



Wilton Park



Image: BobCarner

Report

**The nexus between SALW, organised crime, and terrorism**

Wednesday 23 – Friday 25 January 2019 | WP1671



## Report

# The nexus between SALW, organised crime, and terrorism

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In association with United Nations Office on Drugs and Crime, Global Firearms Programme, Division for Treaty Affairs, Vienna, and the government of Germany

### Executive summary

“Comprehensive and integrated approaches are also needed to reinforce current preventive and response strategies”

The illicit trafficking in firearms, their parts and components and ammunition is a serious threat to global peace and security, and an obstacle to achieving the Sustainable Development Goals. The international community has increasingly acknowledged the destabilizing impact of these firearms as a matter of particular concern in the context of organised crime and terrorism. Manifesting in different forms and local variations, illicit firearms trafficking is often the element of convergence between these phenomena, that also contributes to exponentially increase the destructive power and incidence of criminal and terrorist actors on peace and security.

A wide array of international instruments are in place to counter these different threats: The United Nations Convention against Transnational Organized Crime (UNTOC) and its supplementing Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol), the Arms Trade Treaty (ATT) as well as other non-binding instruments with global reach, such as the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA), and 19 universal legal instruments against terrorism, complemented by a Global UN Counter-Terrorism Strategy and numerous United Nations Security Council resolutions, including the recently adopted resolution 2370 (2017), which also addressed specifically the problems of illicit arms trafficking and their access by terrorists. All these instruments, however, do not address the interlinkages between these multiple threats and tend in general to tackle each of them as single, stand-alone phenomena.

There is a need to critically assess current approaches and strategies taken in order to prevent and counter the illicit trafficking and diversion of firearms, and to move away from traditional single-threat-based approaches to more comprehensive and integrated paradigms, that take the broader socio-economic and criminological context of these dynamic and mutually interacting threats into account, as well as their increased impact on peace, security and development. One important aspect of such a comprehensive strategy would, for example, be to ensure that adequate regulatory and control measures be consistently applied at all stages and phases of the life cycle of the firearms, -from their manufacturing, to their transfers, ownership and use, until their final destruction-, and that due attention be also given to their parts and components and ammunitions, as integral parts of such a strategy. Moreover, in addition to effectively implementing the respective international instruments to counter illicit firearms trafficking, terrorism and organised crime, improved efforts must also be directed towards addressing the links between these different threats. In this regard clamping down on illicit arms trafficking represents not only the third essential pillar next to the existing counter-terrorism or organised crime strategies, but also a central and critical link in wider anti-organised

crime and counter-terrorism responses. Finally, comprehensive and integrated approaches are also needed to reinforce current preventive and response strategies aimed at preventing the illicit trafficking and access of firearms by criminal and terrorist groups, and to build greater resilience to crime and terrorism.

This new paradigm places a strong focus on establishing bridges and dynamic synergies between the various frameworks, mechanisms and stakeholders, to ensure greater efficiency and consistency across the multiple but complementary layers of action. Part of this strategy requires, for example, a comprehensive review and enhancement of the legislative and institutional frameworks on firearms, organised crime and terrorism and establishing appropriate links between the different regimes and frameworks; strengthening their operational and institutional capacity to detect, intercept and prosecute these illicit trafficking activities, especially when supporting organised crime and terrorist groups. The strategy also requires: creating a more enabling environment for criminal justice practitioners to engage in proactive investigations into firearms trafficking offences and to fully exploit the existing or potential links to other serious crimes - for example by applying successful investigative and prosecutorial tools and strategies, and international cooperation platforms and mechanisms, developed to counter organised crime and terrorism, also in the framework of related firearms trafficking offences.

Research and data collection systems at national and global levels are vital to further develop the collective knowledge on arms trafficking patterns where organised crime and terrorism converge, and to monitor illicit arms flows and their points of access by terrorist and international trafficking networks and to regularly adjust policies and means against the evolving nature of the nexus.

Finally, community level education and outreach on the issue of illicit firearms trafficking and misuse, and its cross-cutting aspects have great potential in reinforcing a culture of lawfulness and building greater resilience to armed violence, organised crime, terrorism and violent extremism at the front lines in which they occur. Gender, human rights and rule of law considerations are quintessential features of an overarching approach to disrupt the arms-crime-terror nexus, that contribute to promoting trust across the range of actors involved in the prevention and response chain.

## Introduction

### **Firearms trafficking thrives in places where the rule of law is weak and corruption reigns**

1. The threat posed by illicit firearms trafficking is a growing concern that knows no geographic boundaries and a priority that can only be addressed effectively by all States individually and acting in concert.
2. On a global scale, the importance of the problem is highlighted not only by the significant civilian casualties that it generates in conflict situations but is also visible in the grim statistics relating to the number of people that fall victims to armed violence as a result of illicit firearms acquisition and trafficking in peaceful contexts. While the problem manifests and affects differently on regional and country specific phenomena, its overall impact remains equally serious everywhere.
3. Inadequate security and controls across the full life cycle of legal firearms and ammunition stocks and transfers across the globe (both of military, police and civilian arms) are largely considered as the main culprit of incidents of firearms diversion and trafficking. Yet, focusing the efforts on securing better controls over physical stocks and movements of firearms has not proven to be a sufficient response to counter the problem of illicit firearms diversion and trafficking, and less so to address the links to other serious crimes such as organised crime and terrorism. Arms trafficking, crime and terrorism are closely intertwined phenomena.

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4. Most of the firearms acquired via such trafficking channels serve both as tools and financial means that significantly empower a range of illegal groups, including drug cartels, gangs, maras, as well as organised criminal and terrorist networks operating on a transnational scale. They represent a public safety danger and play a central role in enabling a range of destabilizing phenomena to manifest, especially in environments of impunity, weak rule of law and corruption.

**The nexus of illicit firearms trafficking with organised crime and terrorism changes the paradigm**

5. Illicit supply chains of firearms may not be as lucrative a business as other forms of crime, such as drug trafficking or human trafficking and migrant smuggling, as the profits they generate represent only a small fraction of global criminal income. As baseline and key enabler of crime, terrorism and violence, in all its forms and dimensions, the comparatively low profitability of these commodities is however disproportionate to their strategic importance and their cumulative negative effects on human lives, security and socio-economic development.
6. Durable and easy to conceal, trafficked firearms may change throughout their existence - from their point of diversion to their surrender, forfeiture and/or final disposal - many illegal owners, all feeding back into crises and violent crime.
7. The complexity of the problem is captured in the plurality of instruments adopted by States over the years, at the global and regional levels, to more effectively control legal firearms stockpiles, regulate manufacturing and transfers, and counter their illicit trafficking via enhanced interdiction capacity, investigations and international cooperation in criminal justice matters.
8. Alongside traditional peace and security challenges, the turn of the century has seen the parallel emergence of a range of asymmetric threats (including the trafficking of drugs, arms, human beings, smuggling of migrants, cybercrime, money laundering and terrorism), which largely mirror well established patterns of multi-crime oriented criminal "super networks", combining international reach with local capabilities.
9. Such trends have been a real game changer and generated a shift in the focus of attention of the international community from fragmented responses to individual threats, to more holistic strategies that adequately streamline the objective of preventing and countering firearms trafficking, as a critical enabler, asset and connecting link to various forms of organised crime and terrorism.
10. The need for a new paradigm has therefore gained momentum, to reflect on responses that go beyond traditional approaches to the problem and place increased emphasis in disrupting illegal chains of firearms supply and their links to organised crimes and terrorism, through the strengthening of policies, regulatory frameworks, domestic accountability mechanisms, data collection and coordination within and across borders.
11. At the policy level, the recently adopted 2030 Agenda in its goal 16.4, as well as Security Council Resolution 2370 (2017), have expressly alluded to this paradigm shift by placing the issue of preventing and countering illicit arms flows and their access by terrorist groups and international trafficking networks at the heart of contemporary programmatic and policy objectives and approaches to peace, security and development.
12. Enhancing State capacity against arms diversion and trafficking chains has similarly acquired increased relevance as an operational tool that, besides from depriving criminals and terrorists of essential "means of support" and instruments of violence and fear, can also play a crucial role in identifying points of convergence between organised criminal and terrorist networks, and ultimately dismantling them.

13. Taking the above into account, the Wilton Park Conference on “Addressing Illicit Firearms Trafficking in the Context of Organised Crime and Terrorism – Towards a New Paradigm” provided a platform for practitioners and representatives from Africa, Asia, the Balkans, Europe and Latin America and the Caribbean, as well as leading experts from UN partner agencies, regional and international organisations, academia, think tanks and civil society, to:
  - Assess existing preventive and response strategies, including international legal frameworks, to counter firearms trafficking especially in the context of organised crime and terrorism;
  - Undertake a collective brainstorming on conceptual, normative and operational gaps and challenges in current approaches, including capacity building requirements; and
  - Identify key elements of a comprehensive strategy to prevent and combat firearms trafficking and the illicit access of these arms to criminals and terrorists and build greater resilience to crime and terrorism
14. The present report reflects the thematic discussions and outcomes of the meeting in a set of action-oriented, strategic good practices and recommendations which stakeholders may decide to take forward to transform the acquired vision into practical, measurable actions in their respective countries and regions. This report will also serve as basis to help UNODC and its partners develop a more streamlined and focused strategy based on the findings and the proposed new paradigm to address illicit firearms trafficking in the context of organised crime and terrorism.
15. These good practices are clustered in four main sections that outline the priority considerations, key objectives and success factors underpinning the new approach:
  - A) Policy and regulatory environments,
  - B) Criminal Justice Response and Capacity Building,
  - C) Research, data collection, analysis and information sharing,
  - D) Community level engagement

### **A) Policy and regulatory considerations**

**Adopt an integrated life cycle approach to firearms and ammunition control, and regularly assess policy and regulatory frameworks aimed at preventing and countering criminal and terrorist acquisition of firearms through diversion and illicit trafficking.**

16. Diversion of firearms from the legal to the illegal sphere and their subsequent trafficking and acquisition by criminal organisations and terrorist groups may occur at several points in the life cycle of firearms, ie manufacture, transfer, transit, storage, use and final disposal. The establishment of thorough regulations and controls over both firearms as well as their parts and components and ammunition, at all phases of their life cycle, reduces the risk that vulnerabilities and loopholes are exploited in any part of the chain.
17. Regular review of policy and regulatory frameworks, comprehensive risk assessments and monitoring of the overall threat environment can provide useful guidance on the specific aspects of the regulatory and criminal justice regime that require adjustments and the ways in which the various frameworks may be best put together and cross-fertilised.
18. Systemic weak spots and legal loopholes in the regulation of activities present increased risk to facilitate the arms-crime-terror nexus. Legal access to certain types and amounts of arms and ammunition; controls over transport, transit, re-transfer, transfer to another end use; brokering activities; deactivation and conversion of

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firearms - can be dealt with through the enhancement of existing norms protocols and the development of new risk mitigation mechanisms where they do not already exist.

19. Measures to prevent and counter new and emerging threats, such as the illicit manufacturing via 3D printers; the illicit trafficking facilitated through the use of internet or darknet; the trafficking in firearms parts and components through parcel service delivery, as well as through other technological advancements, should be assessed in light of current legislative and regulatory frameworks and their effectiveness periodically evaluated and assessed as well.

**Ensure coherence across the multiple layers of action by identifying areas in which synergies between instruments, actors and approaches can be developed or further expanded, and the links between arms trafficking, organised crime and terrorism better addressed and integrated, both at a national and international level**

“An effective strategy to counter illicit arms trafficking and prevent organised crime and terrorist groups from acquiring firearms, their parts and components and ammunition must therefore prioritise the full integration and combined use of all regulatory and policy tools provided by national legislation and regional and international instruments in the respective areas, in accordance with varying contexts and local dynamics.”

20. There is a strong sense that the implementation of the above cited instruments on illicit firearms trafficking, transnational organised crime and terrorism is a necessary but not sufficient condition to address and adequately factor the inherent nexus that exists between these different threats. An effective strategy to counter illicit arms trafficking and prevent organised crime and terrorist groups from acquiring firearms, their parts and components and ammunition must therefore prioritise the full integration and combined use of all regulatory and policy tools provided by national legislation and regional and international instruments in the respective areas, in accordance with varying contexts and local dynamics.
21. Criminals and terrorists exploit legal loopholes between countries to acquire firearms in better conditions with the lowest risk of detection. Legal harmonisation among countries and the transposition of international instruments at the domestic level are necessary prerequisites to establish common definitions, criteria and rules that enable States to cooperate more effectively and coherently when dealing with firearms trafficking and its nexus with organised crime and terrorism.
22. The development of national legislation in accordance with commonly agreed standards and rules, including through the establishment of adequate and diversified criminal offences with comparable penalties that reflect the gravity and proportionality of the offences; the elimination of grey zones between what is legal and what not, and the adoption of harmonised approaches to criminal sentences and applicable penal procedure code provisions, can greatly contribute to reducing or even eliminating such opportunities.
23. Moreover, acknowledging and addressing the central and enabling role of corruption in diverse forms of firearms diversion into illicit markets, from where most trafficked firearms are sourced, and applying strict and globally harmonised anti-corruption frameworks to support firearms control regimes, are another cross cutting and important measure for mitigating risks related to corruption incidents in theft and loss of firearms from government stocks, as well as in firearms-related transactions among both private and public actors.

**Building bridges between the various instruments, stakeholders and processes through cross fertilisation, sharing of information and good practices, and enhanced partnerships**

24. In order to address the links between the interconnected threats, and to develop synergies between the respective firearms control, counter terrorism and anti-organised crime strategies and approaches, it is important to provide for concrete opportunities for cross fertilisation and mutual interaction among the different strategies and approaches, through the establishment of bridges between the different instruments, stakeholders and processes.

25. Reinforcing the existing firearms control regime in practice by integrating, for example, specific organised crime and terrorism related risk indicators and assessment mechanisms can greatly contribute to reduce the risks of diversion and illicit acquisition of firearms by these groups.
26. Integrating into criminal investigations on firearms trafficking their possible links to organised crime and terrorism can enable the use of special investigative tools and measures otherwise limited to the latter offences. On the other hand, applying existing firearms control regulations to support broader terrorism and organised crime prevention strategies can strengthen the effectiveness of the latter and provide additional elements to the criminal justice system to early detect, prevent and address in a timely manner cases of violent extremism or terrorist activities of foreign terrorist fighters.
27. Durable partnerships across the different sectoral approaches, actors and processes will help ensure coherence and effectiveness. Learning from the positive experiences obtained, for example, in the field of counter-terrorism through such multidisciplinary approaches and inter-sectoral round table exchanges, can be replicated and tailored to the firearms context.
28. Communities of practitioners have great potential to assist in building such bridges and disseminating knowledge across all the professional sectors that are involved in preventing and countering illicit firearms trafficking and its links with organised crime and terrorism, namely firearms control authorities, law enforcement and criminal justice officers.
29. A better understanding of their respective roles, systems and operational protocols, through joint meetings, training and capacity building activities, would foster stronger cooperation, information exchange and interagency coordination between the different institutions at all levels.
30. Promoting more frequent encounters and exchanges among practitioners from these different areas of speciality, including from relevant other cross-cutting areas such as cybercrime, money laundering and financing of terrorism, can lead to positive cross fertilisation among groups of professionals that otherwise work separately and in silos.
31. Comprehensive joint assessments, reporting mechanisms and situational analysis in countries are essential to establishing the overall capacity of countries. Additionally, they are vital in raising awareness of the requirements of the different instruments and identifying ways to more effectively bring the different angles together. An effective streamlining of the tasks can be achieved through the elaboration of roadmaps, action plans and strategies with specific measurable targets, concrete indicators and timelines, donor coordination and steering among neighbouring States. Multidisciplinary approaches and closer cooperation with civil society, research institutions, academia and the private sector, are other equally important partners in these efforts.

**Raising the awareness and importance of countering illicit firearms trafficking in the context of organised crime and terrorism to stimulate renewed international community engagement at the highest level**

32. Preventing organised criminal and terrorist groups from acquiring firearms through illicit trafficking is a multifaceted challenge that involves the coordinated and organised action of a set of complex and highly technical measures, practical tasks and processes. However, focusing solely on technicalities and bottom up approaches is not enough. Equally, if not more important, is the fact of raising the level of awareness and political commitment among both senior level practitioners and policy makers, on the need to treat the problem of illicit arms trafficking as a central and not peripheral threat to peace, security and development.

33. To effectively address these topics at the policy/strategic level of decision makers and to develop stronger legal and policy links between the different sectoral approaches, a diverse range of initiatives and strategies should be considered at the national and international level, in order to raise and keep the political focus on this topic high. A thematic debate at the Security Council on illicit firearms trafficking as an enabler and catalyser of other forms of organised crime and terrorism could serve to promote better understanding of the multiple layers of action and leverage the international community's attention on actual responses and challenges that States encounter on the ground.
34. Stimulating internal debates among the different professional categories (together and within each relevant sector, eg. higher courts, schools of magistrates, prosecutors, police academies inter alia; customs; licensing authorities inter alia) on ways in which each can refocus its efforts and better address the problem, including through cross-sectoral approaches, in cooperation with civil society and academic research entities, can contribute to sharpen the collective understanding and the shape the strategic and operational responses of Member States and their national institutions.
35. Keeping an ongoing and regular dialogue between the specialised components of the United Nations that focus specifically on each threat can be of paramount importance not only to further contextualise and add clarity and value to existing international frameworks and mechanisms, and should be complemented also by regional instruments, organisations and initiatives. The complementarity of mandates and expertise in specific areas can allow to leverage resources and mutually reinforce the action of each organisation. Civil society, research institutions academia and industry are equally important partners in these efforts.

## **B) Criminal justice responses and capacity building**

### **Enhancing border detection and seizures capacity and improving workflows along the entire detection-investigation-prosecution chain.**

36. Illicit firearms trafficking is a complex and hidden crime, that often emerges only when the firearms have already been trafficked and have made their appearance in criminal and terrorist activities. Effective detection of trafficking incidents and firearms seizures at the time of their illicit movements, especially at border crossings are of crucial importance to reduce illicit arms flows and their facilitating role to a range of other cross-border security threats, including drug trafficking and the movement of foreign terrorist fighters. However, they can provide important elements to cast light on the illicit trafficking offence and its broader criminal context.
37. Detecting and intercepting illegal arms transfers requires specialised and highly skilled customs and export control practitioners. The fulfilment of import, export and transit control duties by border and customs officers to detect potential irregularities in the shipment permit documentation is central in identifying overlaps between firearms trafficking flows and other illicit transnational movements and activities carried out by organised crime and terrorist groups.
38. It is the first line of response that allows for the investigation of any transaction or transfer that does not comply with the requirements related to the cross-border movement of these sensitive commodities and prosecution of traffickers. Adequate risk indicators, profiling techniques, complemented by other transfer controls mechanisms, such as standardised end user certifications and end use verification practices can greatly contribute to reduce the risks of diversion of legal arms transfers into the wrong hands.
39. Technological advancements and thorough understanding on current and emerging modus operandi and patterns of trafficking, including through complex triangulations, of both firearms, as well as parts and components, such as through parcel service

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deliveries, create additional challenges to operators to detect, search and seize these items. Lack of awareness and of specialised knowledge and equipment are frequent impediments in this task.

40. In depth understanding of general risk analysis and profiling techniques must be combined with specialised knowledge on firearms specific risks and indicators in order to keep abreast of these technological innovations and of emerging trends and patterns in this field. Building up the capacity and increasing the awareness of front-line operators to actively search and detect concealed and smuggled firearms, their parts and components and ammunition, and to comprehensively and correctly gather the evidence and all the necessary information and data to support subsequent investigative efforts, is equally crucial.

41. Better workflows and operating procedures between the detection phase and the subsequent investigation work of law enforcement officers and prosecutors is among the important enhancements to be achieved through the new comprehensive strategy. Strengthening the capacity of border and customs control agencies to control and inspect such shipments, conduct firearms identification and verification of markings against the transfer documentation, by providing them with the necessary tools, equipment and skills would also result in improved investigation and prosecution of firearms trafficking and related crimes.

**Enhancing cooperation, coordination and intelligence sharing between border agencies (ie customs, border police, coast guard and other security agencies) at the regional and international levels**

42. Detecting illicit firearms flows is often the result of the exchange of intelligence information among different services, more than on random checks or tailored risk assessments.

43. Communication silos between entities and agencies performing border security and customs control functions are often an inhibiting factor in effectively preventing and counteracting linkages between illicit firearms trafficking and organised crime and terrorist activity. Strengthening the capacity of practitioners to apply intelligence led approaches to firearms trafficking cases and promoting also the spontaneous exchange of information among specialised services, are of crucial importance to better profile and target potential illicit arms cargoes. Effort should be made to increase information sharing and through effective communication strategies and protocols, such as the creation of joint police and customs units, as well as the establishment of standard operating procedures.

44. Successful practices and lessons learned from related fields, such as counter narcotic efforts, can be usefully adapted and applied to counter-firearms trafficking strategies. The speedy and spontaneous exchange of intelligence on suspected cases of firearms trafficking and potential links to organised crime and terrorism with relevant counterparts at the national and international level through alert mechanisms would reduce fragmentation and duplication.

45. The elaboration and sharing of border threat assessments also constitute a useful practice to inform and better target policies and operational action to the constantly evolving dissimulation techniques and sophisticated moda operandi used in the context of terrorist and criminal procurement of weapons, such as the separate shipment of parts and components, parcel service delivery and the use of the internet or the darknet. Maximum effectiveness of all the above measures can only be achieved however when these are applied at all border crossing points.

46. Coordinated and joint operational initiatives carried out at the sub-regional level, such as the EMPACT/Europol supported Joint Action Days, or the equivalent INTERPOL supported Trigger operations, carried out among neighbouring countries and other partners, including UNODC, to converge and focus law enforcement and investigative efforts on firearms trafficking cases linked to terrorism or illicit drug

trafficking, are some of the good practices that are starting to show positive results.

### **Systematising proactive investigations into firearms trafficking into law enforcement and prosecutorial practices, institutional protocols and embedding them into national criminal and procedural laws**

47. Firearms seized during cross-border trafficking attempts or in the context of criminal and terrorist activities can provide invaluable pieces of evidence and circumstantial information that can help identify firearms trafficking routes and patterns, connect incidents with suspects and ultimately uncover and disrupt larger weapons procurement schemes of organised criminal and terrorist groups.
48. In practice, however, most of this information is not collected or used by practitioners. Most of the firearms seized in a criminal context are not linked to an illicit trafficking offence but to the less serious offence of illicit possession, even when evidently not registered domestically. This is the most common catch-all measure privileged by many prosecutors to get the firearms fast out of circulation and avoid having to embark in a complex investigation to gather sufficient evidence to sustain a criminal investigation into the predicate trafficking offence.
49. The gap between the number of seized firearms at borders and within national territories, and the actual numbers of investigations is disproportionately high. The low number of judicialized firearms trafficking cases and the number of suspects sentenced for illegally supplying firearms to further criminal and terrorist acts, points to a significant discrepancy between the strategies defined in the relevant international instruments and the operational level.
50. Prioritising the systematic initiation of parallel investigations into potential trafficking cases independently from the principal offence and beyond the mere offence of possession into current investigative and prosecutorial practices, would lead to more holistic responses against this threat and help to address its nexus with other serious crimes. Making it a mandatory priority to investigate the possible illicit trafficking of firearms seized or acquired and used in an organised crime or terrorism context, can help promote and move the proposed paradigm shift to practice.
51. Embedding such requirement in criminal policies, guidelines and standard operating procedures would further ensure that the cross-cutting nature of the firearms element in organised crime and terrorism is considered in a consistent and organised manner.
52. Regular and systematic tracing of seized and recovered firearms and sharing results at the national and international levels, would be a central feature in the collection and analysis of evidence to support the prosecution of traffickers by establishing the successive chains of ownership and points of diversion.
53. The provision of training as well as the creation of specialised firearms units or hubs both within existing or investigative units and prosecution service or the judiciary, could help centralise the practical and scientific expertise required to support national institutions in this task. Investing such bodies with the powers to apply a range of special investigative techniques through legislative measures, would facilitate the sharing of information and evidence collected by such means through informal and formal law enforcement and judicial cooperation channels.

### **Strengthening the penal chain**

54. The judiciary is at the end of the chain of the rule of law system and cannot be efficient unless all components of the system work together. Prosecutors need to have a clear definition of what is legal and what not. The establishment as criminal offenses to enforce the existing firearms control regime (such as illicit manufacturing and trafficking, tampering with markings, failure to keep records or the intentional destruction of records, the illicit reactivation of firearms and illicit brokering inter alia), as well as considering introducing additional criminal conducts that are specifically associated with the criminal and terrorist procurement of weapons (such as

possession for the purpose of trafficking in firearms; trafficking or facilitating the illicit supply of firearms to terrorist or organised crime groups or individuals), are the necessary basis for the investigation, prosecution and adjudication of such acts.

55. Introducing adequate criminal penalties and toughening existing ones for licensed dealers and straw purchasers would deter them from knowingly or unknowingly contributing to terrorist attacks and criminal activities by providing access to weapons. Making full use of available investigative tools and powers commonly applied to terrorism or organised criminal offences, including courageous measures to facilitate financial investigations of potential trafficking transactions, and the location and forfeiture of illicitly acquired or gained assets, are some of the identified good practices.
56. With regard to institutional settings, several options are available for States to enhance judicial capacity to more effectively deal with the range of complexities that surround firearms trafficking offences and their nexus with organised crime and terrorism. These include capacity building of judicial officers on the technical aspects of firearms, mainstreaming related expertise and introducing adjudication/sentencing protocols and guidelines on firearms-related offenses within structures, policies and strategies dedicated to the fight against organised crime and terrorism.
57. Interinstitutional task forces and complex casework teams have achieved good results in breaking operational silos between agencies and promoting better understanding of the interconnectedness between the relevant disciplines.

**Build military police officer's capacity in pre-investigation collection, storing and analysis of firearm related evidence to identify potential links between arms trafficking and terrorist/criminal accountability for the commission of international crimes and human rights violations**

58. Addressing the illicit trafficking of firearms in the context of international crimes and human rights violations both in conflict and post-conflict settings is a further element for consideration. A baseline assessment of the challenges that impede proper criminal justice responses to such crimes may be useful starting points to identify concrete needs and priorities of countries in this area.
59. Building capacity of the military to collect, store and exchange information and evidence obtained by firearms and ammunition seized during anti-terrorist or anti-rebel operations, and support the onward investigative processes by the competent criminal justice authorities, would allow for their more systematic tracing and establishment of connections with organised crime and terrorist networks, trafficking patterns and illicit chains of supply. This type of evidence would be crucial in establishing the criminal accountability not only of direct perpetrators, but also of groups and individuals facilitating such crimes through illicit trafficking activities.

**Overcoming obstacles to effective international cooperation and information exchange**

60. A common obstacle to effective law enforcement action and tracing of firearms is identifying the right interlocutor. To go beyond the immediate success of seizures, work is also important at the investigative level and prior to the formulation of a mutual legal assistance (MLA) request to increase the level of connection between firearms control, law enforcement and judicial actors. Liaison magistrates have proven useful in promoting official understanding of different legal systems (including privacy and disclosure laws) and overcoming usual limitations related to lack of trust and competence.
61. Setting up both formal and informal feedback channels to share lessons and results achieved between investigators, prosecutors and analysts and supporting them with state-of-the-art tools will lead to strengthened criminal justice cooperation on firearms trafficking cases, including cases linked to terrorism and organised crime.

62. Strengthening and fully applying international cooperation mechanisms at law enforcement and judicial level, and encouraging the establishment of Joint Investigative Teams among countries along trafficking routes, for the purpose of supporting international investigations into complex firearms trafficking cases, through joint or parallel investigations on both ends of the chain, would also greatly contribute in advancing such cases and to render this invisible crime more visible and tangible to all.

### **C) Research, data collection, analysis and information sharing**

#### **Pooling data and good practice in criminal investigation and decision making**

63. Firearms data is the necessary basis for criminal intelligence systems that allow for the monitoring of risks and trends related to firearms trafficking, including potential linkages with organised crime and terrorism. The absence of such data is a major knowledge barrier in analysing the various dimensions of the threat, assessing the means and response mechanisms and regularly adapting policies and strategies to the evolving dynamics surrounding this type of criminality
64. Marking, record-keeping and tracing systems, comprehensive firearms registries and the establishment of focal points to collect and share information with relevant agencies at the national and international level are all essential components in leveraging the immense value of firearms intelligence in operational and policy decision-making to address a range of firearms-enabled peace and security threats.
65. Building infrastructure and capacity to generate comprehensive data sets (including information on civilian stockpiles, registered firearms dealers/brokers, alongside tracing and ballistic results of seized firearms) is a key precondition for identifying sources of illegal acquisition of firearms by criminal and terrorist groups, geographic risk assessments and informing authorisation and license revocation decisions. Crossing data and information on firearms trafficking, organised crime and terrorism at the national and international level can make it possible to draw integrated analyses and conclusions for more effectively countering the intersections between these phenomena.
66. While more and better-quality quantitative data are an important priority, equal focus must be placed on the qualitative side. Consistent stocktaking of common challenges and best practices across the spectrum of legal and practical measures would create even more powerful feedback loops to develop new approaches and innovation for international cooperation and assistance.
67. Sharing nationally collected data through appropriate global data collection mechanisms can help mapping and monitoring the illicit trafficking flows, their routes, trends and patterns. Superposing this data with other relevant indicators and data on organised crime or terrorism, inter alia, can also help visualize the nexus between organised crime, terrorism and arms trafficking, and disclose common or inverse trafficking routes and links to different security threats.
68. Encouraging the regular sharing of firearms related data also at operational level among practitioners from different institutions and countries, and in a real time fashion, can greatly enhance the evidence-base to support criminal investigations.

#### **Addressing new challenges through technology, innovation and public-private partnerships**

69. Current insights into criminal and terrorist acquisition of firearms have placed an increased spotlight onto several techniques employed by these actors to circumvent laws and avoid detection, including the use postal and parcel services, the internet and the darknet, the conversion of blank firing pistols or even the manufacture by licensed repairers of tailor-made ammunition to fit illegally modified ancient weapons.

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“Empowering local communities to actively engage in crime prevention, counter terrorism and anti-firearms trafficking efforts reinforces the effectiveness of criminal justice measures and shields them against recruitment into organised crime and terrorist groups.”

70. Quicker response and adaptation mechanisms, as well as closer collaboration with industry and the private sector could create new opportunities in addressing these new moda operandi and legal and operational challenges surrounding their effective detection, investigation and prosecution.
71. Export controls for 3D printers, methods to recover obliterated serial numbers, better regulation of online markets, new technologies that allow for the tracing of 3D printed weapons to the machine, have been highlighted among the new areas of policy to be further developed. Collaboration of criminal justice authorities with the financial sector is also important in identifying and disrupting links by providing access to financial data and monitoring of suspicious transactions.
72. To bring existing instruments in phase with the changing context, countries should retain a broad perspective that reinforces their effectiveness to respond to these emerging threats. Initiatives under way at the United Nations aiming inter alia at addressing security concerns over conventional ammunition (A/RES/72/55), exploring the role new technologies as means for and tools against crime (14<sup>th</sup> Crime Congress) and technological evolutions in firearms design (forthcoming June 2019 United Nations Secretary General report) offer tangible occasions to take this broader look.

## **D) Community level engagement**

### **Strengthen resilience to illicit arms access and misuse through wider crime prevention measures**

73. There is consensus around the relevance of firearms-specific education and awareness-raising measures in building resilience to organised crime, terrorism and violent extremism through community level approaches. Empowering local communities to actively engage in crime prevention, counter terrorism and anti-firearms trafficking efforts reinforces the effectiveness of criminal justice measures and shields them against recruitment into organised crime and terrorist groups.
74. Campaigns that can be cited among the initiatives that have yielded positive results in different regions include: the promotion of the equal participation of women to arms control processes; drug awareness and resistance education programmes for youth; grass root dialogues among communities that are particularly affected by firearms-enabled criminality and violent extremism; firearms education curricula and media awareness.

### **Develop national ownership through the increased involvement and sourcing of on-the ground knowledge from local actors**

75. The need to develop national ownership on key legislations, institutions and measures as part of the new comprehensive strategy cannot be overemphasised. Local geographic and cultural dimensions need to be adequately factored in the design, programming and implementation phases to ensure sustainability of the results in the long term. Consultation with all related stakeholders, including policy makers and legislators, practitioners, local communities, civil society representatives, as well as regional and international actors, creates essential communication and feedback channels to ensure the necessary buy-in and inform the new vision through increased levels of trust and transparency.

## **Conclusion**

This two-and-a-half-day dialogue was aimed at exploring options, both policy and practice-oriented, to reduce the fragmentation of responses and promote more coherent approaches in addressing firearms trafficking and its nexus with organised crime and terrorism.

The generated ideas, expert discussions and recommendations will be further elaborated



by UNODC and its partners in a tailored strategy to counter illicit firearms trafficking in the context of organised crime and terrorism. Key action points will be taken forward in the framework of an ongoing consultation with beneficiary and donor countries, partner organisations and wider UN membership to leverage greater political will, resources and impact to disrupt illicit arms flows and their access by terrorist groups and international trafficking networks. Innovation and joint partnerships are among the core elements of this new approach.

The non-binding good practices outlined in the present report can also provide guidance for the development of policies, provision of technical support, and advocacy efforts towards addressing the specific challenges and needs in focus regions and countries in terms of implementing arms control, organised crime and counterterrorism frameworks, including Security Council resolution 2370 (2017), as well as goal 16.4 of the 2030 Agenda for Sustainable Development.

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