# MGE Monitor

NGO reporting and analysis on the
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UN Programme of Action on small arms
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## Cooperation in tracing

Ray Acheson | Reaching Critical Will of the Women's International League for Peace and Freedom

The bulk of Wednesday's discussion focused on the third thematic item of the MGE, cooperation in tracing. The discussion kicked off with a presentation of INTERPOL's tools states can use to help them trace firearms, which include a firearms tracing tool; firearms reference table; firearms identification online training; and a ballistic information network. INTERPOL's representative also announced a fifth tool under development, which is an international database for stolen, lost, smuggled, and trafficked firearms.

The UN Office on Drugs and Crime (UNODC) also gave a presentation, which focused on bringing a criminal justice perspective into the meeting. The UNODC representative noted that -firearms are always involved in transnational organized crimes, either as means to facilitate the commission of crimes or as commodity for illicit trafficking. Yet, she explained, few criminals are brought to justice for firearms trafficking charges—far more are investigated for drug trafficking or associated crimes. She warned against considering the issue of firearms in isolation and urged states to take a broader view to respond adequately to the challenges of organized crime, such as by implementing both the ITI and the Organized Crime Convention. She argued that their combined implementation will give states effective tools for international cooperation.

Ambassador Jim McLay led off the member state discussion with some questions, such as: How frequently have states received tracing requests? Have such requests generally been successfully completed? What are the main reasons they're not completed? What tools have you used? What other tools exist at the bilateral or regional level? How effective have such instruments been in practice, or how could they be enhanced? What challenges have states encountered in sharing information? What could be used to promote coordination with private sector and inter-regionally to enhance tracing?

Several delegations attempted to answer these questions in their interventions. The Philippines noted that in one recent case they were able to successfully assist another country in tracing 115 of 181 seized firearms, which led to criminal charges. However, the remaining weapons were untraceable either because their markings were damaged or there were no records. In this regard, the delegation

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emphasized the importance of yesterday's discussions on marking and record-keeping, noting that the inadequacy of either will make tracing extremely difficult.

The German delegation highlighted another challenge, which is of manufacturers illegally marking weapons. In one case, it noted that a firearm brought to it for tracing was marked with one manufacturer's information but was actually produced by another manufacturer that used the other's trademarks. This resulted in an investigation that has revealed the broad scope of this practice, and illustrates an extensive knowledge of firearms is necessary to successfully trace weapons. France's delegation also emphasized the importance of training and competence, and several other delegations such as Sudan highlighted such "capacity deficits" being the biggest challenge to tracing firearms in their regions or countries, especially where conflicts have recently taken place. Of course, as several delegations pointed out, situations of conflict are one of the prime instances when tracing is most needed. The International Committee of the Red Cross (ICRC) urged all states "to ensure that illicit weapons that are recovered during or after armed conflicts are traced, and to maximize tracing cooperation to this end."

The US delegation emphasized the need of training for police officers, who sometimes need to be convinced of the value of tracing a weapon. It explained that the United States tries to train its police to think of the firearm as an informant, which has lot of information about things other than the crime for which it was specifically used to commit—for example, if it turns out to be an illegal firearm, the individual might be part of a trafficking network. The US delegation also gave a presentation of its eTrace system, which is provided free of charge to any country seeking to trace US weapons that end up in their territories.

Israel's delegation brought up another challenge, regarding cases when the information requested pertains to deals brokered by arms traders whose sole connection with the country from which the trace is requested is that person's citizenship—i.e. when the arms deal has been brokered between two other states, operating from outside the country from whom a trace is requested. In response, the Belgian delegation suggested looking at the proof stamp on the barrel of the weapon, which should contain a unique country mark to help identify the actual country of origin. Belgium and Germany both emphasized the importance of having good relations with weapons manufacturers in one's country, for sometimes the manufacturer's records of when a weapon was made or who it was sold to can prove instrumental in tracing a firearm successfully.

Brazil's delegation referred to confidentiality of information as a potential challenge for cooperation, noting that if the country that requests a trace on a firearm does not have the requisite information—type of weapon, manufacturer, caliber, and serial number—then the country requested to conduct the trace might need more information, such as where it was seized or who the end-user was intended to be, but this information is not always easily forthcoming. The US delegation also pointed out that some country's laws require them to share information that the country that has conducted the trace may prefer be kept confidential—for example, if an individual is being charged with a crime that involves a particular firearm, the information provided by the tracing authority will have to be shared with the defence, not just the prosecution.

A few delegations brought up new questions for the MGE to consider. Belgium's delegate noted that a trace on a particular firearm can reveal that certain buyers require special attention in their license requests and said that Belgium includes an anti-diversion criterion in transfer requests and export licensing. He asked how such information on the risk of diversion could be efficiently compiled in order to assist police.

Mexico's delegation explained that to bring charges against traffickers, authorities require identifying not just the producer and distributor of the firearm but also the trafficking route by which the weapon entered the country. To help facilitate this type of tracing, Mexico's delegate

asked other states to consider developing a directory of competent bodies and authorities that can be put together that allow for an investigation between these bodies instead of having to send a formal request through INTERPOL.

## Chasing the future

Robert Zuber | Global Action to Prevent War

Amidst all the helpful sharing during these first days of the MGE, there were some sobering comments from delegations, aptly summarized by Ambassador McLay, noting that industry seems always to be running one step ahead of regulators. The Ambassador also noted that 'criminals' also seem to be able to find the gaps in any law or regulation, though this case is more of a flaunting nature rather than a concerted effort to organize activity 'between the regulatory cracks.'

Nevertheless, the point made by delegations and the Chair is well taken and can be seen in a multiplicity of arms-related areas: those seeking to control the flow of weapons, prevent diversion, and end illicit sales and movement. Combating such illicit activities tends to move less nimbly than those who seek to exploit or flaunt arms loopholes – either for legitimate business interests or on the basis of more sinister motives.

This is a source of frustration for diplomats who are often trying to seize opportunities to close gaps that permit the flow of illicit arms, while advances in technology create new gaps and widen existing ones. Moreover, weapons technology continues to evolve so quickly that the arms we seek to control might not always be the arms that state and non-state actors seek. We are sometimes, in essence, regulating the purchase of CDs at a moment when savvy users prefer to download content directly from the internet. This has come up in First Committee deliberations on missiles, dual-use technology and other weapons systems, the regulation of which is made more difficult by the rapid rates at which new technology creates its own 'weapons obsolescence.'

Small arms are only somewhat affected by this obsolescence, AS the stockpiles of the world are filled with older, but still lethal weapons. Still, this issue is relevant to the MGE at several levels. Perhaps most importantly, as the delegations of Canada, Australia and others have noted, technology is continually creating new challenges for weapons tracing, making it at least theoretically feasible to alter or even erase even the most sophisticated markings that are essential to the tracing task.

As challenging as the current weapons climate can be, and given advances in technology that we can't seem to slow or at times barely process, we most likely have no choice but to invest more energy in keeping an eye out for 'what's next.' We can't presume proclivities to non-compliance nor should we delay action on the PoA until we have confidence that all loopholes have been plugged for good. But we must also recognize the degree to which technology provides opportunities to both enhance and undermine regulation, as we remain mindful of the degree to which non-compliance most often breeds more of the same.

The experts gathering here have skills that can be engaged beyond addressing current logistical needs related to marking, tracing and record keeping. As part of the outcome of this MGE, we urge the Chair and delegations to consider vesting an ongoing informal committee to conduct analysis and circulate occasional reports that can keep diplomats fully abreast of new technological developments and threats relevant to this work. The terrain continues to shift and the good intentions of diplomats can be swept away without regular and robust updates from experts on challenges to critical PoA responsibilities.

## Methodology for recordkeeping

Katherine Prizeman | Global Action to Prevent War

One of the key issues regarding small arms record keeping is the type of system that will be put in place to sufficiently record the relevant data on SALWs so that traces are not only possible, but accurate. As noted by Ambassador McLay in his summary of the discussions on record keeping, the ITI indicates that the choice of method for record keeping is a national prerogative. Therefore, it is necessary to bear in mind that level of technical expertise, financial resources, national legislation, and, in some cases, historical custom, will have great impact on the method of record keeping adopted and implemented by member states. Furthermore, as efficient and effective record keeping is the linchpin of tracking and monitoring the illicit trade in SALWs to ultimately eradicate such trade, methodologies adopted by governments are of great significance. Likewise, successful completion of trace requests from member states will only be as successful as record keeping methods are effective.

To illustrate the diversity of methods, it is important to note the US experience. The US delegate described in detail the highly decentralized system that exists in the US federal system based on the Gun Control Act of 1968. The expert explained that records are kept on two levels—a small registry for 'unusual weapons' kept as a central registry, along with a series of records by different licensees for all other weapons. As such, the federal government does not hold a central registry of firearms, but instead relies on the record keeping of a chain of licensees—from manufacturer, wholesaler/distributor, dealer, to consumer. Therefore, this methodology relies on private industry to retain detailed and accurate records as each licensee represents a link in the chain of information necessary to fulfill tracing requests. The delegate explained that despite this highly decentralized system, there is a high level of success in fulfilling trace requests in a rather short period of time.

By contrast, other delegations described a highly centralized system of record keeping, including Algeria which has a national, centralized registry in paper and electronic form. The DRC delegate noted a slightly less centralized system within which all its record keeping for 'weapons of force' remains the responsibility of its Ministry of Defense, while recreational and hunting weapons are part of a different process. Other delegations admitted to a lack of resources and expertise to implement record keeping on the whole. The Bahamas explained that its Police Firearms Registry, responsible for record keeping, is severely under-staffed with only three personnel. Trinidad and Tobago also pointed to its lack of resources and technical expertise to implement the ITI and, more specifically, keep accurate records.

The question, then, is how to formulate record keeping methodologies that are cohesive with national legislation, financial resources, and available expertise. As stipulated by the ITI, national governments should, and do, have the freedom to formulate and implement a methodology of record keeping that the state deems most appropriate. The case of the US is evidence that states with the capacity and expertise can implement a highly decentralized and multi-leveled system. However, international assistance and cooperation is necessary to help those member states that have no capacity to implement any method of record keeping and thus fulfill tracing requests. Such states have no choice in formulating a method if they do not have the most basic resources and expertise to do so. Without accurate record

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keeping in these states, the tracing link is broken and no progress on eradicating illicit trade in SALWs can be made. Therefore, a healthy dose of assistance and cooperation must be added to national prerogative for the overall goal of combating illicit trade in SALWs.

## Top reasons why firearm tracing fails

Colby Goodman | Independent Consultant

At a lunchtime briefing in New York on Tuesday, May 10, 2011 entitled "Why Traces Fail - Case studies in the challenges involved in issuing and responding to tracing requests," presenters said one of the top reasons firearm tracing fails is that individuals requesting the trace often leave out important information such as the serial number and legal import information. Among the firearm trace requests submitted to the United States, firearm trace requests failed 40 percent of time for such reasons. In Interpol's experience, it is 70 percent.

Although providing the accurate account of the serial number is a key component for every firearms trace request, sometimes this isn't enough. Frequently, law enforcement officials processing a trace request need other identification information such as the make, model, caliber, and country of origin or legal import data to make a definitive match. When components of the firearm change such as the grip or after market sights, this can complicate a trace request. Newer types of module firearms – or firearms that can accept different types of barrels – can be a significant challenge unless national standards or laws have addressed this issue.

Another top reason firearm trace requests fail is poor recording keeping. Thirty-five percent of failed trace requests in the United States have been due to such reasons. Records can be lost, misfiled, destroyed, or never actually existed according to the presenters. In some cases, the manufacturer or the retail seller has gone out of business. In other cases, government's requirements for keeping records could have changed, negatively effecting efforts to indentify firearms. Surprisingly, some 20 percent of firearm trace requests in the United States fail because the firearm was manufactured over 40 years ago.

As far as other related trends, the presenters said they have witnessed a significant increase in firearm trace requests in the last decade. In some countries such as Colombia, governments have also improved the information they provide for their firearm trace requests. However, some countries such as China have yet to respond to a firearm trace request from outside law enforcement organizations.

The presenters highlighted a few suggestions for how to improve the above situation. First, it would help if states would standardize mandatory firearms identification criteria. Second, there continues to be a need for more training on how to identify firearms and submit trace requests. Third, governments could commit to be timely in their firearm trace requests and in their response to governments requesting the firearm trace.

## Tracing conflict ammunition: Viability and challenges

Aoife Reaper-Reynolds| Quaker United Nations Office

Despite its exclusion from the scope of the International Tracing Instrument (ITI), the issue of tracing ammunition has once again been a topic of debate at the 2011 Meeting of Governmental Experts (MGE). In the plenary sessions a number of States have continued to

express their regret that ammunition is not in the scope of the ITI and demonstrated their own commitments to tracing ammunition through presentations on national marking and recordkeeping procedures. Those opposed to the creation of a global standardized instrument for tracing ammunition argue that the very nature of ammunition transfers make tracing too difficult. Often on the civilian market, ammunition lots with identical markings are distributed to multiple actors, making the identification of the point of diversion very difficult. Problems also occur when ammunition transfers are recorded without also recording the ammunition markings.

However, the importance of this issue must not be overshadowed by technical difficulties. As the Small Arms Survey Ammunition Tracing Kit explains, tracing ammunition goes beyond simply identifying the origin of each round on the illicit market. Such data allows us to better understand the types of ammunition and therefore weapons used in particular groups and regions. This baseline information is of particular importance in conflict-affected areas. The value of weapons in conflict time depends largely on an uninterrupted supply of ammunition. Expert panels monitoring arms embargoes of the United Nations Security Council have indicated that the availability of ammunition often determines the popularity of certain types of weapons among armed groups. Furthermore, lack of ammunition has often prompted combatants to resolve their dispute through more peaceful means. While tracing on the civilian market remains problematic for the aforementioned reasons, ammunition lots sold on military markets are generally sold to one ordering client who will remain their exclusive end-user. These transactions are recorded with a unique lot number, allowing the supply line to be tracked, should the ammunition be diverted and subsequently recovered from the illicit market in its original packaging. The experiences of UN groups of experts monitoring the implementation of mandatory UN embargoes demonstrates that the viability of tracing operations. Such operations have also allowed for monitoring illicit ammunition flows and for the identification of diversion points.

It is therefore critical that a clear distinction be made between the civilian and military markets so that problems in the former do not prevent progress in the tracing of conflict ammunition. This was the core message of a side event organized by Geneva Forum, the Ministry of Foreign Affairs of Norway, the Federal Foreign Office of Germany and Saferworld on Wednesday 11th May. Ammunition producers FN Herstal and Nammo Group, which supply weapons and ammunition to State forces, presented their methods of marking and tracing ammunition that adhere closely to NATO requirements. Despite claims by concerned States that manufacturers would be reluctant to implement stricter marking procedures, both companies advised that the customer would usually dictate the detail of markings on each lot bought. Hence, if States were to harmonize such requests, a uniform system of tracking and tracing conflict ammunition could be more easily achieved.

While progress in the tracing of illicit flows of ammunition on the civilian market is slow and problematic, this should not detract from the potential for the monitoring and tracing of conflict ammunition on military markets. The foundations for successful tracing operations are already in place as demonstrated by both manufacturers and those who conduct tracing operations. States should begin dialogue on tracing illicit SALW ammunition that account for the differences in the traceability of ammunition produced for military markets and ammunition produced for civilian market.