include various provisions to control the legal trade while preventing, detecting, and countering the three variants of the illicit trade.¹⁵ In addition to state obligations and commitments to international instruments, many states have similar obligations under regional organizations of which they are members.

While many of these international and regional agreements require national legislation, those laws are not always passed consistently. Often, international instruments provide general commitments but not specific guidelines to implement. The patchwork of laws, regulations, and enforcement globally provides loopholes and pathways that allow for trafficking. As a complex issue, challenges to enhancing arms controls include the outsized role of major producers and exporters, norms of state sovereignty, and legitimate use of conventional arms for some purposes (Stohl 2017).

Comparison to other types of smuggling

Arms remain unique compared to many other smuggled items. As durable goods, weapons can be sold, trafficked, and used by multiple actors over decades. Ammunition is the one element which is rapidly consumed in an economic sense. At a global level, profits from arms trafficking are likely to be much lower than for other forms of smuggling described in this volume. Instead, weapons are often trafficked in order to facilitate other activities. Trafficked arms are needed by individuals or groups involved in committing crimes (including other forms of smuggling) or acts of political violence. Unlike other forms of smuggling, some governments actively traffic weapons in the pursuit of political objectives.

Notes

- 1 We use the terms *arms* and *weapons* interchangeably – defined here as specialized instruments which have been designed to cause injury or destruction. Unless explicitly stated, discussion on these terms also includes associated ammunition, parts, and accessories.
The authorized trade and different forms of arms trafficking involve weapons transfers. A *transfer* occurs when there is a change in the possession or control of a weapon – through sale or donation – from one party to another. A transfer may involve arms crossing borders, or may occur within a state.
This chapter does not cover improvised objects that may be used to injure, such as kitchen knives, or the trade in nuclear, chemical or biological (NBC) weapons. Fortunately, the illicit trade in finished NBC arms is very limited and potentially distinct from conventional arms trafficking, making it beyond the range of this chapter's limited length.
- 2 We use the terms *trafficking* and *smuggling* interchangeably, tending to use 'trafficking' more frequently as the term is used more often in the field.
- 3 There is some blurring in the line between civilian and military weapons, particularly with some types of firearms that are not designed for fully automatic fire which may be used by both military forces and civilians (e.g., pistols and sniper rifles).
- 4 This categorization builds upon Haug (2001) and Marsh (2002).
- 5 This trade is elsewhere known as the 'grey market' (Marsh 2002).
- 6 This form of trade is elsewhere known as 'covert arms supplies.' This term is not used here as such transfers are often carried out openly, and other forms of illicit trade are conducted covertly.
- 7 However, one considers the ethics of the arms supplies, the shipments were not authorized by the government of Syria and so are included in the definition of illicit used in this chapter.
- 8 Relatedly, Erickson (2015) shows commitment to the Arms Trade Treaty and similar policies is influenced by states' concerns about upholding or improving their international reputation; yet, shifts to comply with international arms control policies and avoid exporting arms to states that violate human rights may be constrained to keep foreign policy autonomy and protect the defense industry.
- 9 For a recent addition to the long list of works examining the use of arms transfers surrogates by great powers to proxies see Krieg and Rickli (2020).
- 10 See Marsh (2015) on the widespread lack of capacity to monitor illicit trafficking. Comments on indifference are based upon authors' conversations with officials in a large number of states and international organizations.
- 11 Pinson (2020), also see Maze and Parker (2006), Maze (2009), Parker (2011b), Parker and Green (2012) for in-depth assessments of types of assistance provision.
- 12 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.
- 13 Various reports have assessed state progress in implementing the PoA, such as Parker and Green (2012).
- 14 Garcia (2014) surveys the background and potential significance of the ATT. Reports such as Spano and Alpers (2017) detail recommendations on implementing the ATT and PoA. Stohl and Dick (2021) provide an overview of issues related to diversion in the ATT and a recent update on ATT initiatives.
- 15 Parker (2016) gives more information on each of these instruments, along with a helpful map of where these instruments apply within the lifecycle of a firearm.

References

- Ashkenazi, M., 2012. What do the natives know? Societal mechanisms for controlling small arms. In: O. Greene and N. Marsh, eds. *Small arms crime and conflict global governance and the threat of armed violence*. London: Routledge, 228–247.
- Bartolucci, V. and Kannewarff, A., 2012. Armed violence taking place within societies: SALW and armed violence in urban areas. In: O. Greene and N. Marsh, eds. *Small arms crime and conflict global governance and the threat of armed violence*. London: Routledge, 122–137.
- Booth, K., 2007. *Theory of world security*. Cambridge; New York: Cambridge University Press.
- Bourne, M., 2007. *Arming conflict: the proliferation of small arms*. New York: Palgrave Macmillan.
- Bourne, M., 2012. Small arms and light weapons spread and conflict. In: O. Greene and N. Marsh, eds. *Small arms, crime and conflict: global governance and the threat of armed violence*. London and New York: Routledge, 29–42.

- Buscemi, F., 2019. Armed political orders through the prism of arms: relations between weapons and insurgencies in Myanmar and Ukraine. *Interdisciplinary Political Studies*, 5(1), 189–231.
- Buscemi, F., 2021. The art of arms (not) being governed: means of violence and shifting territories in the borderworlds of Myanmar. *Geopolitics*, 1–28. <https://doi.org/10.1080/14650045.2021.1901083>
- Chivers, C., 2011. *The gun*. New York: Simon & Schuster.
- Cook, P.J. and Braga, A.A., 2001. Comprehensive firearms tracing: strategic and investigative uses of new data on firearms market. *Arizona Law Review*, 43, 277–309.
- Duquet, N. and Goris, K., 2018. *Firearms acquisition by terrorists in Europe: Research findings and policy recommendations of Project SAFTE*. Brussels: Flemish Peace Institute.
- Erickson, J.L., 2015. *Dangerous trade: arms exports, human rights, and international reputation*. New York: Columbia University Press.
- Fiola, A., 2013. After shooting tragedies, Britain went after guns. *Washington Post*, 1 Feb.
- Florquin, N., 2014. Arms prices and conflict onset: insights from Lebanon and Syria. *European Journal on Criminal Policy and Research*, 20(3), 323–341.
- Garcia, D., 2014. Global norms on arms: The significance of the arms trade treaty for global security in world politics. *Global Policy*, 5(4), 425–432.
- Gilgen, E., 2012. A fatal relationship: guns and deaths in Latin America and the Caribbean. In: *Small arms survey 2012: moving targets*. Cambridge: Cambridge University Press, 8–39.
- Greene, O. and Macaspac Penetrante, A., 2012. Arms, private militias and fragile state dynamics. In: O. Greene and N. Marsh, eds. *Small arms, crime and conflict: global governance and the threat of armed violence*. London and New York: Routledge, 138–160.
- Greene, O. and Marsh, N., 2012a. Governance and small arms and light weapons. In: O. Greene and N. Marsh, eds. *Small arms crime and conflict global governance and the threat of armed violence*. London: Routledge, 163–182.
- Greene, O. and Marsh, N., 2012b. Armed violence within societies. In: O. Greene and N. Marsh, eds. *Small arms crime and conflict global governance and the threat of armed violence*. London: Routledge, 79–104.
- Greene, O. and Marsh, N., 2012c. Conclusion and priorities for further research. In: O. Greene and N. Marsh, eds. *Small arms crime and conflict global governance and the threat of armed violence*. London: Routledge, 248–262.
- Greene, O. and Marsh, N., 2012d. Introduction. In: O. Greene and N. Marsh, eds. *Small arms crime and conflict global governance and the threat of armed violence*. London: Routledge, 1–10.
- Haug, M., 2001. Crime, conflict, corruption: global illicit small arms transfers. In: P. Bachelor and K. Krause, eds. *The small arms survey 2001: profiling the problem*. Oxford: Oxford University Press, 165–195.
- Hazen, J.M., 2013. *What rebels want: resources and supply networks in wartime*. Ithaca: Cornell University Press.
- Jackson, T., 2010. From under their noses: rebel groups' arms acquisition and the importance of leakages from state stockpiles. *International Studies Perspectives*, 11(2), 131–147.
- Kaldor, M., 2013. In defence of new wars. *Stability: International Journal of Security and Development*, 2(1), 1–16.
- Karp, A., Marsh, N., and Ravalgi, G., 2015. *UNODC study on firearms 2015*. Vienna: United Nations Office on Drugs and Crime.
- Killicoat, P., 2007. What price the Kalashnikov? The economics of small arms. In: E.G. Berman, K. Krause, E. LeBrun, and G. McDonald, eds. *Small arms survey 2007: guns and the city*. Cambridge: Cambridge Univ. Press, 257–287.
- Kinsella, D., 2006. The black market in small arms: examining a social network. *Contemporary Security Policy*, 27(1), 100–117.
- Klare, M.T., 1999. The international trade in light weapons: what have we learned? In: J. Boutwell and M.T. Klare, eds. *Light weapons and civil conflict: controlling the tools*. Lanham, MD: Rowman and Littlefield.
- Krause, P., 2017. *Rebel power: why national movements compete, fight, and win*. Ithaca: Cornell University Press.
- Krieg, A. and Rickli, J.-M., 2020. *Surrogate warfare: the transformation of war in the twenty-first century*. Washington, DC: Georgetown University Press.
- Markowski, S., Koorey, S., Hall, P., and Brauer, J., 2009. Multi-channel supply chain for illicit small arms. *Defence and Peace Economics*, 20(3), 171–191.
- Marsh, N., 2002. Two sides of the same coin? The legal and illegal trade in small arms. *Brown Journal of World Affairs*, 9(1), 217–228.

- Marsh, N., 2007. Conflict specific capital: the role of weapons acquisition in civil war. *International Studies Perspectives*, 8(1), 54–72.
- Marsh, N., 2012. The tools of insurgency: a review of the role of small arms and light weapons in warfare. In: O. Greene and N. Marsh, eds. *Small arms, crime and conflict: global governance and the threat of armed violence*. London and New York: Routledge, 13–28.
- Marsh, N., 2015. Firearms seizures and trafficking: a “local” phenomenon. *The Strategic Trade Review*, 1(1), 73–87.
- Marsh, N., 2017. Brothers came back with weapons: the effects of arms proliferation from Libya. *PRISM*, 6(4), 79–96.
- Marsh, N., 2018. The availability puzzle: considering the relationship between arms and violence taking place within states. *History of Global Arms Transfer*, 6(2), 3–21.
- Marsh, N., 2019. Preventing diversion: a challenge for Arms Trade Treaty states parties.’ *History of Global Arms Transfer*, 8, 55–66.
- Marsh, N., 2020. Because we have the Maxim gun: the relationship between arms acquisition by non-state groups and violence. Doctoral Dissertation. University of Oslo, Oslo.
- Marsh, N. and Dube, G., 2014. *Preventing diversion: the importance of stockpile management*. Oslo: Peace Research Institute Oslo, PRIO Paper.
- Marsh, N.J. and McDougal, T.L., 2020. Illicit small arms prices: introducing two new datasets. *Defence and Peace Economics*, 1–22. <https://doi.org/10.1080/10242694.2020.1757348>
- Maze, K., 2009. *Implementing the UN Programme of Action: a checklist for matching needs and resources*. Geneva, Switzerland: United Nations Institute for Disarmament Research.
- Maze, K. and Parker, S., 2006. *International assistance for implementing the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects: findings of a global survey*. Geneva, Switzerland: United Nations Institute for Disarmament Research.
- Mazzetti, M. and Apuzzo, M., 2016. U.S. relies heavily on Saudi money to support Syrian rebels. *New York Times*, 23 Jan.
- McDougal, T.L., Kolbe, A., Muggah, R., and Marsh, N., 2019. Ammunition leakage from military to civilian markets: market price evidence from Haiti, 2004–2012. *Defence and Peace Economics*, 30(7), 799–812.
- McDougal, T.L., Shirk, D.A., Muggah, R., and Patterson, J.H., 2015. The way of the gun: estimating firearms trafficking across the US–Mexico border. *Journal of Economic Geography*, 15(2), 297–327.
- Miller, G. and DeYoung, K., 2015. Secret CIA effort in Syria faces large funding cut. *Washington Post*, 13 Jun.
- Moore, M.H., 1981. Keeping handguns from criminal offenders. *ANNALS of the American Academy of Political and Social Science*, 455, 92–109.
- Morselli, C., 2009. *Inside criminal networks*. New York: Springer.
- Parker, S., 2011a. Balancing act regulation of civilian firearm possession. In: E. Berman, K. Krause, E. LeBrun, and G. McDonald, eds. *Small arms survey 2011: states of security*. Cambridge: Cambridge University Press, 261–309.
- Parker, S., 2011b. *Improving the effectiveness of the Programme of Action on Small Arms: implementation challenges and opportunities*. Geneva, Switzerland: United Nations Institute for Disarmament Research.
- Parker, S., 2016. *A guide to the UN small arms process: 2016 update*. Geneva: Small Arms Survey.
- Parker, S. and Green, K., 2012. *A decade of implementing the United Nations Programme of Action on Small Arms and Light Weapons: Analysis of national reports*. Geneva and New York: United Nations Institute for Disarmament Research.
- Pinson, L., 2020. Blood or money? Why states allow illicit economies. Doctoral Dissertation. Yale University, New Haven, CT.
- Ross, J., 1995. *Rebellion from the roots: Indian uprising in Chiapas*. Monroe, ME: Common Courage Press.
- Sagawa, T., 2010. Automatic rifles and social order amongst the Daasanach of conflict-ridden East Africa. *Nomadic Peoples*, 14(1), 87–109.
- Sagawa, T., 2018. Arms availability and violence in the Ethiopia-Kenya-South Sudan borderland. *History of Global Arms Transfer*, 6, 39–44.
- Schroeder, M., 2013. Captured and counted illicit weapons in Mexico and the Philippines. In: E. LeBrun, G. McDonald, A. Alvazzi del Frate, E.G. Berman, and K. Krause, eds. *Small arms survey 2013: everybody dangers*. Cambridge: Cambridge Univ. Press, 282–317.
- Sislin, J. and Pearson, F.S., 2001. *Arms and ethnic conflict*. Lanham, Md: Rowman & Littlefield Publishers.

- Spano, L. and Alpers, P., 2017. *Implementing the Arms Trade Treaty and the UNPoA*. Sydney: Center for Armed Violence Reduction.
- Stohl, R., 2017. Understanding the conventional arms trade. Presented at the Nuclear weapons and related security issues, Washington, DC, USA, 030005.
- Stohl, R. and Dick, S., 2021. *Diversion and the Arms Trade Treaty: Identifying good practice and opportunities for progress*. Washington, DC: Stimson Center.
- Strazzari, F. and Tholens, S., 2010. Another Nakba: weapons availability and the transformation of the Palestinian national struggle, 1987–2007. *International Studies Perspectives*, 11(2), 112–130.
- Tar, U. and Adejoh, S., 2021. The theoretical parameters of the proliferation and regulation of small arms and light weapons in Africa. In: U. Tar and C. Onwurah, eds. *The Palgrave handbook of small arms and conflicts in Africa*. Cham, Switzerland: Springer.
- UN General Assembly, 2001. *UN protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition*. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&clang=_en
- UN General Assembly, 2005. *International instrument to enable states to identify and trace, in a timely and reliable manner, illicit small arms and light weapons*. <https://www.unodc.org/documents/organized-crime/Firearms/ITI.pdf>
- UN General Assembly, 2013. *Arms Trade Treaty*. Academy Briefing No. 3. <https://www.geneva-academy.ch/joomlatools-files/docman-files/Publications/Academy%20Briefings/ATT%20Briefing%203%20web.pdf>
- UN General Assembly, 2015. *Transforming our world: the 2030 Agenda for Sustainable Development*. <https://sdgs.un.org/2030agenda>
- United Nations, 2001. *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*. New York, NY: United Nations.
- Zimring, F.E., 1976. Street crime and new guns: Some implications for firearms control. *Journal of Criminal Justice*, 4(2), 95–107.