INTRODUCTION

Firearms trafficking affects all parts of the world and impacts on society in multiple ways. It is a major concern in the context of human security, and it is central in law enforcement efforts and activities. Firearms are instrumental in much violence, particularly homicide; they are often used by organized criminals and they support operations related to armed conflicts and terrorism. The most common form of weapons trafficking involves small arms and light weapons; however, the character of this trafficking can vary significantly in different geographical contexts and in relation to different weapons.

Firearms are usually manufactured for legal markets by licenced manufacturers. They can, however, be diverted into illegal markets at any point in their life cycle. The action of law enforcement aims at stopping their illegal movement. In many parts of the world, firearms are easily available for those who can afford them. Firearms can circulate in legal and illegal markets for a long time and because they are durable commodities, they can be easily reused and resold. This durability presents challenges to prevention and control activities. For this report, data from firearms seizures are used to have a closer look at firearms trafficking. Building on the 2015 UNODC Study on Firearms, this report analyses the flows of firearms trafficking, the types of firearms that are trafficked, how this trafficking is conducted and how it is related to other types of crime. The report is not aiming at estimating the value of the illegal market because the available data is too sporadic to support such an estimation.

The complex nature of firearms concerns is also reflected in the international legal framework. There is a wide variety of international and regional instruments addressing firearms and their trafficking. The overall framework of this report is based on the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (the Firearms Protocol) supplementing the United Nations Convention against Transnational Organized Crime which was adopted by the General Assembly in 2001. UNODC is the guardian of the Convention and its Protocols. The Firearms Protocol, which had 118 Parties as of October 2019, addresses the illicit manufacturing of and trafficking in firearms from the criminal justice angle, with a view to provide Member States with measures to address the transnational nature of the phenomenon and its links to organized and other serious crime. Many other instruments introduce a complementary approach to firearms trafficking from disarmament, trade or development perspectives.

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In the context of the Conference of the Parties to the UN Convention against Transnational Organized Crime, Member States have requested UNODC to collect and analyse quantitative and qualitative information and suitably disaggregated data on trafficking in firearms, their parts and components and ammunition. In addition, within the framework of the 2030 Agenda on Sustainable Development, UNODC is monitoring the global developments related to the indicator 16.4.2 (“Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments”). UNODC also serves as the international agency co-custodian of this indicator together with the Office of Disarmament Affairs (ODA).

Seizures data to help understand firearms trafficking?

In the United Nations Convention against Transnational Organized Crime, “seizure (or freezing)” is defined as “temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority” (article 2f). Seizure can precede final confiscation or forfeiture, defined as “permanent deprivation of property by order of a court or other competent authority” (article 2g).

Criteria for seizing firearms can vary considerably among different countries. The Firearms Protocol requires states to seize firearms which are illicitly trafficked or manufactured and to criminalize these offences. National legislation and regulations often go beyond the provisions of the Protocol and firearms can also be seized for other reasons such as having been used in criminal activities. Seizures can also be based on administrative violations such as a lack of a valid licence for possession or failure to comply with storage conditions.

Seizures are a reflection of a complex reality and of different overlapping facets of the phenomenon of illicit trafficking of firearms. Seizures may be related to criminal activity but some seizures may also arise out of infringements of an administrative nature. Whether a particular situation or conduct constitutes an administrative or a criminal offence will depend on the national legislation, but administrative offences would typically relate to expired licences, improper storage, inadequate maintenance, carrying or transporting a firearm in violation of applicable restrictions, etc. There are also seizures which happen as a preventive measure, typically in cases of domestic violence or threats of violence - even if no crime has been committed with the firearm.

Bearing in mind that firearms are durable goods which can last for decades, firearms may be detected in criminal settings long after they entered the black market (through diversion or illicit manufacture). Moreover, some criminal links which give rise to the seizure of a firearm may occur independently of whether the firearm had been previously trafficked or not. For example, a firearm can be used in the commission of a crime, and therefore seized, whether it was legally held or not. Sometimes a firearm is seized in the context of crimes or investigations which are unrelated to the context of crimes or investigations which are unrelated to the black market.

Fig. 7 Circumstances of firearms seizures

3 Conference of the Parties to the UN Convention against Transnational Organized Crime, Ninth Session, Resolution 9/2, paragraph 32.

4 The UN Firearms Protocol uses the term “illicit trafficking”. For editorial reasons, this term will be shortened to “trafficking” throughout this report.
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to arms offences, such as organized crime or drug trafficking; in such cases, trafficking may or may not have happened prior to the seizure. A firearm can also be seized because of its condition, such as the case of altered or deleted markings or illegal modifications, or because it was illegally manufactured, including conversion from other weapons, illegal assembly or illicitly manufactured in artisanal settings. Once more, such firearms may or may not have been trafficked prior to seizure. There may also be cases of a criminal nature in which a firearm seized from its holder is of unclear origin but there are no evident criminal links other than unauthorized possession.

The cases described above typically occur when a firearm is seized from its “end user”, that is, a person or group of persons who held the firearm for their own purposes and use (lawful or not). This leaves the case of firearms which were detected in circumstances which suggest illegal transfers or movement at the moment of interception. Even among such firearms, such transfers or physical movement may be internal to a country, or transnational. Such seizures are those which reflect most directly the nature of illicit flows of firearms. Seizures from cross-border shipments, such as those made by Customs, are of particular interest.

Data sources and limitations

The report is based on data collected from Member States through the Illicit Arms Flow Questionnaire (IAFQ), which was developed in cooperation with national and international experts, relevant international and regional organizations, and non-governmental organizations and research entities, in order to collect seizure data in both aggregate form and on a case-by-case basis. The questionnaire collected data on several aspects of firearms trafficking, such as trafficking routes, criminal context, tracing and the criminal justice system response to this crime. A total of 80 responses to the questionnaire were received. In addition, complementary sources of data were used, particularly national reports on the Implementation of the Programme of Action on Small Arms and Light Weapons and the International Tracing Instrument (collected and shared by the UN Office for Disarmament Affairs) and seizure data from the World Customs Organization (WCO). Most of the data cover the years 2016-2017.

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These sources were used in particular to generate quantitative data for some of the indicators covered by the Illicit Arms Flow Questionnaire, yielding data for a total of 107 countries and territories for at least one of the years 2016 or 2017.

There are some limitations concerning the use of seizure data in the context of firearms trafficking. Seizures can be made for reasons other than firearms trafficking per se. Firearms may be seized because they were used in the context of criminal activities such as drug trafficking or homicide. In addition, as for most such data related to crime, seizure data reflect both the level of trafficking and the effort and capacity of law enforcement to implement the regulatory mechanisms which may vary considerably between countries. Triangulating seizures data with other information and analysing them across countries help to use seizures data to inform patterns and dynamics of trafficking but seizures alone do not describe the level of trafficking. Legal definitions and regulatory frameworks can differ greatly from one country to the next, making country-level comparisons difficult and fraught with risks of comparing different phenomena. In addition to these general limitations, some specific limitations concerning the data collection for this report need to be noted. The data collection could not cover all countries in the world and even for those countries that did respond, the richness and quality of the responses varied. While some parts of the questionnaire resulted in good quality data, other parts were left empty or only scarce data were submitted. These limitations should be kept in mind when reading the report.