

RESEARCH PAPER

Impact of Illicit Weapons Smuggling in Pakistan

BY TARIQ KHOSA & MARIARITA PIRAINO



CENTRE for GOVERNANCE RESEARCH
PAKISTAN

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ACKNOWLEDGMENT

This Paper was presented in the International Conference on the Impact of Global Arms Control Regimes in Reducing Armed Violence at the University of Milan, Italy on 12 April 2024.

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Introduction

The relationship of Organized Crime with Small Arms and Light Weapons (SALW) trafficking is two-fold: on the supply side criminal organizations profit from the sale of small and light arms, on the demand side these weapons are used by criminal organizations, terrorist groups, and street gangs as tools of crime and intimidation.

The trafficking of small arms is also facilitated by the fact that Pakistan (or at least some parts of it) has a 'gun culture'. Pakistan has a traditional and paternalistic culture and customarily males carry weapons especially in the provinces of Khyber Pakhtunkhwa (KP) and Balochistan. This cultural 'trophy' is often not licensed. It is common that in a household there would be unlicensed automatic weapon and licensed, shotguns and hunting rifles. Therefore, the small arms are acquired legally for sports/hunting, whilst automatic weapons are acquired for keeping up a tradition, self-defense (in case of family feuds) and criminal enterprise.

Historically, illegal weapons traded in the

region have come from various sources: stolen from Soviet forces during the invasion of Afghanistan, stolen from US supply lines in Afghanistan or, manufactured in the region by private companies or, lastly, home-made in specific centres/cities, mostly located on the border between Afghanistan and Pakistan. Indeed, an indigenous arms manufacturing industry has existed for hundreds of years in the area known as the Federally Administered Tribal Areas (FATA), now part of Khyber Pakhtunkhwa province since 2018 as a result of the 25th Amendment to the Constitution of Pakistan¹. FATA have traditionally been exempt from Pakistan's laws on arms production and possession, and their strategic location has allowed many smugglers to trade in both narcotics and arms.²

However, smuggling of firearms is not exempt, even in the FATA, as stipulated in the Prevention of Smuggling Act (1977), which covers the whole of Pakistan.³

The huge amount of this SALW arsenal has created many problems for the protection of civilians. Indeed, the presence of international organisations such as the International Committee of the Red Cross had played an important role in protecting civilians from the effects of armed violence. In fact, attacks on civilians are absolutely forbidden and, as far as military operations are concerned, it is a priority that those involved in the fighting observe the principles of discrimination between civilians and combatants and proportionality in the means and methods of warfare.

Fatalities / Intentional Homicides

The focus of this paper is on illegal small arms. The primary indicator used for this purpose

is the rate of homicide in Pakistan. There is a likelihood that some of the intentional homicides are committed through licensed weapons but in most cases the crime is committed through unlicensed weapons and small arms.

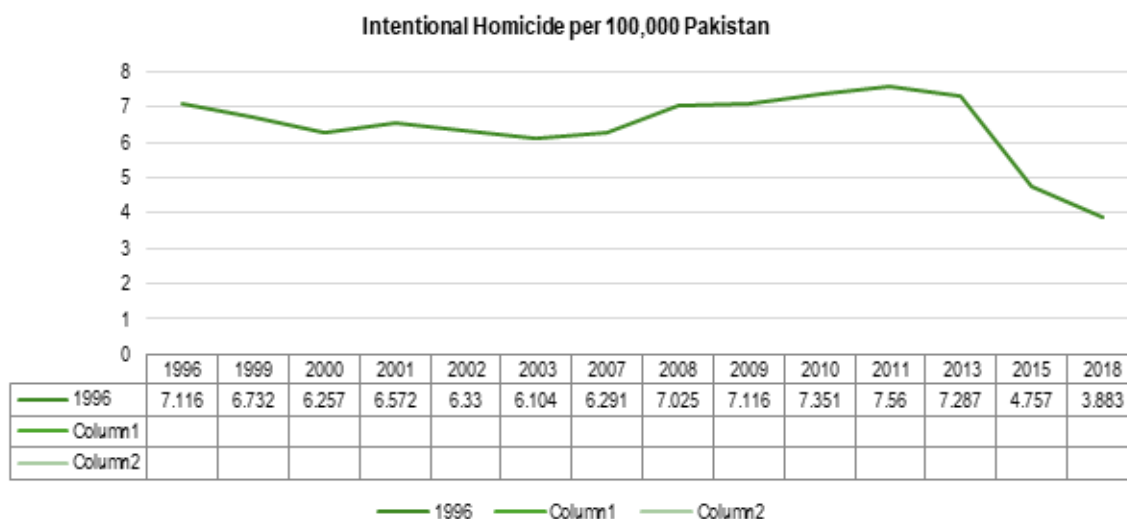
The graph below indicates that after a sharp rise in the homicide rate in 2007-2008, the rate gradually increased till 2011, manifested a slight drop in 2013, followed by a marked dip during 2013-2018. This chart does not reflect the deaths caused by terrorism incidents, which do not come under the definition of intentional homicide as per the source (World Bank). Terrorism data is recorded separately. The ebb and flow can be attributed to many factors and sufficient data is not available to explain it. This chart only reflects the scale of homicides and use of small weapons for criminal purposes. It is highlighted that this chart is only indicative.

The following graph illustrates trends of 'intentional homicides' per 100,000 persons:

During 2001 to 2020, on average 91,776 cases were registered by the police for possession of illegal firearms, with a minimum of 68,661 and a maximum of 115,174 cases in a year. This shows that SALW are extensively present in the country and that Pakistan is a weaponized society. Weapons proliferation has increased the propensity of violence and violent crimes in which SALW are used.

Seizures

The secondary metric utilized for this objective is the rate of arms recovery in Pakistan, specifically focusing on the province of Khyber Pakhtunkhwa, especially erstwhile FATA region. Emphasizing the origins and dissemination of firearms is deemed significant to mitigate and



Source: World Bank

<https://data.worldbank.org/indicator/VC.IHR.PSRC.P5?end=2018&locations=PK&start=1990&view=chart>

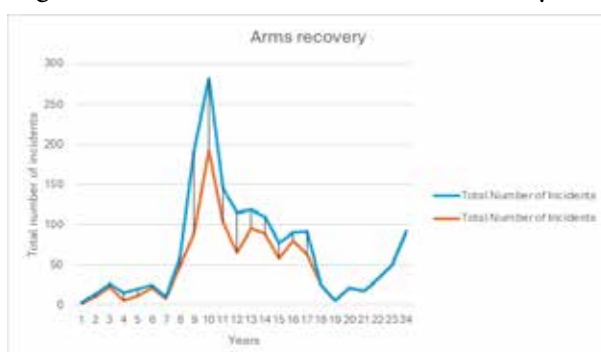
combat the proliferation of SALWs in armed conflicts.

Within the context of this paper, the examination of weaponry from this perspective further underscores the responsibility of governments in exacerbating conflicts through the widespread distribution of diverse armaments.

As anticipated, regarding homicide rates, the following graph illustrates trends in arms recovery from 2000 to 2023.

In this case, seizures (arms recovery) have been analyzed, as depicted in the following graph:

In orange: Arms recovery in Federally Administered Tribal Areas: <https://www.satp.org/datasheet-terrorist-attack/recovery-of->



arms/pakistan-fata

In blue: KP- <https://www.satp.org/datasheet-terrorist-attack/recovery-of-arms/pakistan-khyberpakhtunkhwa>

In the case of this graph, incidents related to terrorist attacks have not been isolated. Indeed, reference is not made to the purpose of the action for which the weapons were found but rather to their circulation within the territory.

Dimensions of Threat Assessment

The threat posed by proliferation of SALW is also multidimensional. SALW are used extensively by SOC, in all its formats, from street crime gangs to drug trafficking. This multidimensional threat not only increases the quantum of violence in the society but also erodes the sovereignty of the state. The threat assessment is hence examined across the following dimensions:

The Economic Threat: The economic threat from proliferation of SALW is complex and cuts across the entire spectrum of

economic activity. Karachi is the hub of Pakistan's economy. It generates 65% of Pakistan's revenue through direct and indirect taxes. The escalating incidence of street and other types of violent crimes in Karachi often involve the use of SALWs. From March 2005 to end of February 2006, more than 32,000 mobile phone snatching and theft incidents occurred in the city. On average 100 incidents of mobiles snatching occur daily in the city¹. The overall impact of the upsurge in this type of property crime which often involves the use of violence and implements of intimidation like SALWs has become a large disincentive against doing business in Karachi. The pattern in other cities of Pakistan is also similar. The organized gangs of mobile snatchers further graduate in to committing major crimes like dacoities/armed robberies and bank robberies. The cities are the drivers of the economy and unsafe cities, have the potential to drag down economic growth in urban center and resultantly the entire country.

Pakistan's Foreign Direct Investment (FDI) has ebbed and flowed, with spikes due to CPEC projects. However, the inflow of FDI is directly proportional to investment climate. The weak law and order situation hampers and discourages FDI. One major reason for low diversification in Pakistan's economy is the waning level of FDI, mainly due to non-conducive investment climate. There are many factors which contribute to non-conducive investment climate, and one of the major factors is the high level of violence in the country perpetrated by wide availability of SALW.

The Reputational Threat: The UK

Home Office issued a policy information note in which it restricted the immigration of persons involved in land disputes. The note specifically mentions land mafias as a criminal group². As discussed above the land mafias often use illicit SALWs for forced possession and illegal occupation of land. Moreover, Pakistan is a signatory to a 2001 Convention in which countries adopted Programme of Action to Prevent Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its aspects. The PoA requires biennial reporting on PoA and a subsequent International Tracing Instrument (ITI)³. Plunged into one war after another since the 1980s, Afghanistan has become the largest hub of SALWs in the region. Recently, stockpiles of weapons have been abandoned by the departing US and NATO forces. As has been the case previously, most of these weapons will be likely be trafficked out of Afghanistan and will either end up in Pakistan or will be transited through Pakistan enroute central and south Asian countries. Pakistan faced with grey listing by FATF as well as being placed at Tier 2 in human trafficking; therefore, addition of violation of a UN Convention on SALW, will further negatively impact Pakistan's image globally. A combination of these negative international ratings/listings is a considerable reputational threat.

The Social Threat: There is another aspect to consider regarding the repercussions of illegal weapons and casualties. The joint family support system prevalent in Pakistan means that the loss of a family member can cause lasting instability. Survivors, in most cases, do not have substantial savings, state aid or any

1 <https://gulfnews.com/world/asia/pakistan/cell-phone-snatching-incidents-on-busy-roads-rock-karachi-1.231611>

2 UK Home Office, Country Policy and Information Note Pakistan: Land disputes 2017

3 <https://www.un.org/disarmament/convarms/salw/>

kind of insurance.

In Pakistan, men are generally the main providers of income, while women manage the household and take care of the children. Similarly, the killing of a caregiver, usually a mother or daughter, places a significant burden on the family. Pakistani families are often large, with four or more children. Without a caretaker, the onerous responsibilities of the home and the upbringing of the children fall on other relatives, including elderly grandparents or younger siblings who might otherwise attend school.¹

In a context of high risk of armed violence, for every civilian killed, one or more individuals suffer serious injuries. Poverty and limited access to health facilities mean that many do not receive adequate medical care. The disabled are unable to work and often depend on their families for assistance. Those who have been injured face permanent disabilities and lasting consequences. Social exclusion and discrimination exacerbate these challenges, preventing many disabled people from having equal access to education, employment and health care. All warring parties engaged in Pakistan share responsibility for the damage inflicted on victims. However, in many cases, civilians do not know which warring party is responsible for the damage suffered.

Profile of Proliferation and Smuggling of SALW

Traditionally since the first Afghan conflict started, weapons were supplied by US to

Afghanistan to combat Soviet invasion. The SAWL like AK-47s of Israel were supplied regardless of the ideological animosity². Since then Afghanistan has been estimated to hold the largest cache of SAWL. It has been estimated that around \$6-8 billion worth of weaponry was supplied to all sides, (1979-1992).³

Focus on Darra Adam Khel: Illicit manufactured and smuggling routes.

Numerous smugglers engage in the trafficking of both narcotics and weapons, while traffickers dealing in other commodities readily accept either as items for barter.⁴ The proliferation of large-scale weapon manufacturing and retail sales only saw a significant rise in the early 1970s. The escalation of the Afghan conflict further augmented the skills and knowledge of Darra gunsmiths in producing advanced weaponry through reverse engineering methods applied to new models introduced into the conflict by the USSR. Darra Adam Khel also serves as a hub for a thriving black market where weapons are smuggled from Afghanistan into Pakistan.⁵

The presence of well-established smuggling routes, both domestically and across borders, facilitates the movement of Small Arms and Light Weapons (SALWs). These routes are frequently exploited by criminal syndicates and non-state actors.

Smugglers commonly utilize personal vehicles to transport their weapons across borders. Typically, a scout van leads the way for a cargo-laden vehicle, facilitating passage with border

1 <https://civiliansinconflict.org/publications/research/civilian-harm-conflict-northwest-pakistan/>

2 George Crile (2007) Charlie Wilson's War

3 https://ciaotest.cc.columbia.edu/olj/sa/sa_may00kat01.html

4 <https://www.arabnews.com/node/1273011/pakistan>

5 Malik A., Darra Adam Khel "Home Grown" Weapons, ASPJ Africa & Francophonie - 1st Quarter 2016.

guards. Women wearing burqas are sometimes part of the smuggling operation. Another method involves sending groups of 20 to 50 individuals through mountainous passes while carrying weapons on their backs or on pack animals. Rampant corruption and extensive kinship networks often hinder police efforts to apprehend smugglers.

Routes originating from Afghanistan often commence in Kunar province and extend into Pakistan. Alternatively, some routes utilize the Chaman border crossing into Balochistan, proceeding through Pishin and Lasbela districts or along the coastline en route to Karachi.¹

For this research, we have analysed two significant points along the border with Afghanistan, delineated by land routes that leverage challenging terrain and animals as makeshift wagons. This same route is frequently traversed by couriers associated with the drug trade:



From Peshawar Cantonment, Khyber Pakhtunkhwa to Laal Pur crossing Kabul river.



From Peshawar Cantonment to Torkham passing through Landi Kotal. Approximately 54 km. From Quetta to Spin Boldak Approximately 12 km.

Implementation of Domestic Laws and Compliance with International and Regional Standards: International Humanitarian Law (HIL) and Non-International Armed Conflict (NIAC)

Pakistan has actively participated in international initiatives aimed at controlling the illicit trade of small arms. However, the effective implementation of these efforts may encounter challenges related to enforcement and coordination.

The trafficking of Small Arms and Light Weapons (SALWs) carries a humanitarian impact, contributing to violence against civilians and human rights abuses. The widespread availability of weapons can escalate local conflicts and pose threats to civilian populations. To address SALWs trafficking

in Pakistan, preventive measures should encompass strengthening border controls, improving intelligence-sharing mechanisms, enhancing law enforcement capacity, and addressing the root causes of conflicts.

Addressing SALWs trafficking necessitates a comprehensive approach that involves international collaboration, domestic policy reforms, and efforts to promote security and stability in conflict-prone areas. The significance of this issue lies in the fact that armed violence has significantly affected the lives of many individuals residing in areas highly impacted by weapons production. On one hand, the legislative norms, both at the international and national levels, struggle to provide a solid foundation to prevent and detect weapon production, leading to the widespread proliferation of armed violence.

During armed conflicts, Pakistan is bound by customary rules of International Humanitarian Law (IHL) and the four Geneva Conventions of 1949, to which it is a party. Additionally, Pakistan is a signatory to Additional Protocols I and II. Human rights law is applicable during armed conflicts, especially in non-international armed conflicts. In this regard, Pakistan is a party to several core human rights instruments, including the International Covenant on Civil and Political Rights.

Updates

The Constitution Petition No. 2/2024. (Sub-Machine Guns and other Prohibited Bore Weapons) focus on the proliferation of SMGs and had sought answers to several questions

to clarify among the Supreme Court judges and the minister regarding licenses for such weapons.

Indeed, during the abovementioned three-judge bench hearing of a Supreme Court case concerned with the widespread availability of submachine guns (SMGs) and other prohibited firearms, emerged the alarming proliferation of these weapons in the country.¹

As reported in the petition, the ministerial report on the issuance of licenses is based on the Pakistan Arms Rules of 2023, which has been adopted under Section 11 of the Pakistan Arms Ordinance of 1965.

To provide further specification, the section declares that the Provincial Government is empowered to issue licenses solely for non-prohibited weapons, albeit subject to the provisions outlined in Section 11 of the Ordinance. This delineation of powers ensures a hierarchical framework wherein the Federal Government holds primary authority over the regulation of prohibited firearms and ammunition.²

The Supreme Court ordered the Ministry of Interior to furnish a fresh report explaining the need to allow prohibited firearms and whether to create exceptions for certain individuals, as well as to clarify if there was a federal government policy regarding firearms and their public display.

It is important to note that this interest of the court and the Pakistani jurisprudence also reflects, as stated during the hearing, the sense of insecurity among citizens, creating

1 https://epaper.dawn.com/DetailImage.php?StoryImage=16_03_2024_003_001

2 chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.supremecourt.gov.pk/downloads_judgements/const.p_2_2024_06032024.pdf

an environment where power equals justice. Therefore, allowing the continuation of this situation of illegality is not acceptable.

This aligns with the strong positions of the judiciary advocating for judicial independence and urging all powers, especially the executive, to operate within their limits.

The Way Forward

The following three observations are pertinent for the debate and deliberations on the issue of illicit weapons smuggling:

- One, unregulated sale of weapons is a threat to global peace. In the 2020 report to UNSC, the UN Under Secretary General Nakamits said that spread of almost one billion small arms and light weapons remain a major global threat. From 2010 to 2015, this caused some 200,000 deaths every year.
- Two, Amnesty International has also highlighted the issue of reckless production and stockpiling of weapons. About 80pc of the world's weapons exports were from six countries.
- Three, the nexus between organized crime, drug trafficking and illegal arms trade adds a layer of complexity to daunting challenges.

The following six recommendations are made:

- 1) UN Programme of Action, the International Tracing Instrument and the UNTOC Firearms Protocol provide a normative framework to address the use, regulation and impact of such weapons of targeted violence. Let us pay heed to them.
- 2) Regulation of firearms, especially lethal

prohibited bores, is the need of the hour. Non-state actors and citizens should have no access to lethal weapons. The so-called Kalashnikov culture must be discouraged to meet SDG-16 on peace and the rule of law, especially in conflict zones prone to terrorism, insurgencies and violence.

- 3) We need to forge an effective state and society response to transnational organized crime through national, regional and global strategies under the overarching UN Global Strategy to Combat Firearms Trafficking, ensuring Human Rights and Gender Equality.
- 4) The civil society organizations, NGOs, experts, professionals, and the private sector should forge alliances to combat the scourge of violence and criminality being perpetrated due to the proliferation of illicit firearms.
- 5) The collusion and corruption of state officials in diversion of lethal weapons to militant organizations and non-state actors need to be curbed firmly through a sanction's regime.
- 6) In dealing with violence through weapons, human rights should never be violated, and a victim-centered humane approach must be adopted to protect the vulnerable sections of society, such as women and children.

Conclusion

Finally, can we conclude by pleading that violence spreads like lava. Let us all stem this tide and make a difference.

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