Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them and the illicit trade in small arms and light weapons in all its aspects

Report of the Secretary-General

Contributions provided by UNODC

I. Introduction

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II. Recent Developments

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E. Activities of other bodies with regard to small arms and light weapons

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ECOSOC – Commission on Narcotic Drugs

The Programme of Action contains the commitment for States and international organizations to provide assistance to combat the illicit trade in small arms and light weapons linked to drug trafficking. Relevant in the context of this commitment, the Commission on Narcotic Drugs that was established by the by Economic and Social Council, in its 65th session, adopted resolution 65/4, entitled “Strengthening international cooperation to address the links between illicit drug trafficking and illicit firearms trafficking”. In the resolution, the Commission explicitly made reference to the Programme of Action and expressed concern that drug-traffickers are heavily arming themselves with illicitly trafficked firearms. Against this backdrop, the Commission underlined the importance of addressing in an integrated manner the global challenge posed by the multifaceted links between illicit drug and firearms trafficking and emphasized that preventing and combating this link contributes to undermine the capabilities of drug traffickers. It further invited States to take full advantage of international and regional drug control conventions and policy documents as well as instruments addressing illicit trafficking in firearms.

The resolution also contains concrete commitments, how States should address the links between illicit drugs and firearms trafficking. This includes the adoption and strengthening of coordinated border management strategies, increased capacities of border control and law enforcement agencies, enhanced operational cooperation and information exchange. Finally, the Commission underlined that efforts to combat drug trafficking can be complemented by providing training in combatting illicit firearms trafficking for law enforcement personnel responsible for investigating such activities.

III. Enhancing international cooperation and assistance modalities and procedures

The illicit trade in small arms and light weapons is a transnational offence, which is often connected with other serious crimes and/or terrorism, firearms being the main tool to obtain, maintain and perpetrate power by criminals and terrorists. This complex crime requires cross-border cooperation among
The systematic and spontaneous exchange of information constitutes an important measure both at the investigative and prosecutorial levels, as it may strengthen investigative and prosecutorial approaches in countering illicit firearms trafficking and related forms of crime. In line with article 12 of the Firearms Protocol, States parties required to exchange information on a wide range of topics that can help to understand, among other things, possible threats related to organized criminal groups, routes and modus operandi, as well as relevant information on authorized dealers, producers and importers. Practitioners from some regions confirmed that channels for the exchange of such information are often established very informally, such as through mailing lists, the exchange of telephone numbers or even the use of messenger services groups. One specific form of information exchange are tracing requests. Some countries promote to consider tracing requests as a crime notice, in order to establish an obligation to open a parallel investigation in the firearm source country.\(^1\)

### Information exchange and tracing

As one category of international cooperation, the systematic and spontaneous exchange of information constitutes an important measure both at the investigative and prosecutorial levels, as it may strengthen investigative and prosecutorial approaches in countering illicit firearms trafficking and related forms of crime. In line with article 12 of the Firearms Protocol, States parties required to exchange information on a wide range of topics that can help to understand, among other things, possible threats related to organized criminal groups, routes and modus operandi, as well as relevant information on authorized dealers, producers and importers. Practitioners from some regions confirmed that channels for the exchange of such information are often established very informally, such as through mailing lists, the exchange of telephone numbers or even the use of messenger services groups. One specific form of information exchange are tracing requests. Some countries promote to consider tracing requests as a crime notice, in order to establish an obligation to open a parallel investigation in the firearm source country.\(^1\)

### Joint investigative teams

According to article 19 of the almost universally applicable United Nations Convention against Transnational Organized Crime, States parties shall consider concluding agreements or arrangements on the establishment of joint investigative bodies. A joint investigation team is an international cooperation tool based on an agreement between competent authorities of two or more States, which is established for a limited duration and for a specific purpose to carry out complex criminal investigations. Made up of prosecutors and law enforcement authorities as well as judges, such teams have the potential to foster the spontaneous exchange of information and evidence in complex cases of cross-border arms trafficking, without the need to use traditional channels of mutual legal assistance.\(^2\) For instance, in 2021 three European countries set up a joint investigative team with the support of EUROJUST to dismantle a trafficking network, which trafficked illicitly converted flobert weapons. In the course of the investigation 350 illegal weapons were seized and 160,000 EUR confiscated.\(^3\)

The establishment of joint investigative teams can be particularly effective at trafficking hotspots or along frequently used trafficking routes. Joint investigation teams are promoted actively among European Union member States and governments from the Western Balkan region, among others.\(^4\) Recently, UNODC through its Global Firearms Programme started to engage with countries in Latin America and the Caribbean to promote and actively support the establishment of joint investigative teams in the so-called Triple Border region (the border region between Brazil, Paraguay and Uruguay), Central America (El Salvador, Guatemala, Honduras), the Caribbean region, and ultimately all across Latin America.

### Joint operations

Different from joint investigative teams are the so-called joint operations, in which officers from different jurisdictions join forces for specific operations but investigate and prosecute the cases independently. Examples of such operations include the Joint Action Days carried out under the EMPACT programme of EUROPOL and the subregional operations KAFO and TRIGGER that are supported by UNODC and INTERPOL. In the two-week long operation KAFO III against firearms trafficking in the Sahel, for instance, 850 officers from across relevant law enforcement agencies of seven countries seized a

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total of 594 firearms and several thousand rounds of ammunition, including among suspected terrorists. The operation has taken place for the third consecutive year and has proven to help to better understand the extent and nature of illicit arms flows in the region, including the links between firearms trafficking and other forms of crime and terrorism. In addition, it has a lasting positive impact on regional international and inter-agency cooperation and collaboration.¹

Prior to the launch of each operation, countries gathered intelligence to help to target specific locations for action, including cross-border and bypass points and known firearms trafficking hotspots where cars, buses, trucks and cargo transporters suspected of moving illicit weapons were searched. UNODC is currently supporting those countries in following up on the cases opened as a result of the operation, including by providing mentoring support. Ultimately, the engagement in joint operations can eventually lead to the establishment of Joint Investigative Teams.

**Exchange of personnel and experts and posting of liaison officers**

To further or initiate investigations and operations that address the illicit trade in SALW, also the exchange of personnel and other experts, including the posting of liaison officers, in accordance with article 27, para. 1 (d) of the Organized Crime Convention, has been proven to be an effective form of international law-enforcement cooperation. Such direct contacts allow for low-threshold communication channels for the proactive exchange of intelligence and case-related information. Similarly, liaison magistrates have been used successfully in some jurisdictions.²

**Judicial cooperation**

To ensure that those engaged in the illicit trade of small arms are brought to justice, judicial cooperation can enable authorities to obtain evidence abroad in a way that it is admissible domestically. For example, witnesses can be summoned, persons located, documents and other evidence produced and warrants issued. Article 18 of the Organized Crime Convention provides that States parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings, including in cases related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. Extradition complements this array of measures. Article 16 of the Convention provides a detailed framework for extradition and that the Convention may serve as legal basis for extradition, should a bilateral extradition treaty among the concerned State parties not exist.

**Single point of contact**

For engaging in law enforcement and judicial cooperation the linchpin often is a direct line of communication with foreign counterparts. To facilitate the establishment of such contacts, both the Firearms Protocol and the Programme of Action require the identification of national bodies or single points of contact to act as liaison between States on matters relating to the instruments. Good practice in some States include that these points of contacts also domestically act as central authority that deals with all firearms-specific matters. As such, they can be beneficial for firearms investigation purposes, including in the context of tracing, and as a data generator and processor of up-to-date statistics for intelligence purposes. UNODC maintains a regularly updated and disseminated Directory of Competent National Authorities, which serves as a repository of all focal points established under the Organized Crime Convention and its Protocols.

**Communities of Practitioners and regional meetings**

In addition to the abovementioned institutionalized forms of international cooperation that can take place among States, the United Nations regularly foster international cooperation through regional, sub-regional and cross-regional meetings among communities of practitioners to build bridges of cooperation in investigating processes. Regular and direct contact among practitioners, such as through meetings, seminars or similar events, present good opportunities for sharing and discussing experiences, knowledge, best

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² Ibid.

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practices and difficulties as well as for peer-to-peer learning. Specialized networks and communities of firearms control authorities and criminal justice practitioners can facilitate and support the exchange of relevant cases, expertise and experience with regard to the effective investigation and prosecution of firearms criminality and related forms of organized crime.

IV. Activities carried out by the United Nations for the implementation of resolutions 76/32 and 76/232

[...]

G. Crime prevention and criminal justice

By assisting States in implementing the Firearms Protocol and other small arms and light weapons instruments, UNODC helps to prevent and combat the illicit trade in small arms, in particular through the strengthening of institutional capacities and criminal justice responses. In that regard, UNODC continued to provide support to 26 States in Africa, Latin America, Central Asia and South-Eastern and Eastern Europe to update legislation related to trafficking in firearms and provided capacity-building with a focus on investigating and prosecuting firearms trafficking and related forms of crime.

The Office further continued developing an Integrated Firearms Registry System (goIFAR), a record-keeping application that will help States to track firearms throughout their life cycle, in line with their commitments under the Firearms Protocol, the Programme of Action and the International Tracing Instrument. In addition, the Office provided firearm marking machines to the Central Africa Republic, Chad and Bolivia and trained national authorities in their use in order to allow them to mark firearms in line with these instruments and maintain records of them.

With the aim to promote regular exchanges among firearms control and criminal justice practitioners, the Office also organised two regional meetings in Panama for criminal justice experts from Latin America and the Caribbean, respectively, who shared, discussed and analysed cases of firearms trafficking and related offences.

Finally, UNODC expanded its regional scope and started a new project to support the implementation of the criminal justice component of the Caribbean Roadmap on the Illicit Proliferation of Firearms and Ammunition across the Caribbean in a Sustainable Manner by 2030. To that end, the Office conducted assessment missions in four countries with the aim to assess the institutional, legislative and regulatory frameworks of the countries in the region and identify assistance needs and rolled out training and capacity building activities in various countries.

IV. Recommendations for consideration by BMS8

- States should consider entering into effective international cooperation arrangements for investigations and prosecutions, including by establishing joint investigative teams in border regions that share information and intelligence on an ongoing basis and work jointly in border corridors\(^7\)

- States should enhance inter-agency cooperation and participate in cross-border coordination of proactive intelligence-led investigations and cooperation between law enforcement and judicial authorities within and across regions to prevent, counter and eradicate the illicit trade in small arms and light weapons

\(^7\) UNTOC COP resolution 10/2
- States should consider incoming tracing requests as a crime notice with the obligation of offering the requested support, including the sharing of relevant information and evidence, and, if appropriate, open a parallel investigation to identify the illicit origin of the trafficked firearms and associated offences.