

April 2023 - Written contribution from the Global Initiative Against Transnational Organized Crime to the 2023 Constructive Dialogue on the Implementation Review Mechanism, on implementation of the UNTOC Protocol on firearms.

The illicit firearms trade is a global challenge that needs far more attention. The [GI-TOC's Global Organized Crime Index 2021](#) ranks arms trafficking as the third most prevalent criminal market in the world. In some regions, this market ranks as the [most pervasive](#) in the world compared to the global average. Because it thrives in conflict, and non-conflict zones, illicit firearms trade is a key threat to sustainable development, peace and security.

Exploring the links between firearms trafficking and other forms of organized crime requires analysis of how guns enter illicit markets; how they enable other criminal markets to flourish; what actions are taken by governments to control their flow within and across borders; and the role firearms play in exacerbating crime and violence in communities across the world.

This contribution contains some of the latest key findings from a wide range of GI-TOC research, which should be considered as part of our effort to improve the implementation of the UNTOC Firearms Protocol, including when technical assistance needs are assessed and identified.

- **Increased access to firearms shapes how organized crime networks operate and fuels other forms of crimes.**

Access to illicit firearms is shaping how criminal networks operate. Transnational and local networks are both consumers and suppliers of the illicit firearms trade. Illicit firearms have therefore also shaped the operation of the criminal economy in general.

According to the Small Arms Survey, globally there were approximately 857 million firearms in the hands of civilians in 2017. Of this total, only 12 per cent were reported as registered. In Latin America, the world's most violent region, the increased availability of firearms – particularly of high-caliber weapons diverted from legal purchases – has been linked to a brutal increase in homicides. In certain African countries, gun availability has led to an arms race in which criminal organizations and armed groups have invested their profits to 'out-gun' their rivals and security forces. In Europe as well, firearms accessibility is transforming organized crime tactics, fueling urban violence, and posing serious threats to public security, and community resilience altogether.

Firearms enable criminal groups to fight for dominance, deter state actors and threaten communities, fuel extortion, carry out robberies and hijackings, engage in poaching and human trafficking activities. A case in point is the relationship between firearms and the market for drugs, two markets that tend to benefit and reinforce each other. Expanding drug profits has enabled gangs to procure more firearms, these firearms in turn have enabled greater control

over drug turf and thus higher profit. The illicit firearm and drug trade economies have become inextricably linked in a vicious cycle in Latin America, Africa, and Europe.

- **Trends and future challenges?**

Illicit arms trafficking is quickly evolving. Guns can be produced cheaply in a number of ways: rudimentary handmade weapons can be manufactured, which expel a projectile using gas; gas-powered replicas can be modified into fully functional firearms; deactivated guns can be reactivated; and firearms (and their individual parts) can now even be 3D printed. Then, firearms are easier to purchase than before, mainly due to dark web networks of distribution, but also social networks and messaging apps that have drastically transformed the accesses to black markets.

Finally, access to ammunition is key for licit and illicit users of firearms, but to a certain point overlooked from the arms-trafficking agenda. In regions such as Africa and south-eastern Europe, ammunition is acquired or lost from state sources and given the unreliability of records and inventories, it is difficult to assess how much ammunition is lost as losses go undetected.

- **Reliable records, databases and tracing are needed to enforce treaties and domestic laws.**

There are important opportunities to improve recordkeeping of inventories of arms, parts and ammunitions. The UNTOC Firearms Protocol gives states the legislative framework required to control and regulate licit arms and arms flows, prevent their diversion into the illegal economy, facilitate the investigation and prosecution of related offences. Taken together with the Article 11 of the Arms Trade Treaty, it provides a framework for improving national legislation and facilitating international cooperation, whilst providing a platform for technical assistance and capacity building.

Specifically in this cluster of the Protocol under review, articles 3, 5 and 8 of the Protocol focus on the use of terms, criminalization and marking of firearms. It is important to verify not only whether these provisions have been properly incorporated into national laws and regulations, but also standardized. It is also important that national laws follow the standards provided by the Firearms Protocol as to enable cooperation and technical assistance. At this stage, it is important to assess if standards are respected so that improvement can be achieved in areas of exchange of information, data recording and sharing. Due to the late adoption of the review mechanism, and its slow progress thus far, along with the intergovernmental nature of the mechanism and its lack of transparency – it is thus far not possible to gain a realistic assessment of the implementation of the Protocol (or the UNTOC more generally). Importantly it is difficult to assess the actual impact the Protocol has had on the criminal markets concerned.

In the Secretariat's background document for the Working Group and the Constructive Dialogue, it is clear that no country reviews have been completed, therefore at this point, 3 years

into the review mechanism and 23 years after the adoption of the UNTOC we still do not have any data from country reviews.

Recommendations:

In order to properly assess and enhance implementation of the Firearms Protocol - to improve record-keeping, tackle diversion, and more generally combat the illicit firearms trade, we make the following recommendations to enhance the technical assistance, capacity building and engagement where evidence-based and research are needed:

- 1. States need to take a holistic view of the interconnected nature and dynamics of criminal markets, and how they are affected by and affect the broader criminal economy.**
 - This requires an approach to capacity building and technical assistance that is not just a technical approach to the relevant provisions of the Protocol – but incorporating evidence and understanding of the links between the firearms trade and other criminal markets.
 - Law enforcement and criminal justice capacity should therefore be built in coordination with other efforts which are aimed at tackling transnational organized crime, corruption, and other specific types of illicit markets.

- 2. Information should be shared between all relevant multilateral mechanisms – including the UNCAC Conference of Parties, the CCPCJ, and the CND but also the other working groups of the UNTOC and the other Constructive Dialogues.**
 - In addition, information and best practice should be shared with other multilateral mechanisms such as the Arms Trade Treaty, and the Programme of Action on Small Arms and Light Weapons, as well as relevant regional mechanisms.
 - Ammunition and modifications to firearms must become a more important element in efforts to curb trafficking. Implementing tools such as the UN’s Manual of Ammunition Management should be improved, and member states should be required to introduce legislation to only import ammunition with markings that identify make and country of origin.
 - All of the relevant mechanisms across the multilateral system should be used in coordination to improve record-keeping, tackle diversion, and more generally combat the illicit firearms trade.

- 3. Coordination among security and law enforcement authorities is crucial not only to increase seizures but also to obtain better tracing data, which can give a more comprehensive view of the illicit gun market and how it fuels organized crime.**

- Although our research provides a clear picture of how regulated sales enable illicit flows across the world, this can only be done when arms seizures data is collected from agencies and complete registries are shared for tracing.
 - The process therefore requires stronger cooperation and collaboration from all security and law enforcement agencies in a given country, region, or multilateral framework of cooperation.
- 4. To enable the broader understanding and coordination, engagement with non-governmental stakeholders is fundamental – including arms control experts, human rights experts and others.**
- Civil society can bring a different evidence base and perspectives, based on their experiences in studying and in some cases preventing illicit firearms trafficking.
 - Those civil society individuals and organizations supporting victims of gun violence in affected communities should also be included – who know how the criminal markets work on the ground.
 - The voices of private sector and academic stakeholders are also key to building a broader base of understanding and engagement.
- 5. Foster support for civil society and academic initiatives that aim at producing more empirical, qualitative, evidence-based knowledge and tools, in order to better understand and grasp the functioning of the illicit networks that lie behind firearms trafficking.**
- There is an urgent need for stronger research, fieldwork and documentation.
 - In articulation with the empirical qualitative data, to produce more robust, timely, and available quantitative data on firearms trafficking, tracing, and price mapping.
 - Concretely, we must join efforts, between civil society, academia, law enforcement agencies, the private sector, and relevant UN agencies, to invest resources in order to produce more robust, timely data on illicit flows, arms possession, and the number of firearms in circulation in a given nation, between countries, and at the very local level, region by region, subregion by subregion, within a given country, to understand illicit trafficking networks much better.
- 6. Support better outreach and advocacy:**

- If our cooperation aims at making prevention stronger, we need to make sure that society is aware of the challenges posed by illicit firearms.
- Our initiatives shall be strongly disseminated and made available for multiple audiences, especially the youth of regions or towns affected by firearms violence. There is a clear need to communicate better, reach wider audiences, for these dialogues to become more and more open over time.