UNIVERSITY MODULE SERIES

Firearms 4

THE ILLICIT MARKET IN FIREARMS

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PROMOTING A CULTURE OF LAWFULNESS

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EDUCATION FOR JUSTICE
UNIVERSITY MODULE SERIES

Firearms

Module 4

THE ILLICIT MARKET IN FIREARMS

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This Module is a resource for lecturers.

Developed under the Education for Justice (E4J) initiative of the United Nations Office on Drugs and Crime (UNODC), a component of the Global Programme for the Implementation of the Doha Declaration, this Module forms part of the E4J University Module Series on Organized Crime and is accompanied by a Teaching Guide. The full range of E4J materials includes university modules on integrity and ethics, crime prevention and criminal justice, anti-corruption, organized crime, trafficking in persons / smuggling of migrants, cybercrime, wildlife, forest and fisheries crime, counter-terrorism as well as firearms.

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Contents

Introduction

After describing the legal market in Module 3, this Module investigates how the illicit market in firearms works. The Module addresses similar kinds of questions raised in respect of the legal trade. Who are the recipients of these weapons, their parts and ammunition? Where are the supply points? What are the factors that determine the levels of supply and demand? How do firearms become illicit when the majority are legally produced and transferred? What methods do traffickers use to divert legal firearms into illicit markets?

A variety of social contexts and enabling factors that allow different types of illegal firearms markets to flourish are considered. These include, for example, stolen weapons, converted and recycled weapons, and diverted ex-military supplies. Illegal markets can take many forms and may require different types of regulation (Squires, 2014).

This Module is important for several reasons. First, knowing how the illicit market works can reveal the intervention points for preventing the illegal trade and addressing the harmful effects of indiscriminate firearms proliferation and misuse – see also Modules 1 (Introduction to Firearms, their Availability, Illicit Trafficking and Criminal Use) and 10 (Impact of Firearms on Society and Development). Second, by describing how the international community has responded with standards, agreement and treaties, the Module helps to understand how these relate to the illicit market. Third, the description of the market determines and guides actions at national and international levels – see Modules 5 (International Legal Frameworks), 6 (National Regulations on Firearms) and 9 (International Cooperation).

Learning outcomes

This Module will provide lecturers with the necessary guidance and resources to teach their students the following:

- Understanding of the contexts in which illicit firearms markets might arise;
- Understanding the influential supply and demand factors within illicit firearms markets;
- To describe and give examples of the actors involved in the illicit market;
- Understanding of the variety of types of illicit trafficking and of clandestine delivery;
- Understanding of the major sources for illicit firearms;
- Understanding of the consequences and impact of the illicit firearms markets.

Key issues

Overview and definitions

Module 1 (Introduction to Firearms, their Availability, Illicit Trafficking and Criminal Use) explained how most illicit firearms are, unlike illicit drugs, originally legally manufactured and transferred, and at some point in their life cycle get diverted into the illicit realm. Module 3 (The Legal Market) described the legal market in firearms, its global nature, estimated size and value, and its major actors in terms of major producing, exporting and importing countries. It also looked at estimated trade volume in terms of total number of arms in circulation worldwide, and their distribution among different types of owners. This current Module looks more in depth at the illicit market and sheds some light on its links with the legal market.

Firearms serve multiple purposes. They are not only a profitable trafficking commodity but, first and foremost, a tool to consolidate power and to commit violent crimes. As Salcedo-Albaran and Santos (2017: 10) point out, "*Like drug trafficking is a catalyst criminal activity worldwide due to the high level of profits it produces, firearms' trafficking is a pivotal criminal activity worldwide due to the high demand in several criminal hotspots."*

The illicit manufacturing, acquisition and trafficking of firearms also functions as a market commonly known as the '*illicit global market*'. Griffiths and Wilkinson (2007: 25) suggest that "*(t)he illicit global arms market today works like any other largely free and unregulated system, driven by the dynamics of supply and demand. These are still dominated by relatively low loss-adjustment calculations set against the possibility of detection, interdiction, asset confiscation, accidents or non-payment risk. Clandestine arms supply is an evolving business and those involved in it have introduced innovative solutions to guard against financial loss*."

While the illicit market is similar to the legal market in many respects, it operates according to other types of principles, the first and most obvious being that the nature of the illegality shapes the behaviour of the actors in the market. In second place, much like other black-market commodities, or like the experience of alcohol prohibition in the United States in the 1920s, the very fact of illegality can raise the price of certain types of contraband and incentivize illegal suppliers. In third place, '*illegal enterprise*' can have no recourse to law in the event of dispute, leading to other forms of '*contract compliance*', including violence.

Finally, whereas older forms of firearms trafficking were to a large extent dominated by geo-political considerations, researchers have argued in the recent past that economic profit has increasingly become the chief supplier motivation with much less consideration for '*quality control*'. Naylor (1994) expands on this issue:

> *Compared to the cold war era, dominated by a few big suppliers who understood what their merchandise could do for their customer's political ambitions and who used arms transfers to cement political alliances, the new fragmented, criminal, weapons market has become increasingly colonized at the regional and local level by mercenaries and criminal traffickers who are chiefly interested in what their lethal merchandise might do for their own financial ambitions*.

The expansion of global trade, the Internet, changing international business practices and, not least, the recent growth of private military companies, consultants and trainers who provide and deliver military services and supplies have further complicated these complex and often opaque international markets (Griffiths and Wilkinson, 2007).

The United Nations Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol) supplementing the Convention against Transnational Organized Crime (UNTOC) defines illicit trafficking as "*the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition 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 (…) or if the firearms are not marked in accordance with (…) this Protocol*". This definition focuses on the cross-border movement of firearms, their parts and components, and ammunition *without* authorization or *without* the proper marking of the firearms.

To prevent illicit trafficking, the Firearms Protocol therefore requires State parties to establish or maintain "*an effective system of export and import licensing or authorization, as well as measures on international transit, for the transfer of firearms, their parts and components, and ammunition*" (Article 10 Firearms Protocol). State parties need to establish the illicit manufacturing and trafficking in firearms, their parts and components, and ammunition as criminal offences (Article 5 Firearms Protocol), and the Protocol provides internationally agreed definitions that help shaping the legal or illicit nature of certain conducts. Other provisions of the Firearms Protocol require States to mark and record firearms, to establish preventative and security measures to impede the theft and diversion of these arms into unauthorized hands, and to consider licensing and recording brokers and brokering activities *inter alia*. Through this set of provisions, the Firearms Protocol has created a significant barrier to illicit manufacturing, acquisition and trafficking, a barrier that actors in the illicit market must deal with.

Important in this Module are the following definitions of the Firearms Protocol and the Arms Trade Treaty (ATT):

Firearms Protocol - Article 3: Use of Terms

Illicit Manufacturing

(d) "Illicit manufacturing" shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:

i. From parts and components illicitly trafficked;
ii. Without a license or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or
iii. Without marking the firearms at the time of manufacture, in accordance with article 8 of this Protocol;

Illicit Trafficking

(e) "Illicit trafficking" shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition 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 in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol;

Firearms Protocol - Article 5: Criminalization

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct when committed intentionally:

(a) Illicit manufacturing of firearms, their parts and components and ammunition;

(b) Illicit trafficking in firearms, their parts and components and ammunition;

(c) Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol.

Firearms Protocol - Article 3: Use of Terms

Arms Trade Treaty – Article 2: Scope

1. This Treaty shall apply 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.

2. For the purposes of this Treaty, the activities of the international trade comprise export, import, transit, trans-shipment and brokering, hereafter referred to as "transfer".

Arms Trade Treaty – Article 2: Scope

Authorized and unauthorized arms transfers

Authorized arms transfer is the term most widely used to refer to the physical or nominal movement of arms from one owner to another a priori, regardless of any physical movement of the weapons. Without the adjective '*international*', the term transfer is widely used in practice to include intra-national movements and nominal transfers of ownership within the same State jurisdiction. However, when is a transfer illicit? What constitutes an unauthorized transfer?

According to the Firearms Protocol and the Arms Trade Treaty, the term arms transfer mostly relates to international transfers. The Protocol refers to arms transfers as the cross-border movement (import, export and transit) of firearms, their parts and components and ammunition, and their unauthorized movement from or across at least two State territories, as well as to the movement of firearms without proper marking as illicit trafficking. However, the Arms Trade Treaty uses the term transfers to refer to the international trade in general, which comprise a broader category of transfers, namely *"export, transit, trans-shipment and brokering, hereafter referred to as 'transfer'"* (Article 2, 2 Arms Trade Treaty).

The dividing line between the legal and the illicit trade is not always easy to draw and depends on national legal frameworks and international law. Generally identified are three types of market and stages, or types of transfers of firearms, referred to by the Small Arms Survey (2001) as the '*Legality Spectrum*':

Legal or regulated transfers

These include, in general, all legally manufactured arms and international transfers that importing, exporting or transit States legally authorize in accordance with their respective national law and international law.

Illicit grey-market transfers

These transfers have some authorized elements while other aspects may be illicit, such as when authorized by either importing or exporting country but not both. Grey transfers can also occur when, for example, governments or their agents exploit loopholes or circumvent national and/or international laws or policies. These '*grey market firearms*' can also include largely unregistered firearms (including '*misplaced, lost or forgotten*' firearms, antiques, souvenirs and battlefield trophies, all of which might still be capable of live firing, or easy conversion to live firing), "*not held, used or conveyed for criminal purposes but identified as often ending up in the illicit market*" (Bricknell, 2012: 23).

Illegal black-market transfers

These are transfers in clear violation of national and/or international laws, which take place without official government consent or control, including cases of diversion and illicit cross-border trafficking. Black-market firearms include therefore all illegally brokered, traded, diverted or trafficked arms, or those in active criminal, insurgency or terrorist hands, or stockpiled by such groups.

Module 5 (International Legal Framework) and Module 6 (National Regulations on Firearms) further explore how not all authorized transfers are automatically legal, given that some fully authorized transfers could still violate international law (e.g. transfers to a State under arms embargo) (UNODC,

2015). This is true, for example, in cases of illicit transfers that were approved for shipment by government officials where licensing or customs agents failed to spot fraudulent claims in export and shipping documentation, or the shipment was diverted to an illegal end-user *en route* to the authorized recipient. In both cases, data on unauthorized and authorized shipments are likely to be reported together.

Whilst the clear majority of transfers of circa 80-90% are legal (Small Arms Survey, 2011), there are also illicit transfers, either through the grey market as defined above, or else through the black market where there is a clear violation of international laws. Despite being a small percentage of the global trade, the illicit market is associated with consequential damage in terms of harm, and various methods of transfer through this market identified.

Illegal firearms in social, cultural and political context

The legal or illicit nature of firearms and their movements is not always simple and straightforward, but closely linked to the existing regulatory framework that applies at national, regional and international levels, and which can vary significantly from country to country. Module 5 (International Legal Frameworks) and Module 6 (National Regulations on Firearms) demonstrate how firearms control regimes are probably among the most influenced by social, cultural and political circumstances and contexts, particularly relating to aspects such as civilian ownership, possession, and manufacturing, as well as transfers and disposal of such items. International instruments do not fully cover these cases.

Squires (2014: 23-39) has attempted to describe and categorize a range of firearms control regimes and establish a possible correlation between their restrictive or liberal nature and the different types of societies in which they operate. This correlation can range from affluent '*social democratic*' cultures to those that are transitional, conflict-ridden or fragile. The former (such as the Scandinavian societies) still retain popular hunting traditions and relatively high levels of closely regulated firearm ownership or are post-colonial and former 'frontier' societies with typically more liberal firearms ownership regimes (such as America, Canada, Australia, South Africa, and India). The latter, however, are usually highly unequal and riven by ethnic, regional or political conflicts. Here firearm possession is either poorly regulated or unregulated, and they often become the destination for large-scale firearms trafficking.

This classification is not exhaustive or absolute; some typologies of societies and their organizational and political structures might not fit at all within these broad groupings. The classification must be seen as a *heuristic* approach aimed at exploring the extent to which differences in social contexts, political systems and institutions can influence national firearms control regimes, weapon manufacture, supply and demand, and cultures and traditions of firearm use and misuse.

The point of differentiating between such firearms control regimes is to emphasize the different ways illicit firearm markets operate across them. In high control regimes with tightly regulated and effectively enforced measures, the scale of illegal firearm trafficking may be limited. It is the vulnerable points where firearms will transit from legal to illegal. These might include being smuggled in small numbers – the so-called '*ant trade*', where many deliveries of small numbers of firearms, over time,

result in the accumulation of large numbers of illicit firearms by unauthorized end users (SAS, 2013; Freeman, 2015). They may be stolen from legal firearms holders; diverted into criminal hands by corrupt firearms dealers; converted blank firers; re-engineered antique weapons; the small scale manufacture of bespoke ammunition for obsolete caliber weapons (Holtom *et al*., 2018); or the reactivation of deactivated '*souvenir*' weapons by a variety of small-time illegal cottage industry entrepreneurs (Williamson, 2015). These are some examples of firearms that enter the illicit realm because of legal loopholes and weak controls.

There are generally more opportunities for weapons to transit from legal to illegal, for instance by theft and '*informal*' transfer, in liberal gun ownership regimes where firearm regulation is more permissive and gun ownership rates relatively higher. One notorious example is the '*gun show loophole*' in the United States where firearm enthusiasts might swap, sell, trade or barter firearms and accessories, often beyond any regulative oversight (Burbick, 2008). Consequentially, many of these firearms sold at these gun shows with little or no paper records are also the ones at risk of diversion and illicit trafficking northwards into Canada and southwards into Mexico. According to official data, over half of the illegal handguns recovered in Canada, and around 80% of illegal firearms recovered in Mexico, all successfully submitted for tracing, were primarily designed for the US domestic market and sourced from within the United States (Goodman and Marizco, 2010; Schroeder, 2013). These included some 68,000 weapons, many of which were high-specification military assault rifles. Furthermore, most military-style firearms seized by the Police in Brazil, especially '*automatic pistols and assault rifles*', originated from the United States (Rivero, 2004).

In fractured, failing and conflict-torn areas, war, terrorism, civil strife, insurgencies, organized crime, drug cartels and gang cultures generate their own demands for firearms. The type of trafficking in these countries can take different sizes and shapes, and range from large-scale arms trafficking, sometimes facilitated by governments engaged in proxy wars or looking to exploit leverage over client States (Schroeder *et al*., 2006; Arsovska and Zabyelina, 2014), to smaller amounts of firearms being trafficked in relatively constant flows ('*ant trade*'). It may involve the dissemination of military weapons into civilian hands in the aftermath of wars or regime changes, and at other times, the trafficking takes the form of more prosaic illegal commerce motivated by criminal gain (Naylor, 1998).

The dichotomy between liberal and restrictive regimes, however, is also dependent on other factors, such as the levels of crime and violence in a country, the State capacity to enforce and apply its own domestic legislation on firearms control, and past traditions of armed civilians, for example. Cultural and historical factors can play an important role not only in determining the permissive or restrictive approach towards civilian ownership of firearms for cultural and recreational use, but also in relation to such ownership for self-defence purposes. Countries with high crime, for example, can have opposite responses to these challenges. One is very restrictive regulation of civilian ownership, possession and use, as in countries like Mexico, or alternatively an even more liberal approach to civilian ownership for the purpose of self-defence, as in so-called '*frontier societies*' like the United States, or in countries coming out of civil unrest or facing sudden or imminent external threats. In these last cases, the State response can be to actually arm the civilian population and permit self-defence when the State itself cannot provide such protection.

Furthermore, any arms control regime is as valid as its enforcement in practice. Low enforcement capacity equals insufficient state control, creating opportunities for illicit firearms trafficking and proliferation. Countries with very restrictive firearms legislation but a low level of control and enforcement in the field, or with very outdated and incomplete legislation, may be more likely to become targets of illicit arms proliferation and trafficking.

Supply, demand and criminal motivations

It is useful to approach the issue from both the supply and demand sides and the roles played by criminal actors on both sides of this equation.

In the firearms context, there are debates over who is the dominant trigger factor: supply or demand. Sometimes supply factors seem more important; at other times and places demand factors dominate. In the situation of high demand and low supply, the suppliers tend to dictate the market, while in the absence of demand and stock supplies, the demand dictates the market unless the suppliers take actions to increase the demand, for example by fueling dormant conflicts. Arms control scholars have tended to work from the supply side, focusing upon the production and distribution of weapons and the ways and means they slip from legal to illegal. Schroeder *et al*. (2006) linked the illicit supply of firearms to shady international weapons dealers and brokers or '*rogue states*'. Further research has shown, however, that patterns of *illegal* firearm supply reflect very closely the patterns of supply for *legal* small arms as well as representing enduring post-conflict legacies (Bourne, 2007).

While a good deal of research has emphasized the rational motivations of people involved in illegal firearm supply (money; power; political affinity; influence), Arsovska and Zabyelina (2014: 401) draw attention to a range of cultural and social factors shaping both supply and demand. These, they suggest, include: "*patriotism (a system of values, in which love for, or devotion to, one's country and civic virtue glorifies arms possession); conflict mentality (a feeling of fear, insecurity, distrust that people often gain in the aftermath of durable conflicts and prolonged socio-economic distress); and gun culture (illustrating pride in and passion about possession and/or use of arms)*".

Demand factors

Among the factors that can contribute to the demand for illegal firearms, the following ones appear to be more prominent (Saferworld, 2012):

- High levels of crime or violence, or civil unrest;
- Instances of large-scale armed conflict (whether local, national, regional, or international);
- Weak security forces, which are unable – or seen to be unable – to provide security to citizens;
- Lack of trust in the security sector, and the judiciary and rule of law;
- Human rights violations, especially by state security forces, but also by others;
- Limited (if any) civilian participation in decision-making processes.

In addition, gang cultures, civil conflict, racial and ethnic tensions, wider cultural endorsements (for example the glamorizing of firearms in popular culture), terrorist radicalization, and loopholes and anomalies in firearms control regimes can all accelerate demand. In turn, demand can incentivize supply.

Supply factors

The supply of illegal firearms differs in terms of scale and modalities – countries with a high degree of control encounter predominantly small and irregular supplies. On the other hand, countries with looser control regimes or less effective enforcement measures, such as conflict cultures and conflict states, are more likely to experience large container shipments arriving by land, sea or air (Griffiths and Wilkinson, 2007: 20-25).

Module 1 (Introduction to Availability, Trafficking and Criminal Use of Firearms) shows how firearms are durable, long-lasting items. Virtually all firearms start life in legal production, but the steps in the life cycle of a firearm, from production to final end-use are complex and diverse, multiplying the risk that the weapons enter the illicit market. It is important, therefore, is to assess the points at which and ways that legal firearms slip into illegality. The following diagram provides an outline of where criminals and terrorists can obtain firearms illicitly:

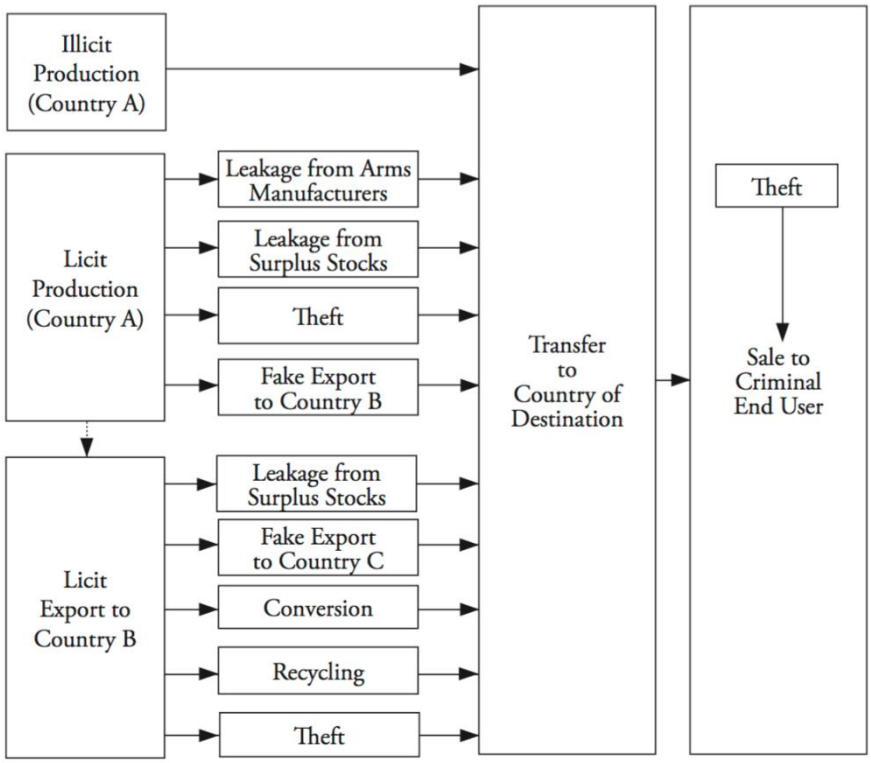

Figure 4.1 Logistical process of the trade in illicit firearms (Spapens 2007).

While this diagram portrays the journeys that firearms might take from the licit to illicit market, it does so in a general sense. In real contexts, and depending upon the kinds of regulatory regimes in existence, those journeys might take very different forms while also representing some markedly different scales of illegal activity, ranging from large-scale trafficking to small-scale smuggling activities (so-called '*ant-trade*'). In addition, the use of new technologies, such as 3D printing and the various forms of electronic means of communication (Facebook, Viber, Skype, internet forum boards, darknet), play an increasing role in this type of emerging small-scale illicit trade.

The cases below illustrate through the story of an illicit broker on the one hand, and the journey of a weapon on the other, the variety of typologies and contexts involving illicit arms trafficking. Discussed later in the Module will be further details on large and small-scale illegal production, trafficking and delivery.

Case Scenario 1: The journey of a broker: Complex and large-scale arms trafficking from post-conflict countries intermingled with legal arms cargoes and other legal commodities

The following case study is largely based upon the report "Guns, Planes and Ships: Identification and Disruption of Clandestine Arms Transfers", by Griffiths and Wilkinson (2007). The clandestine broker at the centre of major weapons trafficking operations to Iraq, Liberia, Sudan, Burma, Libya and Somalia was Tomislav Damnjanovic, who gained his first experience in chartering and organizing sanctions busting flights into the former Republic of Yugoslavia as that country began to fall apart, becoming 'a smugglers paradise' in the 1990s. He chartered planes 'throughout Africa, the Middle East and Eastern Europe, supplying everything from humanitarian aid to hand grenades'. Damnjanovic learned to operate through a network of shell companies and sub-contractors and later began to link with the Italian mafia and organized criminal groups in Switzerland smuggling drugs and contraband cigarettes into Europe. Later, in 2004, having become manager of a Serbia based, but Russian owned, air freight company he began to diversify into arms trafficking, recognizing that he would be well-positioned to exploit the developing transport market, comprising both legal and illegal shipments, shifting the region's massive stocks of surplus AK-47s and ammunition that US, Israeli, Arab and German arms brokers had begun buying up to supply the new security forces in Iraq under Pentagon contracts. And even when weapon supply eventually reached saturation points in the conflict destinations, there remained still a continuing demand for ammunition. Damnjanovic organized dozens of Ilyushin cargo aircraft flights into and out of North Africa, exploiting the cover provided by his legitimate contract credentials, financial and security connections, carrying everything from expensive consumer goods and smuggled cigarettes to Kalashnikovs and missile launchers, often shipped under the guise of humanitarian aid. On one of these occasions, whilst flying legitimate cargoes of arms into Iraq, one of Damnjanovic's planes diverted to Oman to collect an unspecified cargo. The following day the same plane was observed by United Nations personnel at Mogadishu airport in Somalia where UN investigators reported that the plane was delivering a cargo of arms and ammunition to Islamic militia groups. Damnjanovic insisted that the plane landed to refuel but the Omani authorities disputed this claim. Suspicion had first fallen upon Damnjanovic's air freight business after one of his Ilyushin planes was intercepted in Spain with an illegal cargo of millions of contraband cigarettes destined for the European Union. Documents seized when the plane was raided pointed to other aspects of Damnjanovic's illegal trafficking operations.

According to Griffiths and Wilkinson (2007: ii), the case illustrates many features of illicit firearm trading. The first is that "*arms smuggling pays... if the smuggler is smart and careful and if he mixes legal arms deals with illegal ones*". According to these authors, "*arms smuggling pays better than narcotics over the long term because traffickers are less likely to get caught and their logistics networks can also transport legitimate goods at the same time. Drugs are more lucrative than guns in terms of shipment density versus value, but whilst dealing in heroin or cocaine is always against the law, this is not the case with small arms*". There is, they argue, "*no grand conspiracy, just persistent systems failure, lack of visibility or accountability and oversight*". The identification, disruption or seizure of illegal arms supplies are continuously frustrated by the failings of the international aircraft regulation system, ineffective rule of law, corruption, lack of political will and poor coordination between agencies. These are the most common loopholes and opportunities exploited by the illicit arms traffickers.

Work in the United Kingdom has identified a number of diverse sources of illegal firearms, including:

- Small scale smuggling activities (sometimes accompanying other contraband such as illegal drugs), conversion of blank-firing and alarm weapons;
- Reactivation of previously deactivated '*souvenir*' weapons;
- Theft of firearms from private premises;
- Battlefield trophies brought home by soldiers;
- Recycling of obsolete caliber firearm and antiques;
- Fraudulent transfers by registered firearm dealers, collectors and firearm enthusiasts;
- Internet sales of firearms and parts (perhaps facilitated by the darknet and 'fast parcel' delivery channels). See the E4J University Module Series on Cybercrime for more information on the darknet.

To illustrate the progression of a particular firearm type from the licit to illicit markets within a series of relatively highly regulated European firearm regimes, De Vries (2011) undertook what she described as a '*script*' analysis of the forward journey of a number of legally manufactured blank firing and alarm guns into criminal hands.

Case Scenario 2: Journey of a weapon: Small-scale smuggling combined with illicit conversion and a variety of other methods

The journey – or script – in question comprised a series of logistical steps or 'scenes' in which a variety of actors performed particular roles. The actors in question could include: arms manufacturers, arms dealers, initial criminal purchasers, transporters, converters, 'bulk' purchasers of the converted weapons, couriers and retail sellers and end purchasers and criminal users. In this particular case, a significant connection between the actors in the central part of the supply chain was a common minority ethnic background. The guns were initially sourced from Italian and Turkish manufacturers, transferred and converted to live firing in Portugal and sold to criminals and gangsters in the Netherlands, some eventually reaching the United Kingdom. Most of the weapons that were found in the Netherlands had been converted in small-scale conversion locations in Portugal. Investigations by the Dutch police led to the identification of several groups of migrants that were situated in the Netherlands and that are were involved in different scenes of the crime script of converted firearms. Their transnational relationships facilitated their criminal activities. The fact that the weapons that were converted in Portugal show up on the Dutch criminal market was explained, in part, by the transnational relationships that exist between Cape Verdeans living in Portugal and the Cape Verdean community in the Netherlands. Cape Verdean criminals have played an important role in this case of the smuggling of converted firearms into the Netherlands. (De Vries, 2011)

Case Scenario 3: Use of new technology: 3D printed weapons, Internet-enabled trafficking, use of postal services

Three-dimensional printed arms are an emerging source for illicit firearms supply. By 2013, the availability of 3D printing opened up a further opportunity for illicit firearm manufacture. At present, this option appears rather less practicable and scarcely economically viable as regards the production of a fully functioning firearm, but the advent of composite and inter-changeable firearm systems makes it more likely that firearm components might be 3D printed and circulated (Jenzen-Jones, 2015; Daly and Mann, 2018). Although the technology is still in its early stages, 3D printed firearms that are operational have been made and fired. Several questions remain in terms of the legality and regulations required to govern the production of this new type of firearm. Australia has introduced the first legislation on this subject in 2015 with the changes in section 51F of the 1966 Firearms Act, which foresees criminalization of the possession of a digital blueprint for the manufacture of a firearm on a 3D printer. The digital blueprint is defined as any type of digital reproduction of a technical drawing of the design of the firearm. The most progressive step is made through the definition of "possession of a digital blueprint", which foresees two hypotheses. First is the possession of a computer or data storage device, and holding or containing the blueprint or document in which the blueprint is recorded. Second is the control of the blueprint held in a computer in the possession of another person, regardless of the computer being in or outside Australian jurisdiction.

Methods of trafficking firearms are in continuous evolution and adapt very fast to law enforcement response, taking advantage among others of the new technologies including the Internet and other electronic means of communication. The use of the Internet, for example, has opened a new dimension in matching demand and supply. Moreover, its hidden side, also known as "*Dark Web or darknet*", opened opportunities for criminals to engage in illegal online trade of firearms and adopt crime as a service (CaaS) model as a key distribution channel (Europol, 2014). See also the E4J University Module Series on Cybercrime for additional information.

Crime-as-a-service model stands for the development of advanced tools by criminals, which are then offered up for sale. In the case of firearms, this entails the provision of guidelines on manufacturing of firearms through assembly of parts or through distribution of blueprints for printing 3D firearms. It also includes instructions on how to convert signal or gas pistols, as well as offering functioning firearms, components and ammunition. This model has a powerful effect on firearms trafficking because it lowers the bar for inexperienced actors to gain access to information on manufacturing firearms and illicit firearms. This is important in determining the profile of the suspects since this distribution channel allows easier access to illicit firearms for persons with no criminal past as well as persons engaged in poly-criminality. The online trade takes place at specific marketplaces where there is a regional focus with the emergence of language specific platforms.

The illegal trade of firearms has also used the darknet. Initial discussions on the methods for purchasing and selling firearms, parts, components, and ammunition, along with the size, scope and value of the illegal trade, the main shipping routes and most common shipping techniques, as well as the implication of this activity for law enforcement agencies have been subjects of intensive debate (Paoli *et al.*, 2017; Paoli, 2018). Compared to other forms of firearms trafficking, the scale of trafficking through the darknet, in volume and value, is rather limited (Paoli, 2018). This illegal trade presents a challenge and has impact on firearms trafficking linked more to the broader criminal context where individuals illegally obtain small number of firearms. Due to the requirements for specific infrastructure and services, which provide the background for this type of trade, it will not have impact

on firearms trafficking in the context of armed conflicts (Paoli, 2018). Nevertheless, this threat needs addressing at a political level and respective organizational, capacity building and technical measures need to be undertaken. This includes building this type of trafficking into national strategies, designating law enforcement units for its monitoring, and equipping them with relevant knowledge and equipment.

Criminals also use less sophisticated means for illicit trade online that do not necessitate venturing into various marketplaces in the "*Dark Web*". Facebook profiles, or Internet forums, can offer illicit firearms, and merchandise be delivered to buyers through postal services. In 2018, the Security Service of Ukraine finalized the investigation against an organized criminal group, which had specialized in procuring illegal firearms and their parts, and deactivated firearms, from the United States and the European Union. Delivery took place in parts through courier companies to Ukraine, with subsequent re-assembly or re-activation, and sales offered via specialized online forums (SBU, 2018). The operation resulted in the seizure of three machine guns, three automatic rifles, two rifles and thirty pistols. This case once again highlights the use of the darknet and other online venues mainly for negotiating the terms of the illegal trade, and sometimes for transfer of funds. However, the offence of illicit trafficking is committed through the unauthorized cross-border transfer of the firearms. All activities prior to the physical transfer across the State lines might be qualified, subject to the collected evidence, as an attempt to aid and abet firearms trafficking if domestic criminal law defines such actions as an offence. The detection and interdiction of firearms trafficked through online channels requires the monitoring of both online activities and postal deliveries.

Actors

There are some obvious differences between the actors in the legal and illicit markets for firearms. National and international laws govern the legal trade and its actors operate in compliance. Actors are identifiable and accountable for their actions and strive to maintain their reputation and integrity to ensure continuous expansion of their profits. They include:

- Authorized manufacturers who produce the types and number of arms specified under a valid licence;
- Transfer authorities who oversee the movement of these arms;
- Importers, exporters and transit countries who abide by clear rules that link the respective processes to one another in order to prevent and reduce the risk of diversion;
- Authorized dealers who sell the items to authorized persons or entities;
- Final end users who have purchased the firearms for a lawful and legitimate purpose in full respect of the normative requirements.

At any of these points along the transfer chain, a firearm can exit the legal circuit and enter an illegal one, sometimes with the support of the legal actors.

Actors in the illicit market are driven by the same focus on profits while circumventing the existing control regimes. As Clegg and Crowley (22001: 2) argue, "*Arms traders supplying illegitimate customers usually exploit loopholes or weaknesses in their national arms control systems and in those of third countries. Countries with weak export and import controls may be targeted, and vague definitions, poor licensing procedures, corruption, and a lack of capacity to enforce customs controls*

provide arms brokering and transportation agents with an opportunity to move arms along clandestine supply routes."

Licensed firearms dealers in various parts of the world also play a significant role in fostering illicit trafficking. The National Ballistics Intelligence Service reported a series of cases in the United Kingdom during early 2018, which involved registered firearms dealers converting and re-engineering obsolete and antique firearms and then manufacturing bespoke ammunition calibers for them. These were then sold on to criminal groups (NABIS, 2018).

One of the most prevalent methods of trafficking illicit weapons is to use a "*straw purchaser*"; that is someone eligible to purchase for someone who is not, a process in many countries against the law. It is, for example, a major cause of weapons trafficking from the United States with US residents with no criminal records relatively freely purchasing firearms legally, but them ending up in the hands of drug cartels in Mexico. Some 80% of illegal firearms recovered in Mexico and successfully submitted for tracing had originated from legal sales in the USA (Schroeder, 2013).

In some countries organized criminal groups (OCGs) engage in trafficking firearms among other illicit activities, including trafficking in human beings or drugs (for further information on the links, see the E4J University Modules Series on Organized Crime, particularly Modules 3 and 16). Arms trafficked for self-use increase their power and strength, or are used in exchange for other commodities, such as drugs. Arms trafficking may be a side product of other principal activities, taking advantage of the already existing channels and routes. Strazzari and Zampagni provide an excellent overview of the situation in Italy in this respect, describing the modus operandi of the organized criminal groups, their interactions with foreign criminal organizations and main use of illicit firearms (Duquet, 2018).

Transport companies, whether wittingly or unwittingly, are also major players in the illicit market, with supply by air to illicit end users and destinations often involving the violation of civil aviation rules (Small Arms Survey, 2010). This leads us now to consider the particular forms of illegal firearm delivery.

Types of clandestine delivery

While small scale trafficking occurs through various concealment strategies, the options for delivering large scale transfers can be limited to relatively few choices. In addition to methods referred to already, the study by Griffiths and Wilkinson (2007) identifies three types of large-scale clandestine delivery:

- Post-Delivery Onward Diversion (PDOD): "*The key assumption on which PDOD is based relates to the level of resources afforded by national arms export licensing control regimes to end use verification procedures. The most important factor in the risk analysis is that the network is using a genuine end user certificate and acting on behalf of individuals within the certified end user state bureaucracy*."

- Point of Departure Diversion: Point of departure diversion operates using fake or abused end user certification. The small arms and light weapons (SALW) are never delivered to the ostensible end user submitted as part of the export license documentation.

- Circumvention and Concealment: "*Circumvention and concealment methods are popular in the so-called 'ant trade' – small scale cross-border smuggling – usually involving groups of*

traffickers. Military weapons stolen from stocks and in unregulated circulation are the largest single source of arms transferred via circumvention or concealment."

Larger scale firearms trafficking activities

Large-scale trafficking involves different scenarios and situations. The examples below illustrate some of the most common cases that involve large-scale trafficking and point to some of its characteristics, such as the complexity of its modus operandi and the global nature of its illicit trade.

Illicit arms traffickers are organized to move large-scale shipments of arms, measured in hundreds of tons or more, passing through numerous national law enforcement agencies. Large-scale trafficking is often associated with supplies to groups involved in armed conflicts (State and non-State actors, rebel and insurgent groups *inter alia*) or shipments to embargoed and banned destinations (UNODC, 2015). It is intuitive, given the size and their military-like structure of many of these armed groups, that they require not only higher quantities but also a certain degree of standardization of their military arsenals, unlike common and organized crime groups.

Upscale instances of firearm trafficking often involve illegal brokers and dealers, and at times covert government agencies dealing in high volume firearm transfers. For example, in the mid-1980s the United States supplied small arms and other light weapons to insurgent and rebel groups in Angola, and to the Contras in Nicaragua (Stohl and Tuttle, 2008). The Soviet occupation of Afghanistan, in the 1980s, saw a wide variety of weapons covertly supplied to the Mujahedeen. Even following the scandal involving Colonel Oliver North and the Iran-Contra affair, and the media exposure of the scale of the misappropriation of government funds devoted to weapons smuggling, the Central Intelligence Agency persisted with a covert weapons supply pipeline to Nicaragua, shielded by a network of front companies (Klare and Anderson, 1996).

Case Scenario 4: Otterloo Case

Diversion of regular arms shipments are often also the result of corrupt practices, illicit brokering and loose controls. A notorious example of this type of trafficking is the so-called "Otterloo case" (named after the ship that transported the weapons), of 1999, where approximately 3000 AK47s and 2.5 million rounds of ammunition were diverted from the Nicaraguan National Police to the Colombian Autodefensas Unidas de Colombia (AUC), a paramilitary terrorist organization in Colombia. The original, legitimate, transaction was to be a trade between the Nicaraguan National Police and a private Guatemalan arms dealership, Grupo de Representaciones Internationales (GIR S.A.), which had offered the police a quantity of new Israeli manufactured pistols and mini-uzis in return for five thousand surplus AK47s and 2.5 million rounds of ammunition. The arms were loaded in Nicaragua on board of a ship called "Otterloo" intended for Panama and from there to the buyer, a private company in Guatemala. Instead, the ship sailed directly to the port of Turbo, Colombia, from where the arms were loaded on 23 trucks and on their way intercepted and delivered to the AUC. The captain of the ship disappeared shortly thereafter, and the maritime company was dissolved several months later. The Otterloo was sold to a Colombian citizen. An investigation conducted upon the request of the Colombian Government by the Organization of American States (OAS) found that the diversion was made possible by negligent actions on the part of various government officials and private companies, and the willful and criminal actions of several private arms merchants (OAS, 2003).

The case and the subsequent international investigations revealed legislative gaps and the importance of more effective controls over brokers and brokering activities. It led eventually to the adoption by the OAS Member States of supplementary model regulation on brokers and brokering activities to prevent diversion and counter illicit trafficking more effectively.

Falsified documentation, corruption and the facilitative role of illicit brokers remain at the heart of many large-scale trafficking cases. In the so-called "*Montesinos case*", 2000 from 10,000 Kalashnikov rifles that the Jordanian Government had sold to the Peruvian Government were parachuted into the Colombian jungle into the hands of Colombian Guerrilla Fuerzas Armadas Revolucionarias de Colombia (FARC). Although the sale was apparently legitimate on the Jordan side, the Government of Peru had provided falsified documents because the weapons were exchanged for cocaine with the FARC. In 2006, Vladimiro Montesinos, the top intelligence advisor of Alberto Fujimori, President of Peru, at that time received a sentence of 20 years in prison after being found guilty of designing and executing the operation (El Pais, 2006).

Large-scale trafficking of weapons from former government stocks: Post-Soviet and Post-Yugoslav arms trafficking

The role of Ukraine as an '*epicenter of post-Soviet arms trafficking*' is highlighted in Overton's (2015) compelling analysis of firearm trafficking. A commission of Inquiry in 1992 had concluded that the nation's military stocks worth some $89 billion were six years later missing $32 billion. These stocks had been stolen, misappropriated and resold to terrorists, warlords, insurgency groups and organized criminals such as the Revolutionary United Front in Sierra Leone, FARC forces in Columbia and Charles Taylor's army in Liberia. Weapons consignments trafficked comprised millions of rounds of ammunition and thousands of AKM-type assault rifles (Overton, 2015: 253).

The ending of the Cold War and the collapse of the Soviet Union created opportunities for criminal entrepreneurs with governmental and military connections to involve themselves in large-scale shipments of illegal firearms. However, now "*new realities had created a different kind of smuggler*", sometimes unofficially sanctioned by governments but also able to take advantage of global free trade, fluid money, mobile phones, the Internet and a range of covert and flexible business practices (UNODC, 2010: 14; Overton, 2015: 253).

The aforementioned case scenario of weapons trafficking from Eastern Europe is illustrative of how a post-conflict region, like the Balkans, became the centre of major weapon trafficking operations to Iraq, Liberia, Sudan, Burma, Libya and Somalia, facilitated and engineered by international brokers like Tomislav Damnjanovic (Griffiths and Wilkinson, 2007). It also shows how legal and illicit activities, including arms transfers, were intermingled, and the levels of complexity that this type of large-scale trafficking incidence could reach.

Large-scale trafficking into Africa

The events following the collapse of the Qadhafi's regime in Libya in 2011 are also emblematic of the destabilizing consequences that the loss of control over the government stocks has had on larger regions in Africa. Large amounts of weapons stolen from government stocks were for years trafficked in Saharan countries, where they ended up in the hands of terrorist and criminal groups as well as

other non-state actors, unleashing a series of events leading to terrorist attacks and political/military crisis in several neighboring countries, such as Mali, Niger and Burkina Faso. The fieldwork conducted by the Conflict Armament Research in 2015 provided evidence on proliferation of weapons from Libya, which reached Mali, Chad, Niger and Syria, and were used in the 2012 Tuareg insurgencies in Mali, and allowed various groups at the beginning of the civil war in Syria to increase their firepower (CAR, 2016).

Legal transfers and illegal re-export: Large-scale trafficking linked to arms embargo violations

Lebrun and Leff (2013) investigated the supply of weapons and ammunition in Sudan and South Sudan for the Small Arms Survey (2013), concluding that the region contained some 2.7 million small arms and light weapons. From mid-2004, following the 2nd Sudanese civil war (1983-2005), the region became subject to a UN arms embargo, although '*all sides in the conflict continued to gain access to military resources*' and the embargo has been violated '*openly, consistently and without consequence*'. According to official customs data, weapons produced in China and Iran and legally imported into Sudan appear to predominate in the region (although this will not account for the totality of weapons shipments), indicating that some 58% of weapons and ammunition transfers to Sudan originated in China.

Although such weapons transfers were made initially to the Sudanese authorities and subject to end-user certification guarantees, over two thirds of the weapons in the region are now in the possession of non-State actors (militia groups, insurgencies, tribal forces and rebel paramilitaries) because of retransfers: direct supply to non-State armed groups, battlefield capture, and supply to civilians by non-State groups. LeBrun and Leff (2013) conclude that such weapons continue to fuel insurgencies and inter-communal violence in the region. This is a clear example of legal transfers followed by illegal re-export to third countries, or re-transfer to other end users, especially countries facing conflict situations. These transfers are contrary to the aims of the Arms Trade Treaty, which strives to establish criteria that ensure no arms transfers are made to countries in such situations where there is a high associated risk of retransfers and diversion into armed groups, insurgents and rebels likely to result in serious human rights violations.

Role of end use certification

SIPRI produced another study of end user certification procedures in 2010 (Bromley and Griffiths, 2010). The study found examples of forged, fabricated or otherwise altered End-User Certificates issued for weapons transfers involving Equatorial Guinea, Chad and Tanzania. The same study found examples of certificates, which have since 1945, ensured a great deal of discretion and limited documentary oversight to British arms dealers thought to be operating '*on behalf of*' the government. Between 2003 and 2005 a series of falsified EUCs allowed the export of 200,000 AK47 assault rifles from Eastern European States. As the Small Arms Survey (2002) has noted, firearm supplies must be seen as an '*independent variable*' in conflict zones, or '*situational facilitators*' of a range of forms of violence, spanning from domestic abuse, gang-related and misogynistic violence, all the way to terrorism and civil war (Squires, 2014: 230).

Smaller scale trafficking activities

While large-scale trafficking cases relate to armed conflict situations, the clear majority of intentional deaths through firearms occur in non-conflict settings from criminal activities (Global Burden of Violence, 2015). According to criminological research conducted by UNODC (2015), an important source of illicit trafficking in firearms occurs on a small scale and involves unsophisticated methods, such as a few handguns being smuggled across a border often by car or in buses, with a low number of actors involved.

One good example of this small-scale traffic is the '*ant*' trade from the United States to Mexico, where thousands of weapons are trafficked daily across the US-Mexican border through the ant trade modality. Although mostly carried out by individuals who traffic smaller amounts mostly in cars and buses, most of the arms end up in the hands of organized crime groups and drug trafficking cartels on the other side of the border. In fact, according to several studies, most of the guns recovered and identified from Mexican crime scenes are traceable to gun dealers in the United States (Chappell, 2016; Salcedo-Albarán and Santos, 2017).

This situation is, on the one hand, the result of powerful drug trafficking cartels operating in Mexico being in charge of purchasing drugs from the major drug producing countries in the Southern hemisphere, and their onward trafficking and distribution in the streets of the United States. On the other, it results from the disparity in firearms control regimes between these two neighboring countries. In Mexico, for example, the Army is the only legal and authorized gun seller. Criminals and unauthorized persons have to manufacture firearms, purchase them illegally on the black market, or traffic them directly from the United States. In contrast, in 2015, the United States accounted for about 8,827 licensed gun dealers, and this was only in the southern states of Arizona, Texas, New Mexico and California (Garrett, 2015; Salcedo-Albarán and Santos, 2017).

Similar patterns of firearms trafficking in small numbers are evident in the Western Balkan countries. Data from several court cases reveal the modus operandi of local traffickers being the use of vehicles with purposely-designed concealed compartments for moving a number of firearms across the border without authorization. For example, in the period of August-November 2017, one citizen of Bosnia and Herzegovina (BiH) travelled three times to Italy using two different vehicles, and delivered four automatic rifles to Napoli (Case No. S12K02516817Ko, 2017). Similarly, in a joint operation between Serbian authorities and law enforcement agencies from BiH, a citizen of BiH was arrested in Serbia on 11th April 2010 in possession of two "*Uzi*" automatic rifles found in his car (Case No. S12K00383510Ko, 2010). In both cases, the purpose of the traffickers was to obtain material gains from their activities by selling illegal firearms to members of the criminal world.

Liberal firearms control regimes governing the civilian ownership, possession and sale of firearms on one side, and stiff and restrictive, although not well enforced, firearms control regimes on the other side, can contribute to the illicit demand and supply for these weapons.

Sources of illicit firearms

Illicit firearms can come from many sources and determine in part the size of the illicit traffic. The sections below summarize the key sources of illicit supply.

Most types of illicit sources form three major categories:

- Illicit manufacturing
- Theft or diversion
- Conversion, recycling and reactivation of firearms

Illicit manufacturing

The United Nations Firearms Protocol considers firearms illicit when manufactured without a licence or authorization from a competent authority of the State, or in the case of manufacture or assembly without a marking compliant with the Protocol requirements. Firearms manufactured from illicitly trafficked parts and components are also illicit and subject to criminal sanction.

Most firearms today begin their life cycle as legal products but illicit manufacture occurs in several ways.

Prior to the advent of large-scale factory production, small-scale craft workshops produced all firearms. That artisan form of manufacture persists today in some parts of the world. Blacksmiths in West Africa, for example, produce a range of small arms including pistols and shotguns (Vines, 2005: 352–53). Artisan firearm manufacture is well- developed in Ghana, and Pakistan produces a wide range of inexpensive, artisan-crafted small arms, including revolvers and shotguns (Small arms Survey, 2011). Most of these productions are not fully recognized, nor authorized, by national authorities, and although they violate national law as well as regional and international instruments to which the country has committed, are tolerated until a more comprehensive regulatory framework is applied, as the case of Ghana exemplifies.

Amateurs working at home or in sophisticated workshops may copy and fabricate original firearm designs. According to the Firearm Blog (2014: 1), "*Illicitly 'homemade' submachine guns feature very prominently in firearms seizures by police across South America, Brazil in particular. These weapons vary in their level of sophistication though a large number appear to be semi-professionally produced. In a recent study of over 14,488 firearms seized between 2011 and 2012 in Sao Paulo alone, 48% of submachine guns analyzed were reportedly homemade.*"

Clandestine factories are not a prerogative of particular countries and regions only. By way of example, Salcedo-Albarán and Santos (2017) report two cases of illegal homemade gun factories detected and dismantled in Australia and in the Philippines. According to local media reports, the Australian home factory was producing mainly .22 rifle replicas, whereas the one detected in Pampanga, Philippines suspected of illegal fabrication of homemade caliber .22 pen guns.

Firearms are illicit when made without production licences, or produced surplus to licence agreements and without appropriate authorization from competent state authorities. The same applies to firearms produced without identification or, in rare cases, with the same identification markings that facilitate tracing.

Unlike artisan production and the copying of design weapons, a third form of illicit manufacturing is through rudimentary forms of production. Criminals often produce these firearms when they cannot access others; instead, they use components not originally designed as part of a firearm, but have been adapted for this purpose.

With the advent of 3D printing, illegal software produced individual 3D printed firearms that looked rather unlike weapons on the legal market (Daly and Mann, 2018). Their purpose was to fire a bullet or two at close range, either for self-defence, or criminal activity where a great deal of firepower was not required. More recently, police raided a '*gun factory*' comprising 3D printers in Queensland, Australia. Four "*Uzi-style*" submachine guns, three silencers and two handguns were seized (Crockford, 2016).

Finally is the instance of factory-produced illicit copies of existing designs. During the Balkans War, machine shops in Croatia manufactured an Uzi machine pistol variant to meet domestic demand. In 2003, a consignment of 30 such weapons found concealed in a cargo lorry was intercepted at the port of Dover (Bazargan, 2003).

Firearms theft and diversion

'*Diversion*' is the term used for the movement – physical, administrative or otherwise – of a firearm from the legal to the illicit realm (MOSAIC, 2014). Diversion can occur at all points of the life cycle of a firearm, posing various challenges for arms control.

One documented phenomenon is '*stockpile diversion'*, either from civilian or national (i.e. government) stockpiles. Another is the diversion of firearms during shipment from one location to another, for example, when forged documentation facilitates the arms transfer to a destination not authorized by the exporting government. It is also widely recognized that the pilfering of weapons stored in a depot can lead to diversion. Illicit brokers or dealers who arrange the necessary elements of an illicit shipment facilitate illicit cross border firearms trafficking and diversion. Legally owned firearms may lose that status if the owner loses their licence or fails to keep them registered.

Figure 4.2 below illustrates the diverse types of stockpiles and their affiliated types of diversion:

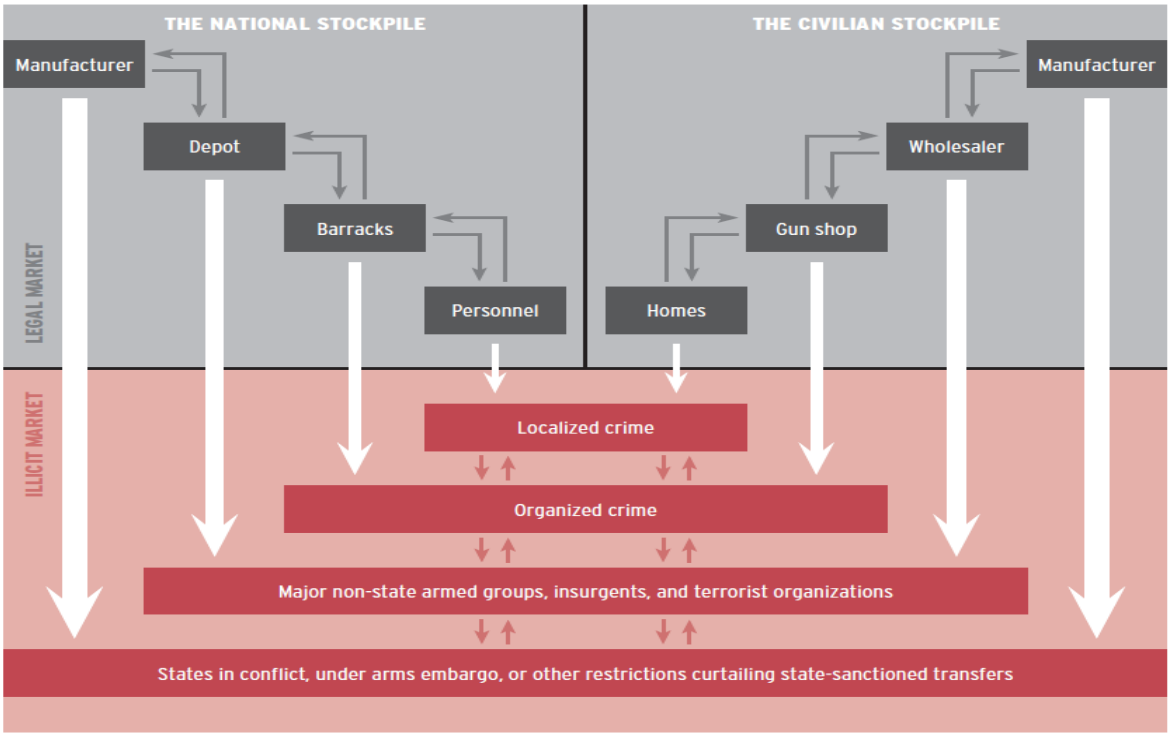

Figure 4.2 Examples of stockpile diversion of firearms (Bevan 2008)

Diversion, thefts or losses from legal manufacturers

Illicit arms can be manufactured in legitimate factories but fraudulently diverted or stolen from factory stores, State held storage facilities, military facilities or private households. In the most basic instance, an employee might, for example, steal a pistol after not marking it and sell it on the black market. Theft of weapon components and ammunition is also an issue.

Dissemination of military stockpiles

The end of the Cold War saw significant downsizing of the military forces of NATO and the former Warsaw Pact, releasing large quantities of surplus arms and ammunition on to the international market at bargain prices. A great deal of this weaponry ended up in areas of conflict (Greene, 1999; Carr, 2008). Many former Soviet weapons found buyers in the world's new conflict zones as States and criminal entrepreneurs discovered that former military weapon stocks were among their most saleable commodities. As Chivers (2010) has suggested with no little irony, it took the global triumph of neo-liberalism to make a global commodity of communism's best gun. As Holtom (2007) comments, '*in the post-Soviet era, commercial considerations replaced ideological factors, with considerable decentralisation and lack of State control characterising SALW export policies during the early 1990s*'.

Leakage or looting from existing stocks

Theft and fraud from points of production, stockpiles or military installations, or police sources, can contribute to illegal firearm supplies. Stockpile insecurity is a major global problem. Many countries lack the capacity to safeguard weapons owned by the State-military and domestic security forces. In times of military or political turmoil, State held stockpiles are particularly at risk of attack and looting

by rebel groups (e.g. Libya) (CAR, 2016). Globally, there is a major effort to secure these stockpiles and reduce the illicit firearm acquisition achieved via this method.

Loss of deployed weapons, battlefield acquisition, and military souvenirs

Concern about soldiers returning home with battlefield souvenirs surfaced in the United Kingdom following the first and second Gulf Wars (Owen, 2013), although this was by no means the first or only emergence of this issue. Victors and survivors in the wake of military encounters also frequently acquire weapons. Berman *et al*. (2017) likewise found several instances of UN peacekeepers allegedly selling, or having forcibly removed, their weapons by rebel forces following ambushes or confrontations. The research was reported in the following terms: '*UN-backed peacekeepers have lost enough guns and ammunition in sub-Saharan Africa over the past two decades to arm an army, according to a study by the Small Arms Survey*' (Berman *et al*., 2017; Reinl, 2017).

Theft from or loss by civilians

Civilian ownership represents the largest type of firearms holdings globally. There are many opportunities for terrorists and criminals to acquire weapons illicitly from civilians (including criminals, gang members, and private security companies). Outright theft from homes or vehicles, or through robberies, is one route. Owners lose their firearms and civilians illicitly sell their weapons in black market transactions. State regulations regarding civilian possession vary significantly and create opportunities to acquire firearms in a State with lax laws on possession, and illicitly traffic them to States with stricter laws, as shown earlier seen in respect of the United States, Mexico and Canada.

Firearms from private security companies

Firearms held by private security companies, where those companies exist and operate legally also fall under the category of civilian held arms. Thefts and losses of firearms from private security companies can be in larger amounts than from private households. These cases are also of great concern when there are inadequate national regulatory frameworks in place that properly control firearms and activities associated with them.

Theft or fraud from legal dealers or fraud by legal dealers

Firearms dealers have opportunities to fabricate licensing documentation ('*cloning*') and could use some discretion regarding the undertaking of checks on firearm purchasing eligibility. Their combined knowledge of firearms and their networks of contacts will also provide opportunities to acquire and sell unregistered weapons, ammunition and components.

Fake export arrangements

Module 3 on The Legal Firearms Market describes how firearms exports must be accompanied by a document declaring what is in the shipment and where it is going. The world is rife with cases where transfers of arms are mislabeled as other commodities, like "*machine parts*", and go to a country other than the one documented. Diffusion into the recipient State then occurs among those who misuse them in crime, terrorism or armed violence against other groups, or the State itself. Ideally, all legal shipments should correspond with an End User Certificate (EUC) signed by the exporting and importing States that specifies who will use the arms and that the firearms should not be re-exported without the permission of the exporting State. This does not happen always; many transfers become illicit on arms re-export to those who misuse them without the permission of the exporting State

(Bromley and Griffiths, 2010). Various ways in which EUCs are altered, amended or fabricated facilitate weapon re-export or '*diversion*', leading to firearm illegality.

Conversion, reactivation and recycling of firearms

Converted firearms

National firearms regulations typically restrict the types of firearms that civilians might legally own, but do not necessarily eliminate demand. Accordingly, prohibitions on handguns in particular have led some parties to devise new means of acquiring these or comparable firearms. One common method involves mechanically altering an accessible replica firearm to function in a similar way as a restricted firearm. This process is generally known as a firearms conversion and has been observed worldwide' (Small Arms Survey, 2015). According to the Small Arms Survey's (2015: 1) research, "*blank-firing handguns are the most commonly converted replicas worldwide, but many other types of replica firearms are also highly convertible*."

Conversion may be possible for many types of replica firearms, although certain models are more appealing because of their design, materials used in their construction, and the ease with which they might be converted. Ease of access to conventional firearms, legal restrictions, the cost of pistols, and the fact that replicas may be untraceable which especially appeals to criminals, all impact on demand for converted firearms (Squires, 2014). The conversion of non-lethal starter pistols into lethal weapons is very popular with criminals in Europe (see the online video at end of the module).

Globally, law-enforcement agencies frequently confiscate large numbers of replica firearms and often express concern about their possible conversion. Firearms conversion is a global practice, and in some places taking on the dimensions of a small-scale manufacturing process. While European nations most frequently report the problem, converted weapons appear in many countries, including most recently in several African countries. The South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), a UNDP SALW project in the Balkans, also reported on this problem in their paper Convertible Weapons in the Western Balkans (SEESAC, 2009). The conversion of weapons into fully functioning firearms is, strictly speaking, a form of illicit manufacturing, and subject to criminal sanction under the terms of the United Nations Firearms Protocol. This Protocol considers illicit all firearms manufactured without a valid authorization or licence issued by a competent authority, and/or without the required marking (Article 3(d) and Article 5 Firearms Protocol).

Reactivated firearms

Similar considerations apply in respect of weapon reactivation. There is a global market for '*iconic*' souvenir firearms, either fake replicas of original arms or deactivated weapons such as those, for example, employed in theatrical and cinematic productions. The law requires the deactivation of certain types of arms such as these.

To be considered deactivated, the United Nations Firearms Protocol requires that "*all essential parts of a deactivated firearm are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way*" (Article 9 Firearms Protocol). However, in practice countries have different deactivation criteria in

place, which can allow a firearms expert to reverse the process of deactivation. Depending upon the extent of the '*deactivation*' process to which such firearms have been subjected (different nations have more or less rigorous deactivation standards, but some individual countries may have older and newer deactivation specifications that differ) it may be possible for skilled persons to bring these weapons back into full working order.

The problem of illicitly reactivated weapons has become of particular concern in Europe. In recent years, high-profile terrorist attacks have been committed using reactivated weapons. One reason for this particular form of illicit trafficking in Europe seems to be the fact that in many European countries the legal access to other firearms is more difficult. Criminals have resorted to this modality because it has allowed them to operate below the radar, thanks to larger disparities between national deactivation criteria among European Union Member States. By way of example, forensic scientists examined a significant cache of reactivated weapons seized by Belgian police in the late 1990s (Migeot and De Kinder, 1999), while several workshops for bulk firearm reactivation have been unearthed in the United Kingdom. Police also uncovered a supply chain of reactivated Mac-10 sub-machine guns arming the criminal underworlds of Dublin, Manchester, Glasgow and London (Walsh, 1999). Traced to a rented workshop in Hove, East Sussex, a police raid found 40 deactivated Mac-10s and the tools and components to restore them to full working order, subsequently linking them to numerous shootings and crime scenes around the country. In their deactivated form, the weapons would cost around £100 each but could command a price ten times that when reactivated.

In 2016, evidence emerged that police in Kent seized a consignment of 22 AK model reactivated assault rifles and nine '*Skorpion*' machine pistols, the largest haul of illegal firearms intercepted in the United Kingdom. The same Slovakian firearms dealer supplied the weapons as used by terrorists in the '*Charlie Hebdo*' Paris shootings of January 2015. The Slovakian firm sold so-called deactivated '*acoustic expansion weapons*' as souvenirs, although the deactivation process could be easily reversed by the removal of pins inserted into the weapon barrels (Laville, 2016).

Antique firearms

Antique firearms might be re-engineered to fire contemporary ammunition, and bespoke ammunition manufactured to fit obsolete caliber weapons. Cutting down stolen long guns, rifles and shotguns make them more easily portable and concealable by offenders.

Recycling and reselling discarded or surplus weapons

The collection and destruction of surplus firearms and SALW has been part of the global effort to lower the harmful effects of illicit and indiscriminate firearm supply since the mid-1990s. These weapons become illicit in several ways. Some of them take a long time to destroy and can be put in the same stockpiles that criminals and terrorists may steal from. Some countries may have very loose restrictions on the acquisition of surplus SALW and firearms, while others may re-sell surplus or accumulated weapons for the purposes of raising revenue. Despite States paying more attention to the disposition of surplus weapons, many from previous conflicts remain in circulation for long periods, for example through servicing, repair and recycling by illegal armorers, or spare parts purchased on the Internet.

Consequences of illicit markets: producing, prolonging and exacerbating conflict and aggravating levels of crime and violence

According to Greene and Marsh (2012b: 250), small arms and light weapons including firearms represent "*significant independent variables in processes of armed violence, conflict, security or development*." They argue: "*variations in the characteristics, availability and flows of arms can significantly affect the wider risks, dynamics, extent, and lethality of armed violence, conflict, insecurity and obstacles to development.*" Drawing together the otherwise seemingly distinct academic studies of conflict and crime, "*the ready availability of handguns or automatic weapons can qualitatively affect the lethality, scale or implications of violence, with enduring consequences*."

According to Boutwell and Klare (1999) in their collection of essays on the international trade in light weapons, "*the widespread global diffusion of assault rifles, machine guns, mortars, rocket-propelled grenades, and other light weapons ... easily carried by an individual or transported by a light vehicle has greatly intensified the scale of conflict in countries and societies around the world*." In the 1990s alone, such weapons accounted for the clear majority of four million deaths in forty-nine major ethnic and sectarian conflicts, which ranged from Bosnia and Herzegovina to Zaire, Rwanda to Afghanistan, and Tajikistan to Somalia (Boutwell and Klare, 1999). The same year, Laurance (1999: 185-6) went even further. They argued that a net increase in the global supply of small arms was *directly* responsible for the perpetuation of conflicts '*carried out by criminals, terrorists, and irregular militia and armed bands*", representing a global security threat and thereby making the case for more coordinated international action to tackle the indiscriminate supply of small arms. Amongst several particular concerns identified was the diffusion of military specification weapons into civilian possession. "*In the end,*" he noted, "*people kill people, but when modern military weapons are used, the lethality escalates to inhumane levels.*" (Laurance, 1999: 193).

The availability of firearms/small arms and light weapons has been acknowledged as an aggravating factor in crime, in particular organized crime and terrorism, as several of the previous examples have also highlighted. It has been elevated as a source of concern also within the UN Security Council, in Resolution 2370/2017, highlighting, for example, the urge to prevent terrorists from acquiring weapons.

There are important distinctions of scale and organization within the weapons trafficking arena. Larger scale transfers are often cloaked by the involvement of layers of brokerage companies and networks of contractors and sub-contractors. Griffiths and Wilkinson (2007), in their report on Clandestine Arms Transfers for SEESAC, point out that relatively few illegal weapon shipments have been detected or intercepted in transit, an issue often attributable to a combination of '*inefficiency, lack of resources and high-level complicity and corruption*'.

The systematic analysis and detection of clandestine arms shipments, they claim, remains '*in its infancy*'. Professional firearms dealers often operate on the periphery of financial and legal accountability, utilizing a range of covert connections, under-regulated offshore banking systems, and contacts with military and governmental personnel to evade proper scrutiny (perhaps underpinned by bribes and other inducements to regulators). Intermediaries are also critical for the operation of the illicit market since their independent status is very useful for diversion of shipments. The SEESAC's

study notes that brokers and transporters involved in clandestine markets tend to work on a '*just-in-time*' principle, which minimizes the risk of detection whilst maximizing gain through a network of trusted suppliers and reliable carriers (Griffiths and Wilkinson, 2007). The expansion of global trade, the Internet, changing international business practices and, not least, the recent growth of private military companies, consultants and trainers providing and delivering military services and supplies, have further complicated these complex and often opaque international markets.

Bourne (2007: 131) has described many end-user certification processes as simple '*veils of legality*' designed to conceal covert military aid, or by-pass trade embargoes. Problems with End-User Certificates (EUC) can fall into a number of types. EUCs can be forged; original documents can be altered and re-used; misleading or incomplete information can be provided on them; weapons can be diverted in transit to putative '*end users*' and the '*end user*' described in the documentation can fail to comply with the agreements and re-sell the weapons to a further party. Another weakness is the failure by export country authorities to verify that weapons reach their intended recipients.

The above-described situation has certainly improved a lot over the past two decades. Global awareness and efforts to prevent and counter the illicit trafficking in firearms/small arms and light weapons have increased, and new global instruments, such as the United Nations Firearms Protocol and the Arms Trade Treaty amongst others (see Module 5 on International Legal Framework), have emerged and entered into force.

Today, large-scale trafficking is less frequent, or less visible than in the late 1990s, due to a number of factors, including the appearance of new trafficking modalities and trends, based on the use of new and modern technology. Examples include the Internet/darknet, modern service delivery methods, and a certain '*democratization*' of the trafficking activities, which can be carried out by single or smaller groups, making detection and interception very difficult.

This reduction of once larger trafficking networks into smaller, more agile and flexible structures is, in fact, common to many forms of organized crime, as can be observed, for example, in relation to the illicit drug trade. However, whether through sporadic large quantities, or frequent but constant flows, the consequences and impact of illicit firearms trafficking on security and development seem not to change.

Several conclusions follow sequentially from the preceding discussions. First, the arms trade and marketized weapon supply are major contributors to the globalization of crime and corruption (for more information, see the E4J University Module Series on Anti-Corruption). Second, illicit arms deals and firearm proliferation both serve to undermine effective and accountable governance, simultaneously narrowing conceptions of the role of government while increasing global insecurity itself (Greene and Marsh, 2012a). Third, increasing global insecurity works to generate further demands for firearms. Fourth, the proliferation of firearms stimulates conflict and violence, which further weakens social, economic and political securities, and fifth, when social, economic and political security, that is, family and community structures and governance capacity, are weakened, young men often appear at the greatest risks of marginalization and most subject to the pull of gangs and weaponization. These are the ones most likely to be drawn, conscripted or coerced into embracing the norms of the gun culture (Squires, 2014: 243).

Conclusion

The illicit market is very complex. There is a multitude of sources of illicit weapons and a wide variety of types of demand for them. There are many methods used for firearms trafficking by the range of actors involved in the market. As Duquet and Goris (2018: 9) acknowledge in their important pan-European analysis of Firearm acquisition by terrorists:

> *Our knowledge of the illicit market for firearms very much resembles the Udana parable of the blind men and the elephant: a group of blind men who have never encountered an elephant is asked to describe it based on their palpating of only one part of the creature. Based on this partial impression, they each describe an entirely different phenomenon (a thick snake, a tree trunk, a bumped wall, a fan). None can grasp the entire and true nature of the thing they are confronted with. Moreover, each one of them assumes his (partial) interpretation of reality to be the whole truth*.

By revealing and discussing the many and varied types of illicit firearm markets, the scene was set to begin learning about how national governments and the international community are responding to stem the illicit acquisition and trafficking of illicit firearms.

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Exercises and case studies

This section contains material meant to support lecturers and provide ideas for interactive discussions and case-based analysis of the topic under consideration. It draws together the various class activities designed to encourage dialogue and participation by students.

Exercise 1

Consider the ways in which influences such as fear, patriotism, insecurity, conflict mentality, masculinity, '*respect*' and gun culture might influence the demand for firearms. Refer to examples of each.

Exercise 2

Given the various ways and means, described by Spapens (2007), by which firearms might move from '*legality*' to '*illegality*', how can law enforcement improve detection of diversion activity and identify diverted firearms, their parts, components, and ammunition? What measures might improve the existing regulations on acquisition, possession, transfer, de-activation and destruction of firearms? What kind of cooperation and assistance can prevent and address the movement of firearms from the legal to the illicit market? Describe two or three examples with which you are familiar taking into account the definitions and provisions of the United Nations Firearms Protocol and the Arms Trade Treaty.

Exercise 3

Consider the available evidence regarding the extent to which illegal firearm supply can be, as several writers suggest, a '*significant independent variable*' as regards the production, prolongation, scale and lethality of armed violence. Suggest contexts in which this may have occurred or may still be occurring.

Considering the case examples provided in the Module, and undertaking also additional research, what can you say about the links between illicit firearms and terrorism or organized crime? Can you think of other cases or countries/regions in addition to the ones referred to in the Module where this nexus is of particular concern?

Exercise 4

Having reviewed various dimensions of illicit firearms markets, we may now be in a far better position than Duquet and Goris's '*blind men describing an elephant*'. So what conclusions might we draw about the most potentially useful and effective forms of intervention, regulation and law enforcement to control illicit firearms?

Case study 1: Gang jailed for the illicit manufacture and supply of reactivated firearms

During a traffic stop of a minicab in Britain, police officers seized a reactivated 9mm self-loading pistol from inside the vehicle. Both the driver and his male passenger were arrested for possession of a firearm. A police investigation revealed that the two men were involved in a criminal network that was buying old firearms for the purposes of illegally reactivating them at a local workshop. The workshop owner was later arrested after it was found the group was using his skills from the Polish army to reactivate guns. The police also later discovered the involvement of a serving prisoner, who

was using an illicit phone to source deactivated firearms, and sell the reactivated weapons to members of his criminal network. The girlfriend of the prisoner was responsible for delivering the deactivated weapons to the workshop, while another prisoner assisted in organizing the sales.

Sentencing, the judge said: "*The conspiracy was, in fact, a simple one. It involved the acquisition of de-activated and therefore legal firearms and reactivating them. The reactivated firearms were test fired. The test firings were filmed, and those films must have been intended for promotional use. The firearms were then sold on into the criminal world*." The group sourced more than 40 firearms, including an AK-47 style assault rifle, over a six-month period from January to June 2015. In 2016, the criminals received sentences totaling 46 years in jail for the manufacture and supply of reactivated firearms. The police recovered only eight of the reactivated firearms linked to the gang to date, with investigations ongoing to trace the remaining weapons.

Case study 2: In Mexico, Tens Of Thousands Of Illegal Guns Come From The U.S.

From 2009 to 2014, more than 73,000 guns seized in Mexico were traced to the United States, according to a new update on the effort to fight weapons trafficking along the US-Mexico border. The figure, based on data from the Bureau of Alcohol, Tobacco, Firearms and Explosives, represents about 70 per cent of the 104,850 firearms seized by Mexican authorities and submitted to US authorities for tracing.

The data was analysed by the Government Accountability Office (GAO), which notes in its report that US police agencies have acknowledged firearms smuggling is fueling violent crime in Mexico.

"*Most of the firearms seized in Mexico that were traced and found to be of U.S. origin from 2009 to 2014 came from U.S. Southwest border states,*" the GAO report says. "*While guns seized in Mexico of U.S. origin were traced to all of the 50 States, most came from Texas, California, and Arizona*." According to the GAO, many of those guns bought legally in the United States were then smuggled over the border.

National Public Radio's John Burnett reports for our Newscast unit that "*about half were long guns, such as the high-caliber AR-15, preferred by cartel gunmen*" and "*Mexican drug traffickers continue to rely on straw purchasers who legally buy the weapons in the U.S., then transfer them to criminal gangs*." The GAO report paints a picture of the challenges officials face as they try to stop the flow of weapons from the United States into Mexico, where laws strictly limit the availability of guns to the public.

In another example, the report says the Bureau of Alcohol, Tobacco, Firearms and Explosives has been able to trace the original purchasers of less than half of the 73,684 guns seized and submitted for tracing. The GAO says the agency could not figure out who bought 53 per cent of the guns at retail "*because of factors such as incomplete identifying data on trace request forms, altered serial numbers, no response from the federal firearm licensee to ATF's request for trace information, or incomplete or never received out-of-business licensee records*." Citing data from US Immigration and Customs Enforcement, the GAO says, "*the agency seized 5,951 firearms that were destined for Mexico in the last 6 years*."

Lecturers should seize the opportunity to use more locally specific videos and case studies if available.

Case study 3

Despite the opening suggestion that an understanding of illicit firearms market needs developing in full appreciation of the contexts, cultures and firearms control regimes within which and across which illicit firearms markets operate, and that analysis must reach beyond the level of the unique and particular, much can still be learned by studying specific cases. Here are several that focus on specific aspects of the illicit markets:

- In 2010, UNODC published '*The Globalization of Crime: A Transnational Organized Crime Threat Assessment*' (UNODC, 2010), which contained a section on illicit firearms trafficking. In addition to a general description of the illicit firearms market, it contains two case studies. One already considered concerned illicit trafficking of weapons from the United States to the Mexican drug cartels.

- Another example concerns the export of surplus former Soviet arms from Eastern Europe to conflict zones in Africa. Countries like Ukraine have accumulated more firearms than required for their military and police forces. A critically important demand factor is the familiarity of the recipients (criminals, terrorist, armed groups) with the Soviet weapons, the relatively low cost of the weapons (compared to other Western models), their reliability and ease of use, and the ready availability of compatible ammunition.

- One of the most important early studies on the illicit market was by Dreyfus and Marsh using data from Rio de Janeiro. Their goal was to locate criminal diversion points for firearms in Rio. They catalogued over 4000 firearms confiscated by the police in the city. They then traced them to determine the sources. There were several key findings. Over ten different countries had exported a high percentage of weapons to Paraguay, which were then smuggled to Brazil aided by very lax firearms regulations in Paraguay. The study also found that some of them came from licensed gun shops in Argentina, Venezuela and Uruguay where controls on gun shops were inadequate.

- The article '*Under the Radar: Airborne Arms Trafficking Operations in Africa*' (Thachuk and Saunders, 2014) comprises a thorough assessment of the role of air transport firms in the illicit market for firearms. They describe the ingenuity of illicit arms traffickers in Africa:

  > *The airborne arms trafficking operations of networks from former Soviet States transfer weapons and ammunition to areas of conflict in Africa, embargoed African States, or those descending into conflict. These arms traffickers brazenly circumvent international regulations by obscuring their air cargo operations and securing impunity through subornation, fraud, and exploitation of lax regulations. Importantly, they rely on strategic connections in former Soviet States for a steady supply of arms, on States such as UAE for relaxed oversight, and free trade zones for transit, product warehousing, laundering of proceeds, and carefully-cultivated connections with "big men" and/or local fixers in African states for speedy delivery and payment*. (Thachuk and Saunders, 2014: 361)

- An additional source of illicit arms is the surplus created when a war is over, or a country has literally collapsed. An example of the former case is the end of the war in El Salvador in 1991. Despite a successful surrender of weapons by the Farabundo Martí National Liberation Front (FMLN) as part of the peace process, there were an estimated 300,000 firearms still in circulation on the black market. Many were in the hands of dealers who had collected them during the war. Others ended up in the hands of gangs leading to a very high homicide rate today. Libya is also a country with huge arms stockpiles. When the regime's collapse came, much of the stockpile left

the country as illicit arms. The Conflict Armament Research produced a study investigating cross-border weapon transfers in the Sahel (2016), which describes the outflows and inflows of firearms/SALW after the collapse.

Possible class structure

This section contains recommendations for a teaching session and the activities and timings intended to achieve learning outcomes through a three-hour class. The lecturer may wish to amend or vary some of the sections below to give more time to other elements, including introduction, icebreakers, conclusion or short breaks. The structure could also be adapted for shorter or longer classes, given that the class durations vary across countries.

Prior to the class, it would be useful if students were to familiarize themselves with the United Nations Arms Control Process in respect of firearms and the Arms Trade Treaty by reading about the process (e.g. Mcdonald, 2012; 2013; Squires, 2014: 305-318; Parker and Wilson, 2016).

The first hour

The discussion about the issues arising can then form a basis for looking at the contexts (Figure 4.1 and Figure 4.2) in which different illicit firm supply processes operate. The first part of the class could be devoted to exploring these societal contexts, the criminal opportunities they create for illegal firearm movements or transactions, the relations of supply and demand, and the illegal firearm cultures operating there. Students should be encouraged and supported to use the GunPolicy.org website, while acknowledging its limitations, to construct profiles of illegal firearm supply and misuse.

This then paves the way for exploring how social and cultural influences, such as fear, patriotism, insecurity, conflict mentality, masculinity, 'respect' and gun culture, might influence the demand for firearms. A reading of the following might be helpful here: Arsovska, Jana and Yuliya Zabyelina (2014). 'Irrationality, Liminality and the Demand for Illicit Firearms in the Balkans and the North Caucasus'. *European Journal on Criminal Policy and Research*, Vol. 20, Issue 3, 399-420.

Alternative readings

- Cock, Jacklyn (2001). 'Gun violence and masculinity in contemporary South Africa', in Robert Morrell (ed) *Changing Men in Southern Africa*, Pietermaritzburg: University of Natal Press.
- Stretesky, Paul and Mark Pogrebin (2007) 'Gang-Related Gun Violence Socialization, Identity, and Self'. *Journal of Contemporary Ethnography*, Volume 36, Number 1, 85-114.

Having undertaken both activities, students should be encouraged to report their ideas to the rest of the class.

The second hour

A central feature of the second hour is exploring the various means described by Spapens by which firearms might move from '*legality*' to '*illegality*'. This will require an understanding of the model he has developed (Spapens, 2007), and the various loopholes by which firearms in large or small numbers move from legality to illegality. Consult case studies described in the Module. Students will report on their deliberations, reflecting also on the opportunities for regulation and/or law enforcement to close these loopholes.

The third hour

The third hour encourages students to explore the consequences of illicit firearms markets and, by reference to the case studies and material in the Module, to describe various contexts in which illicit firearm supplies have produced, prolonged, intensified, widened and enhanced the lethal nature of armed violence and conflict. The discussion should share contrasting scenarios and contexts.

The final section of the class entails reflecting across the Module theme about the diversity, in form, scale and contexts, of illicit firearms markets and the supply chains for illegal firearms. What conclusions may be drawn? What ideas and concepts are available now to help us understand these illicit markets and the ways in which they work? How much better off are we than Duquet and Goris's '*blind men describing an elephant*'?

Wrap up and conclude by drawing these final themes together.

Core reading

Arsovska, Jana and Yuliya Zabyelina (2014). 'Irrationality, Liminality and the Demand for Illicit Firearms in the Balkans and the North Caucasus'. *European Journal on Criminal Policy and Research*, Vol. 20, Issue 3, 399-420.

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Student assessment

This section provides suggestions for post-class assignments to assess student understanding of the Module. The section '*Possible class structure*' provides suggestions for pre-class or in-class assignments.

Question

Undertake a 2,500-word reflective discussion upon the role and significance of supply and demand factors in the working of illicit firearms markets. Compare and contrast illicit markets in any two regional, social and cultural contexts. Identify potential regulatory and/or enforcement interventions to address these issues.

Additional teaching tools

This section includes links to relevant teaching aides such as video material that might help the lecturer teach the issues covered by the Module. Lecturers could employ these resources, or find alternatives, to suit their particular classes and teaching contexts.

Videos

- *Re-arming a de-activated UZI* (4:13 minutes). Shows the process of re-arming de-activated lethal weapons.

- *Where do illegal guns in the Philippines come from?* (4:35 minutes). The video elaborates the methods of smuggling firearms in the Philippines and attempts to answer the questions why illegal flows persist and what can be done to stop them. It was produced by International Alert Philippines.
- *Ukraine conflict boosts illegal weapons market* (2:28 minutes). The video explains how an on-going conflict can be a source of illegal firearms, which can be smuggled out of the region and sold to criminal gangs.

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