Forum: General Assembly, 6th Committee

Issue: Standardisation of Small Arms and Light Weapons Policies in Africa

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Introduction

Small Arms Survey found that the estimated life expectancy of people in the Sub-Saharan Africa dropped from 50 years to 46 years, when military expenditure attributed to the region increased by a staggering 47% relative to the 1900s. For every 10 people on the planet, 1 has a personal firearm. Small Arms and Light Weapons (SALWs) proliferation has reached an all-time high. Owing to their low costs, unparalleled efficiency and easy accessibility, they have become desirable ammunition for insurgent groups.

Since SALWs are instrumental in the proliferating rate of armed violence, the consequences of armed violence become more relevant to this agenda. Not only does armed violence behave as an impediment in social and economic development but also do the acts of armed groups that may claim hegemony over civilians' fertile farmlands and industrial grounds, indulge in cattle rustling, and in some cases even displace them. An estimated cost of development in Africa from 1990-2005 was $300 billion USD, Oxfam International, International Action Network on Small Arms (IANSA) and Saferworld, have concluded that this was the cost of conflict. It also showed that a single war or insurgency diminishes the national economy by 15% of its present valuation. It is observed that previous members of armed groups may resort to armed violence and turn to crime in order to survive the onslaught of instability in their country. Legislature that enables safety of civilians but simultaneously brings perpetrators to justice must be codified and/or created. Methods of standardising the variegated Arms Policies in Africa can help in containing cross-border violence by improving import and circulation of SALWs.

Furthermore, armed violence puts women at risk of marginalization by men who commit gruesome acts of sexual violence. Multiple instances of this have been recorded by Amnesty International, where women are held at gunpoint and forcefully impregnated. The fear of loss of life forced them to succumb to the threats of members of the armed group, causing them to become victims of rape. In Sierra Leone, 33% of women have been subjected to rape or sexual slavery during and 1991-2002. It is essential that concrete laws that address issues of gender-based violence are created if State laws do not exist. Standardising these laws can be discussed in committee and the influence of religion on the type of government and thus its laws have a large scope of discussion.

The African countries have taken considerable initiative to solve this issue and have created personalized solutions for themselves. However, the lack of standardisation in aspects of who can acquire a weapon and how must the weapon be marked, identified to producers and destroyed...
when found/ acquired from citizens who illegally handle SALWs. Laws for these key aspects of the agenda have either not been established or implemented effectively and thus this committee will undertake the responsibility of suggesting the creation of standard law which sets the benchmark for a minimum requirement in African countries.

Small Arms and Light Weapons have become the foremost source of ammunition for insurgent groups in Africa. The illicit trafficking of these types of conventional arms has fuelled many movements in the region but also result in the increasing onslaught of urban terrorism. Furthermore it addresses the issue of the cross-border scourge and violence emerging from porous borders to a large extent. However, there are certain loop-holes within these established policies that committee hopes to fill.

**Definition of Key Terms**

**Small Arms**

‘Those weapons designed for personal use’. The panel\(^1\) also offered the following subcategories of small arms.

Small arms: ‘(i) Revolvers and self-loading pistols; (ii) Rifles and carbines; (iii) Sub-machineguns; (iv) Assault rifles; (v) Light machine-guns’. \(^2\)

**Light Weapons**

Those designed for use by several persons serving as a crew’. The panel\(^1\) also offered the following subcategories of light weapons.

Light weapons: ‘(i) Heavy machine-guns; (ii) Hand-held under-barrel and mounted grenade launchers; (iii) Portable anti-aircraft guns; (iv) Portable anti-tank guns, recoilless rifles; (v) Portable launchers of anti-tank missile and rocket systems; (vi) Portable launchers of anti-aircraft missile systems; (vii) Mortars of calibers of less than 100 mm’. \(^3\)

**Arms Trade Treaty (ATT)**

The Arms Trade Treaty is a document that was made legally binding to State parties that signed and ratified it after it came into effect on the 2nd of April in 2013. This document

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\(^3\) Ibid.
outlines measures to combat the cross-border scourge and arms proliferation in order to minimise impact across regions of conflict and lists the responsibilities of basic record-keeping and export of conventional arms.

Irredentist Groups

[A group that] advocates the recovery of territory culturally or historically related to one's nation but now subject to a foreign government.⁴

Non-State Actors (NSA)

Parties, with no affiliation to the State government, that participate in or contribute to the matters of State. The SOR focuses on the illegal means by which certain NSAs may acquire the SALW and use them to commit crimes against humanity.

The Geneva Call defines non-state actors as “Any armed actor with a basic structure of command operating outside state control that uses force to achieve its political or allegedly political objectives.”⁵

. The following is a list of non-state actors⁶ that was adapted by work commissioned by the United Nations Institute for Disarmament Research (UNIDIR):

- Armed rebel groups, ‘freedom fighters’, paramilitaries, or warlords;
- Paramilitaries and other NSAs closely associated with state agencies;
- Civilian militia including communal groups and militias, civil defense forces, vigilante groups;
- Terrorists and terrorist organisations;
- Criminals and criminal groups, including black market arms traders;
- Political parties and associated political groups;
- Private military companies.

Small Arms Survey


Geneva-based independent research institute based at the Graduate Institute of International and Development Studies.

**Background Information**

Small Arms and Light Weapons are instrumental in threatening the peace and security of civilians and undermining pre-existing efforts in regions of conflicts when acquired by irredentist or separatist groups through illegal channels and the circulation of these SALWs remains unregulated. The unlawful use of arms can impede infrastructural development and is detrimental to the United Nations' effort of relocating the Internally Displaced Persons (IDPs) of the region. In Abuja, Nigeria an explosion deliberately aimed towards United Nations volunteers in a UN building that houses 26 humanitarian and developmental agencies. The extremist group 'Boko Haram’s spokesperson in an official statement to the British Broadcasting Channel assumed responsibility for these attacks. Upon close inspection it was found that the attacks of the Boko Haram had increased in their complexity and could be envisaged only with powerful artillery. Undoubtedly, this raises questions about the methods by which these groups acquire their munitions and who is ultimately responsible for the lives of civilians who are denied their fundamental rights on gunpoint.

There are 3 major channels by which arms are transferred: The Legal Channels, the Covert channels and the illicit channels. The Legal channel is the import and export of arms with government authorization and as part of dismantling programs (Such as that of the East Germany Army) the amount of arms produced and circulated legally, worldwide is about more than 639 million firearms. Even though this figure represents the macrocosm of the arms trade, it forms an important part of arms proliferated into Africa for the reason that porous borders of unstable regions make arms available to state parties and non-state actors of said region via unguarded stockpiles, or smuggling networks across borders of countries that receive legal shipments. Taking advantage of the vulnerability of unstable governments, Viktor Bout (Butt) now in prison, is known to have supplied arms to parties ranging from the Taliban, the US government, and other ethnic militias in Africa. This was pointed out by Foreign Office minister Peter Hain who discovered Bout when Bout was supposedly supplying surplus arms from the Cold War to the UNITA Rebel faction and Angolan Government during the Angolan civil war.

Small Arms Survey carried out an investigation in Mali to decipher the origin of the ammunition distributed with armed groups. It was found that Chinese and Russian arms were found in highest concentrations of approximately 42 and 40 percent respectively.

Fig.1: *Distribution of ammunition documented with armed groups in southern Mali in 2014, by producer country.*

It was conjectured by arms transfer analysts that the fall of Libyan Prime Minister Muammar
al-Gaddafi caused weapons and expertise of men trained under his regime to travel to Mali and continue violent demonstrations.

The existing policies that have aimed to reduce the illicit trade and circulation of SALWs like the ATT and the UN Programme of Action (PoA) have been criticized by some because they do not account for multiple realities of African States such as Somalia and South Sudan that are currently unstable. The lack of international standards that are well-defined and specific to the export, import and transfer of conventional arms is a cause of discord between importers and exporters. This committee must come up with solutions that are feasible for negotiation on the matter of standardisation of trade laws which may include strict tariffs and quotas of products.

Arms export to the African Continent has increased exponentially in the last decade, and private companies and governments acquiring arms from private companies enable war profiteering.

**The Arms Trade Treaty (ATT)**

SALWs being exported from Europe, America, and Asia into the African continent are at high risk of surfacing on the trafficking network unless munitions stockpiles are safeguarded and out of the reach of extremist elements. The ATT puts forth such a requirement for each state that becomes signatory to the ATT however, since some African countries face a lacunae of the resources and manpower to do so independently. It is essential therefore that a form of mutual regulation of the weapons trade (including weapons trade tariffs and quotas, cataloguing of imports and exports, identification of personnel that supply or supervise the cataloguing etc.) is introduced in the regions of Africa that face internal turmoil.

The Articles 3, 4, and 5.2 of the ATT ask that State parties that have signed and ratified the ATT maintain an effective national control system; however this is not possible for states that face adversities like civil strife and conflict with irredentist movements and currently require that policies share the job of record-keeping. Similarly, provisions like promoting bilateral or multilateral export and import agreements between participating states that prevent illicit re-routing of SALWs are mentioned in Article 11 can be fulfilled by nations that have the resources to do so, unlike many African countries that are still in fragile conditions.

Furthermore, the ATT asks for its signatories to assess any risks that may be involved in exporting arms to a member State (particularly regions of conflict) however this leaves a significant amount of subjectivity and States that export these manufactured arms may have vested interests in the regions of conflict.

The ATT does not enlist any criteria that dictate whether applicants for production, acquisition, or transfer of arms to other entities can be granted or rejected and these must be negotiated by committee. Additionally, the ATT does not account for or curtail types or quantity of arms that can be bought by a State depending on its political stability and capacity in terms of
guarding its stockpile and has no impact on the domestic arms ownership policies which makes standardisation essential.

Main Issues

Standardisation of legislature regulating circulation of SALWs.

It is worth inspection that gun ownership policies around the world differ greatly; the African continent itself has a multitude of opinions on personal firearm licensing techniques and criteria. An example of this would be the Arms control of Kenya, which allows individuals above the age of twelve years to apply for a license and must acquire it at the discretion of the Chief Licensing Officer (CLO) based on the reasons provided in the application and the Firearms Control Act in South Africa. In order to regulate the transfer of arms that permeate through the porous borders of the continent, it is essential that the ways in which the arms are identified, traced, licensed, imported and exported. The great difference in socioeconomic conditions of African nations causes differences in gun ownership laws and challenges in standardization of the same. One can use the example of the Firearms Control Act (FCA) implemented by South Africa which grants licenses to individuals or organisations to acquire arms only for business purposes like shooting ranges, game hunting etc. Before granting licenses to private entities, thorough investigations about the intended application of the arms must be made evident to those investigating, this measure ensures that laws can be enforced after creation with efficacy. Some countries like Japan, Canada and Australia believe that disarmament of civilians is necessary; however stances must be contextualized to the situation of African countries.

Penalties

Along with standardisation of SALW acquisition law, governments must elucidate the committee about the types of penalty that may apply to persons found owning, producing, trading and handling arms illegally (i.e.: without a license, abuse of safekeeping laws, without accredited or certified training etc.) and determine the duration of the penalty. A general trend among countries is imprisonment for up to 12 months or a fine, or both. Currently, some countries in Africa like Somalia and South Sudan have diminished capabilities of enforcing the rule of law because of civil strife and instability; the committee must consider both long term and short term consequences of attempting to improve legislation in the current state of the country. Slow judicial proceedings that delay delivery of penalties to perpetrators have become a major cause of concern for the incremental nature of arms proliferation. In a Small Arms and Perceptions of Security in Kenya Special Report by Small Arms Survey, it was found that more than 85 % of Law Enforcement Agents (LEAs) believed that insufficient resources (e.g. vehicles) posed challenges for curbing impunity regarding SALW cases. Additionally, more than 55% believed that fewer courts led to slower trials and more culprits would become repetitive offenders because of delayed justice.

Consideration of non-state actors using SALWs

Non-State Actors as defined previously have played a large role in increasing the demand for SALW through illegal black-market channels and continue to find loopholes within existing trade routes. It is worth mention that no international standard definition of the terms Non-State Actors has been agreed upon and in doing so, the agenda will have set an important precedent for the importance of standardisation. The United Nations PoA and the members in discussion could not reach a unanimous
consensus on tackling the issue of SALWs acquired by non-state actors, specifically non-state armed groups that exacerbate conflict. This was underscored by world leaders in the Biennial Meeting of States to discuss the UN Programme of Action in July 2005.

**Consideration of special measures for state officials’ misuse of SALWs**

The concept of diplomatic immunity is not to be confused with the sub-topical agenda which accounts for all state officials regardless of their position within the organ of the government and the abuse of privileges that might ascertain licenses for possession of SALWs. It is imperative that the committee bring the question of state official's privileges in such hostile conditions, and establish a cogent system by which repeat offenders of law are denied the privileges that may have been promised with the position. Additionally, a system of recording the purpose for which these arms have been acquired must be assessed adequately before renewal of licenses or granting ones for newer arms. The Small Arms and Perceptions of Security in Kenya Special Report by Small Arms Survey speculates that in the case of illegally acquired rounds of ammunition found in the possession of a civilian in Narok, Kenya, the role of government officials in being proactively negligent about illegal trade or diverting materiel to the businessman directly. The individual is still undergoing trial for possession of rounds manufactured by Kenya Ordnance Factories Corporation (Daily Nation, 2010b; KOFC, n.d.). Aiding and abetting to such offenses makes officials felons and prosecuting them with same or similar penalties can be discussed within this agenda.

**Legal establishment of solutions to tackle Gender-Based Violence, Arms and Youth**

The relative ease of accessibility and functionality of SALWs prove to be lethal towards the protection of the inalienable rights of civilians who may be subject to violence and threats of violence. Amnesty International observes that “Tens of thousands of children are being used right now by governments in their armed forces and by non-state armed groups. These children are often armed using weapons irresponsibly traded by governments and private corporations” and that “In conflict regions such as the Democratic Republic of Congo, Cote d’Ivore, and Sierra Leone, the scale of rape and sexual violence is staggeringly high. Many women and girls have been forced into sexual slavery by fighters, and many are raped at gunpoint.” Alternative forms of subsistence and livelihood must be sought for and by individuals lest they be lured into seemingly lucrative lifestyles achieved by violence. Prevention of such crimes, made instrumental by easily obscured firearms, is the superordinate aim of any operative that committee proposes.

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7 Amnesty International

8 Ibid
Major Countries and Organizations Involved

The Permanent Members of the Security Council (Russia, USA, China, UK, France)
These are the largest manufacturers of munitions in the world. The responsibility that states undertaking exports of arms to regions of instability has increased greatly and recognition of this responsibility is important. Committee can discuss the role of assessment of needs of unstable states’ need for munitions as a responsibility of the permanent members.

The IGAD (Intergovernmental Authority on Development) countries (Djibouti, Ethiopia, Eritrea, Kenya, Uganda, Sudan, and Somalia)
Specifically States with National Focal Points and other legal instruments to curb SALW proliferation can prove as indispensable sources of information for improvisation of State legislature.

Regional Centre on Small Arms (RECSA)
Achieved observer status in the UN and is an organ that may help co—ordinate national (i.e. central and state level), international and non-government organizations’ efforts on this agenda.

European Union
As part of collaborative efforts with RECSA, the EU has played crucial roles in suggesting various methods by which exporters may be able to reduce the predilections of civil strife by barring sale and transfer of SALW to certain states. Their Code of Conduct outlines the criteria for determining whether or not a State must receive arms from EU producers.

Religious Institutions- The Gothenburg Process
The Gothenburg Process is an example of ecumenical contribution to Small Arms Proliferation Control, these institutions use methods within the structures of their religion to discourage violence and goods or services acquired by means of threat with violence.

All countries mentioned above have contributed in attempts to restrict the illicit influx of SALWs. The NGOs mentioned have also worked with governments that have SALW policies.

Timeline of Events

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<th>Date</th>
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<td>May 1997</td>
<td>The Nobel Laureate Initiative is launched in New York to lay the</td>
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foundations of the Code of Conduct which would then set the precedent for an Arms Trade Treaty.

March 15, 2000

Principles of the Bamako Declaration laid down.

November 30-December 1, 2000

Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons is published after discussion between Members States of the Organization of African Unity. This document was made in preparation of the UN PoA Conference to be held in 2001 and presented a collective view of African countries on the agenda.

UNGA Resolution 61/89 passes with 153 votes. The Resolution suggests that the Secretary General explore the idea of an arms trade treaty. The United States of America becomes the only country to vote against the resolution.

October 18, 2006

The UNGA adopts Resolution 64/48 which directs the council to hold a conference negotiating terms of the Arms Trade Treaty.

July 2-27, 2012

Conference fails to reach consensus on negotiating terms of the Arms Trade Treaty final text.

November 2009

UNGA passes the resolution with an overwhelming majority that a second attempt at drafting the arms trade treaty in March 2013.

March 18-28, 2013

A final treaty text is mutually accepted with the exception of Iran, North Korea and Syria being blocked from unanimous approval.

April 3, 2013

The UN General Assembly adopts the Arms Trade Treaty by a vote of 153 for and 3 against passing the resolution, with 22 abstentions.

June 3, 2012

Arms Trade Treaty is open for signing, 67 countries sign the Treaty on its opening day.

**Relevant UN Treaties and Events**

- United Nations, General Assembly, Report of the Panel of Governmental Experts on Small Arms
- United Nation Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA). (UN Document A/CONF.192/15)
• Arms Trade Treaty (ATT)

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

• ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials

• ECOWAS Plan of Action on SALW 2011-2015

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

• Best Practice Guidelines for the Implementation of the Nairobi Declaration and Nairobi Protocol on Small Arms and Light Weapons

• Protocol on Control of Firearms, Ammunition and other related materials in the Southern African Development Community (SADC) Region.

**Previous Attempts to solve the Issue**

As seen from the list of relevant UN Treaties, many tangible efforts to alleviate the problems that emerge as a result of manhandling of arms by its legal possessor or otherwise. The Arms Trade Treaty aims to curtail illicit transfer of conventional arms by establishing resilient record-keeping methods; however these may not adequately address the key issues underscored by the world’s diplomats.

The Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons and the Nairobi Protocol have facilitated changes in the national laws of African states and accounted for the granting or refusal of licenses for primary mediators and brokers of arms trade. This is an issue of emphasis because arms brokers form the essential link between buyers and sellers and most also undertake the responsibility of transporting, delivering and freighting munitions. It is appreciable that a Best Practice Guidelines for the Implementation of the Nairobi Protocol document was published to bolster the domestic law and help constitutions integrate these concepts into State law.

International organisations like United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) and Regional Centre on Small Arms (RECSA) have been formed solely for the purpose of furthering and assisting the African states to ameliorate national regulation laws to international standards. Collaborating with the nations’ respective National Focal Points, UNREC
has engaged in activities like information sharing, capacity building and procedural alignment with states that are party to the Nairobi Protocol that was adopted on April 21, 2004 and set the precedent for decisive measures in the struggle to curb SALW trafficking.

Additionally, an electronic system of registration for regulation of arms brokers was created for member states, this method simplified data collection and analysis for UNREC and information generated was used to assess the progress of arms trading through legal channels.

The United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) endeavors to continuously monitor the progress being made by member States by adopting International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (the International Tracing Instrument or ITI). This instrument is legally binding and requires that members report the implementation of the ITI biennially. However, the thwarted amount of reporting by states is representative of the lack of progress indicators, like information sharing to improve transparency, that are necessary for further efforts. IANSA notes the increased importance of the role of the Interpol in this implementation as a success along with the States’ improved record-keeping systems.9

The EU Non-Proliferation Consortium10 works to produce policies and generate ways in which individual responses to arms proliferation can be integrated with regional models of law enforcement. An example of such a proposal is the suggested collaboration between European Export Controls and Small Arms assistance policies. It accounts for the multiple realities of porous borders and illicit arms transfer in a cross-border scourge by monitoring and assessing the legitimacy of export licenses and renewal at equal intervals to ensure validity of parties supplying and receiving arms for an explicitly legal endeavor.

Possible Solutions

Discuss the feasibility of legislative establishment of Ploughshares that allow conditional exchange of Small Arms and Light Weapons with agricultural devices such as but not limited to pickaxes, ploughs, and drip-irrigation setups. This provision enables citizens to relinquish possession of SALWs and move to an alternate source of subsistence. It would be productive for this agenda that sustainable methods of earning, or producing subsistence are sought to prevent


10 Network of European think-tanks and policy makers created and endorsed by the European Union
possible regressive acts of violence during and after civil strife or political instability. Collaborative efforts with regional and international organisations (like the International Labor Organization) can help facilitate these activities. Additionally, information about the parties from which the civilians acquired personal firearms can be retrieved from participants; this approach when combined with expertise of law enforcement can elucidate the perpetrators of illegal arms proliferation.

Registration of personal firearms is an important priority of organisations or departments responsible for record-keeping and monitoring of the acquired arms. Procedures that are internationally recognized such as physical and not easily perishable or forgeable instruments like markings (engravings or others) that indicate the manufacturer, country and year of production and other details that committee considers necessary in the unique identification of arms may be present on them. Furthermore, creating a list of internationally recognized and accepted criteria that determines who can acquire SALWs becomes an important point of contention when there may be discord between the socio-economic and cultural ideas and privileges available to citizens of different African countries.

The very aim of the United Nations is to reduce the possibility of war through diplomacy and thus we must endeavour to discuss the possibility of voluntary SALW collection and destruction programs. Unsecured stockpiles of confiscated firearms have been known to be stolen simply because the governments lack the human workforce to guard them; this proves counterproductive to the measure of confiscation and becomes an exercise in futility since it fuels the motives of perpetrators. The claims of disposal of surplus weaponry must be corroborated by evidence (appropriated by the members of the committee) recorded by bodies involved with the national customs.

The possibility of governmental incentives to religious institutions that pro-actively discourage illegal firearm acquisition and handling within the structures of their proscribed religion policies can be debated about in committee. A method by which the practices of the institution can be verified must be seriously sought by committee.

Creating resolutions that further implementation of SALW Policies using economic or other incentives and allocating the proportion of funds, the sponsor and additional aid in terms of capacity-building of member nations form the short-term solutions that committee must address.

The mandate of the 6th committee of the General Assembly allows for debate on legal aspects of creation of frameworks that allow effective co-ordinated national responses that encompass cohesive communicative links between record-keeping departments or electronic registries and law enforcement on a central, state and city level. Inclusion of the national customs
services in determining the legitimacy of the arms being carried by following standardised procedure that is to be decided by committee.

It is essential that the role of the permanent members, also the top manufacturers of munitions, is underscored in this agenda. It is necessary that we assess the legitimacy of the proposed need of a country to which SALWs are being imported, preferably by a neutral body such as the UN. On a similar note, it is worth reviewing the Code of Conduct for arms transfer in regions such as the European Union. It would embargo or prevent the sale of arms to States where political authority is concentrated with a national military leader that fails to safeguard civilians’ rights, defies international UN arms embargoes or is incapable of securing its existing ammunition stockpiles.

Despite the efforts of various actors, the issue of the accessibility of Small Arms and Light Weapons remains deeply rooted in the unremitting and violent gun culture that persists in regions of Africa. It is with the hope of solidarity and unanimity of all participating parties that this agenda alleviate burdens of citizens who become quarry to crimes committed because of an increasing demand and supply of SALWs.

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