



**DISARMAMENT AND
INTERNATIONAL
SECURITY COMMITTEE**

**STUDY GUIDE
HCCRI IX**



HWA CHONG CONFLICT
RESOLUTION AND INQUIRY IX

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INTRODUCTION OF COMMITTEE

The United Nations (UN) Disarmament and International Security Committee (DISEC) was created as the first of the Main Committees in the General Assembly when the charter of the United Nations was signed in 1945. Thus, DISEC is often referred to as the First Committee.¹ DISEC deals with disarmament, global challenges and threats to peace that affect the international community, and seeks out solutions to the challenges in the international security regime.²

DISEC consists of 193 member countries, and meets every year in October for a 4-5 week session to promote cooperative arrangements and measures aimed at strengthening stability through lower levels of armaments. The Committee also discusses the adherence to principles governing disarmament, as well as the regulation of armaments.

The issue that will be discussed by DISEC at HCCRI 2020 is the Question of Illicit Trafficking of Small Arms in Conflict Regions.

¹ "United Nations, Main Body, Main Organs, General Assembly." United Nations. Accessed January 28, 2020. <https://www.un.org/en/ga/first/>.

² Ibid.

THE QUESTION OF ILLICIT TRAFFICKING OF SMALL ARMS IN CONFLICT REGIONS

“Currently there are more laws governing the international sale of bananas and iPods than grenade launchers and AK-47s.”
— Arms Trade Treaty

I. INTRODUCTION TO THE TOPIC

Since the early years of the 1990s, small arms have become responsible for the vast majority of conflict deaths and homicidal violence across the globe. This can be clearly seen during the gruesome intrastate wars that ravaged many developing countries—wars fought primarily with small arms and light weapons. In Rwanda, nearly a million people were massacred in less than a month by genocidaires armed with machetes aided by AK-47-wielding soldiers.³

Anarchic distribution of small arms and ammunition due to widespread access and supply meant that the denial of education and health, criminality, illicit plundering of natural resources,

decreased trade and investment, violence against women and girls, gang violence and the collapse of the rule of law were greatly facilitated. Currently, about 25% of the \$4 billion annual global trade in small arms is “illicit” or not recorded as required by law,⁴ with the eight countries that imported at least \$100 million of small arms in 2011 being the United States, Canada, Germany, Australia, Thailand, United Kingdom, France and Italy.

Measures have been taken in a bid to combat the contraband proliferation and misuse of small arms, but the illicit trafficking of small arms remains a pressing security issue in areas of armed conflict and turmoil around the world. Reports of lost, stolen, and diverted small arms and light weapons have become daily reminders

³ Schroeder, M., & Stohl, R. (n.d.). Arms Control Today. Retrieved December 10, 2019, from <https://www.armscontrol.org/act/2006-06/features/small-arms-large-problem-international-threat-small-arms-proliferation-misuse>.

⁴ United Nations Department of Public Information. “Small Arms REVIEW CONFERENCE 2006: Facts on Illegal Small Arms,” June 2006. https://www.un.org/events/smallarms2006/pdf/factsheet_1.pdf.

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of the continued prevalence of weak export controls, poor stockpile security practices, and inadequate or nonexistent border security; what exacerbates the situation is often the lack of international cooperation on the matter.

What makes the regulation of illicit trafficking of small arms so important is the fact that tens of thousands of people are killed or wounded each year in conflicts that are fought primarily with these weapons. Yet, without a universal system to mark small arms at the point of production, import, transshipment, and export, it is extremely difficult for law enforcement to track the route of black market weapons accurately and determine how to stop more weapons from following the same route.⁵ Moreover, the small size of small arms makes it easily trafficked via means such as ant trade, given the ease of concealing weapons. DISEC seeks to address the issues related to the slow development of a global system to mark and trace weapons (hence tackling illicit trafficking), and encourage efforts by various countries in living up to their commitment.

With the above information in mind, delegates are expected to discuss reasons hindering the regulation of the small arms trade, including but not limited to the lack of border security and effective tracking mechanisms, as well as means to promote international

cooperation and improved measures to counter the illicit flow of small arms across borders in the context of conflict regions. This would include considering the economic, social and political instability in such regions, as well as mounting tension and risks within, such as whether poverty and refugee crises have driven acts of desperation. Delegates should note that the context of conflict regions is greatly different from the context of non-conflict regions, and therefore different perspectives should be considered and different measures taken.

⁵ Schroeder, M., & Stohl, R. (n.d.). Arms Control Today. Retrieved December 10, 2019, from <https://www.armscontrol.org/act/2006-06/features/small-arms-large-problem-international-threat-small-arms-proliferation-misuse>.

II. BACKGROUND AND HISTORY

HISTORY OF ILLICIT TRAFFICKING OF SMALL ARMS

Starting in the sixteenth century, European traders began trafficking arms into African, American, and, to a lesser extent, Asian markets. The illicit trafficking of arms—a trade that brought about great profit for those involved—slowly began its rise throughout the years, and penetrates the world till today. There are many methods by which traffickers use to go about their trade. Hundreds of thousands of small arms in poorly guarded government arsenals are vulnerable to theft, loss and diversion. Once acquired by traffickers, these weapons are smuggled across national borders in every conceivable way. They are hidden under sacks of vegetables in the back of pick up trucks, packed into household appliances that are then loaded onto cargo ships, even air-dropped out of old Soviet military transport planes.⁶

Over the past decade, several notable cases have arisen, including the Otterloo incident: In 2001, the Nicaraguan government's failure to verify the legitimacy of a (fraudulent) Panamanian

purchase order supplied by an Israeli crooked arms broker resulted in the diversion of 3,000 AK-47 assault rifles and 2.5 million rounds of ammunition to Colombian narco-terrorists.⁷ Such cases of illicit trafficking contribute 10% to 20% of the total trade in small arms.⁸ This goes on to show that diversion of small arms previously meant for legitimate use has become one of the most common sources of goods for traffickers.

Stemming the flow of illegal small arms into conflict regions like the Middle East is of increasing importance, but loopholes and the lack of commitment from various nations have impeded progress. The impacts of the proliferation of small arms transcend the primary concern of security to that of the economy and education. Africa's development prospects have taken a hit as the widespread abuse of weapons diverts scarce government resources from health and education to public security, discourages investment and economic growth, and deprives developing countries of the skills and talents of the victims of small arms.⁹

⁶ Schroeder, Matt. "The Illicit Arms Trade: Brief Introduction." The Illicit Arms Trade. Accessed December 30, 2019. <https://fas.org/asmp/campaigns/smallarms/IssueBrief3ArmsTrafficking.html>.

⁷ Arsovska, J., P. Kostakos, Bassiouni, S. Bricknell, Cook, W. Cuvier, K. Krause, et al. "Introduction: Illicit Firearms Market in Europe and Beyond." European Journal on Criminal Policy and Research. Springer Netherlands, January 1, 1970. <http://link.springer.com/article/10.1007/s10610-14-9254-6>.

⁸ Schroeder, "The Illicit Arms Trade: Brief Introduction."

⁹ Fleshman, Michael. "Small Arms in Africa | Africa Renewal." United Nations, December 2011. <https://www.un.org/africarenewal/magazine/december-2011/small-arms-africa>.

RELEVANT TREATIES AND CONVENTIONS

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (2005)

Also known as the Firearms Protocol, this protocol was adopted by the General Assembly resolution 55/255 of 31 May 2001 as one of three protocols in the UN Convention Against Transnational Organized Crime, and entered into force on 3 July 2005.

The objective of the Protocol, which is the first legally binding instrument on small arms that has been adopted at the global level, is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The protocol, which complements an existing UN convention on crime and will be legally binding, calls on states to mark each legally produced, exported, and imported weapon with identifying information and to set up proper licensing and authorization procedures for the commercial export of firearms. However, concerns have been raised with regard to the marking of the weapons, especially because different States have their own established marking methods which they were

unwilling to abandon. The United States, among others, was worried that multiple marking systems would complicate the tracking of firearms and, if necessary, the prosecution of criminal activities.¹⁰ While the United States eventually relented, a universal marking system remains an unachieved goal that could potentially allow for better identification of weapons, and hence its tracking.

Arms Trade Treaty (2014)

On 24 December 2014, the United Nations landmark Arms Trade Treaty (ATT), a multilateral treaty that regulates the international trade in conventional weapons, entered into force in 103 States, but only 97 countries have ratified it.¹¹ Other major arms exporters, including the US and Israel, have signed the agreement, but have not ratified it, while Russia and China have been unwilling to commit. Recently, the United States announced its withdrawal from the treaty on the grounds that its sovereignty was threatened by the treaty.¹²

The ATT establishes common standards for the international trade of conventional weapons and seeks to reduce the illicit arms trade and in turn the human suffering caused by illegal and irresponsible arms transfers that had otherwise become a hindrance to regional security and stability. At

¹⁰ Boese, Wade. "Arms Control Today." UN General Assembly Adopts Illicit Firearms Protocol | Arms Control Association. Accessed January 29, 2020. <https://www.armscontrol.org/act/2001-07/press-releases/un-general-assembly-adopts-illicit-firearms-protocol>.

¹¹ UNODA. "Arms Trade Treaty – UNODA." Accessed December 28, 2019. <https://www.un.org/disarmament/convarms/arms-trade-treaty-2/>.

¹² "Donald Trump to Withdraw US from Arms Trade Treaty." BBC News. BBC, April 27, 2019. <https://www.bbc.com/news/world-us-canada-48076262>.

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the same time, the ATT promotes accountability and transparency by States Parties concerning transfers of conventional arms. The ATT does not place restrictions on the types or quantities of arms that may be bought, sold, or possessed by states. It also does not impact a state's domestic gun control laws or other firearm ownership policies.

The ATT had been celebrated as a milestone with regards to the regulation of the international arms trade, but was undermined by weak implementation and a lack of transparency.¹³ Several countries including Germany, which ratified the ATT in 2014, have guidelines that the government is supposed to follow when it approves weapons exports, but they remain just that—guidelines, not laws. Shortcomings in the ATT include who would enforce the rules, how they would be enforced, or what would happen to anyone who broke them.¹⁴

Geneva Declaration on Armed Violence and Development (2006)

The Geneva Declaration on Armed Violence and Development is a diplomatic initiative aimed at addressing the interrelations between armed violence and development. It was first adopted by 42 states on 7 June 2006

during a Ministerial Summit in Geneva, and is now endorsed by over 100 states. Signatories recognize that armed violence constitutes a major obstacle to the achievement of the Millennium Development Goals (the United Nations Millennium Declaration was signed by world leaders in 2000 to mark a strong commitment to the eradication of the many dimensions of poverty, to the right to peace and security, to gender equality and to sustainable human development).¹⁵ They agree to strengthen their efforts to integrate armed violence reduction and conflict prevention programmes into national, regional, and multilateral development frameworks and strategies. The Geneva Declaration is the strongest political statement to date that addresses the impact of armed violence within a development context, as many nations involved are dredged in armed conflict.¹⁶ The Declaration is, however, not substantive, and works based on an approach of advocacy (dissemination and coordination initiatives for implementing the Geneva Declaration); measurability (country-based armed violence mapping and monitoring to identify entry-points and opportunities for interventions) and programming (practical programming on armed violence prevention and reduction), with no concrete action being taken.¹⁷

¹³ Knight, Ben. "UN's Arms Trade Treaty 'Too Weak to Make a Difference': DW: 11.09.2017." DW.COM, September 11, 2017. <https://www.dw.com/en/uns-arms-trade-treaty-too-weak-to-make-a-difference/a-40452550>.

¹⁴ Ibid.

¹⁵ Various Authors. "Indicators for Monitoring the Millennium Development Goals." United Nations, 2003. https://www.undp.org/content/dam/aplaws/publication/en/publications/poverty-reduction/poverty-website/indicators-for-monitoring-the-mdgs/Indicators_for_Monitoring_the_MDGs.pdf, 5

¹⁶ "The Geneva Declaration - What Is the Political Context? Armed Violence Undermines Development and Ai - Geneva Declaration." The Geneva Declaration on Armed Violence and Development - Geneva Declaration, August 29, 2012. <http://www.genevadeclaration.org/the-geneva-declaration/what-is-the-political-context.html>.

¹⁷ Geneva Declaration Secretariat. "Geneva Declaration: Armed Violence Prevention and Reduction A Challenge for Achieving the Millennium Development Goals | Background Paper," June 2008. <https://www.files.ethz.ch/isn/143043/Geneva-Declaration-Millennium-Development-Goals.pdf>.

III. DEFINITION OF KEY TERMS

“

Small Arms

Weapons designed for individual use, to include inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns. (UN 2006 Small Arms Review Conference)¹⁸

”

“

Trafficking

The import, export, acquisition, sale, delivery, movement, or transfer of firearms, ammunition, explosives, and other related materials from or across the territory of one State Party to that of another State Party, if any one of the States Parties concerned does not authorize it.¹⁹

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¹⁸ CFATF Risk, Trends and Methods Group. (October, 2016). The Proliferation of Small Arms and Ammunition.

¹⁹ Ibid.

IV. SCOPE OF DEBATE

LACK OF EFFECTIVE TRACKING MECHANISM: MOVEMENT OF WEAPONS

One of the factors preventing authorities from controlling the illegal small arms trade today is the lack of an effective tracking mechanism. Today, especially in modern conflict regions, most arms smugglers depend on the “ant-trade”, a term referring to individual smugglers carrying one firearm at a time, often from or to war-torn countries in Sub-Saharan Africa and the Middle East. It is hard to regulate the ant-trade, as such weapons are easily carried around, making it impossible to find their producers even if the weapon is found and scanned. From a logistical standpoint, it is not possible to thoroughly scan every single car at a border crossing, or every single passenger at a train station.²⁰

At the same time, many countries rely on manufacturers’ assistance to trace recovered firearms. One major weakness preventing the successful tracing of a recovered gun is when manufacturers and/or dealers go out of business and records of sale are destroyed or lost. The duplication of serial numbers can also present difficulties in tracing firearms.

LACK OF EFFECTIVE TRACKING MECHANISM: PRODUCTION OF WEAPONS

Delegates must also consider the lack of supervision over weapons manufacturers and their means to acquiring raw materials. In countries where corruption is rife, or weapons manufacturers are loosely regulated, it is not uncommon for smugglers or organised crime groups to “partner” with arms factories, paying bribes for the common practice of having the arms factory produce a few more units during a production run. Such weapons will often have no serial number or special identifying marks, making them effectively untraceable in weapons databases, even if they are seized.²¹

BORDER SECURITY

A method which is closely linked to the lack of an effective tracking mechanism, securing borders is an active deterrent against the illicit trafficking of weapons, as compared to the preventive measure of creating a tracking mechanism. Each State identifies and defines what should be done in terms of security on its side of the border. Different security standards between countries can sometimes

²⁰ Freeman, Colin. “Inside the ‘Ant Trade’- How Europe’s Terrorists Get Their Hands on Arms.” Independent.ie. Independent.ie, November 24, 2015. <https://www.independent.ie/world-news/europe/inside-the-ant-trade-how-europes-terrorists-get-their-hands-on-arms-34228128.html>.

²¹ Grassi, Simonetta. “United Nations Office on Drugs and Crime.” In United Nations Office on Drugs and Crime. New York City. Accessed December 13, 2019. https://www.un.org/sc/ctc/wp-content/uploads/2017/05/Simonetta-UNODC-at-CTED_May2017v2.pdf.

hinder cooperation in border security. Also, in most conflict zones, borders are often porous and sometimes even nonexistent. It should also be noted that any weakness on one side of a border can have repercussions on the ability of the other side of the border to carry out controls and maintain a degree of internal security.²²

Another aspect of border security delegates should focus on is what will happen once an illegal firearm is found, which is dependent on their respective States. Delegates can plan to improve the existing standard operating procedures (SOP) when an arm is found, or create such a framework if none exists.

LACK OF GOVERNMENTAL COMMITMENT

Many of the world's top arms-exporting countries do not comply with existing international treaties, or only lightly enforce protocols in such treaties. For example, out of the top six arms-exporting countries, only France has ratified the Protocol against the Illicit Manufacturing of and Trafficking in Firearms (Firearms Protocol).²³ Also, in April 2019, Donald Trump announced that the United States

would be withdrawing from the Arms Trade Treaty, a multilateral treaty that regulates the international trade in conventional weapons.²⁴

Historically, there has been a persistent lack of commitment among States to fulfil their arms control obligations. The reasons behind this are multifaceted and complicated, and include there being no standard definition of small arms, no common agreement on what kinds of activities constitute the arms trade, and the lack of transparency by most arms exporters and importers, making it difficult to collect relevant data.²⁵ Certain States may feel that actions taken to control the global arms trade many infringe upon their sovereignty, or other uncompromisable interests.²⁶

²² Seniora, Jihan, and Cedric Poitevin. "Managing Land Borders and the Trafficking of Small Arms and Light Weapons." Les Rapports Du Grip, March 2010. <http://www.poa-iss.org/KIT/2010-GRIP-Report-EN.pdf>.

²³ "UN, United Nations, UN Treaties, Treaties." United Nations. United Nations. Accessed December 14, 2019. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-c&chapter=18&lang=en.

²⁴ Smith, David. "Donald Trump to Withdraw US from Arms Trade Treaty." BBC News. April 27, 2019. <https://www.bbc.com/news/world-us-canada-48076262>.

²⁵ Holtom, Paul, and Mark Bromley. "Arms Control Today." The International Arms Trade: Difficult to Define, Measure, and Control | Arms Control Association. Arms Control Association. Accessed December 15, 2019. <https://www.armscontrol.org/act/2010-07/international-arms-trade-difficult-define-measure-control>.

²⁶ Charbonneau, Louis. "Nations Line up to Sign U.N. Arms Trade Treaty, U.S. Not Yet." Reuters. Thomson Reuters, June 3, 2013. <https://www.reuters.com/article/us-arms-treaty-un-idUSBRE95211920130603>.

V. POTENTIAL SOLUTIONS

ESTABLISHMENT OF A CENTRAL AUTHORITY FOR SMALL ARMS TRAFFICKING

Member countries could appoint a central authority which will be responsible for linking all international and local initiatives to counter illicit trafficking through the black market, as well as supervising manufacturers. The scope of such an authority could include ensuring arms manufacturers abide by regulations; the collection of information and the production of related intelligence; the coordination of investigative operations related to the illicit traffic in arms; the administration of the database of all decommissioned weapons and all those which have been lost by the police forces, as well as the corresponding tracing operations.

A dedicated authority for the issue of small arms in manufacturing countries would increase the effectiveness of the government at ensuring guidelines are met. It would also allow for faster and more effective international cooperation, as the various authorities from different countries could communicate information via hotlines, and collaborate more closely on projects to deter international trafficking.

The establishment of a standardized tracing protocol within each manufacturing country is vital for

ESTABLISHMENT OF TRACING PROTOCOLS WITHIN MANUFACTURING COUNTRIES

countries to be able to provide timely and accurate trace information. To achieve this, there is a need for appropriate legislation to improve record-keeping practices and to lay out suitable punishments for manufacturers who disobey regulations.

Information such as production year codes and factory serial numbers on small arms play a critical role in tracing their origins and diversion points. However, the fact that different states use different marking methods has impeded tracing efforts. This effect can be mitigated if states were to work together to provide information about the markings applied to arms produced under their jurisdiction. Relevant national agencies in charge of combating arms trafficking should then also be trained in how to correctly record information such as markings on recovered arms. The systematic collection and recording of such information will serve to enhance accountability and increase the ease with which relevant agencies carry out tracing.²⁷

While certain existing international treaties, for example the UN Firearms Protocol, do attempt to address the

²⁷ "Small Arms: Tracing – UNODA." United Nations. United Nations. Accessed February 4, 2020. <https://www.un.org/disarmament/convarms/small-arms-tracing/>

issue of tracing protocols, there still exists areas for improvement. For one, manufacturers do not always uniquely mark the weapons made for national armed forces, instead leaving it to them to mark according to their own needs. This has led to large numbers of reserve military arms being unmarked or inadequately marked. Thus, when firearms from these sources are diverted into illegal trade routes, they can be almost impossible to identify. To combat this, governments should enforce a formal system for the marking all military arms. Next, as attempts to trace illegal arms have stepped up in their intensity, so have attempts to “sanitize” illegal arms by removing identifying marks. It is hence essential to have ongoing efforts to make sanitization harder. Lastly, many countries lack the systems required to ensure that firearm records are maintained and can be rapidly accessed. The lack of such a system slows down cooperation between states. A potential solution for this situation could be to allow access by law enforcement agencies in developing countries to the resources of nearby developed states with more established tracing systems.²⁸

²⁸ “The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons.” Small Arms Survey. Accessed March 5, 2020. The Scope and Implications of a Tracing Mechanism for Small Arms and Light Weapons.

VI. QUESTIONS A RESOLUTION MUST ANSWER

How can the flow of information within and between countries be improved, so as to facilitate the easier tracking of arms?

How can States improve their border security so as to curb the illicit trafficking of small arms?

How can existing treaties and guidelines be improved to stem the illicit trafficking of small arms?

How can States be incentivised to follow through on the implementation of treaties and guidelines?

VII. CONCLUSION

The issue of small arms trafficking ranks amongst today's most pressing concerns, causing both security and economic threats to countries involved. Unfortunately, due to the large number of countries and regions embroiled in this issue, and the nature of the problem which means that one country's oversight will lead to trouble for another country, an international solution is necessary. It is therefore imperative that states decide upon a solution that all can agree to, and follow through closely on its implementation.

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