


Slide 1



UN Firearms Protocol

**Effective Mechanisms for
Tracing Illicit Small Arms**

Small Arms Programme of Action Implementation
Geneva Process

The Vienna Firearms Protocol: A Policing Perspective

Michael Hallowes

6th April 2004

Slide 2



Personal introduction:

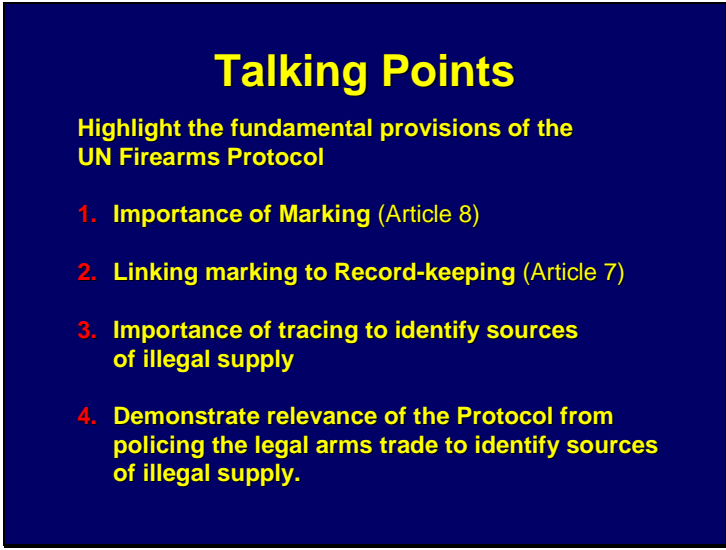
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Former intelligence co-ordinator for joint-agency operations against rogue British arms dealers, and a member of the UK negotiating team for negotiations in Vienna on the UN Firearms Protocol.

I am grateful to The Geneva Forum for the opportunity to give this presentation.



Talking Points

Highlight the fundamental provisions of the
UN Firearms Protocol

1. Importance of Marking (Article 8)
2. Linking marking to Record-keeping (Article 7)
3. Importance of tracing to identify sources of illegal supply
4. Demonstrate relevance of the Protocol from policing the legal arms trade to identify sources of illegal supply.

My aim for this presentation is to highlight the most important provisions of the UN Firearms Protocol, in particular:

Article 8 – Marking of Firearms and

Article 7 – Record-keeping,

and how the two are inextricably linked.

I also want to focus on the importance of tracing to identify sources of illegal supply and, as I go along, demonstrate the relevance of the Protocol to policing the legal arms trade in order to identify sources of illegal supply.



I would also like to mention some of the other provisions to explain their relevance as a total package of control measures. In particular, **Article 5 – Criminalisation**, because it includes specific offences of “falsifying, obliterating or removing markings”;

Article 10 – Import and Export Licensing, because every country has a moral obligation to prevent arms trafficking by policing the legal trade to prevent diversion to the illegal market, and

Article 11 – Security and Preventive Measures to increase the effectiveness of controls to prevent diversion from the legal trade.

Article 8 . 1(a)

Marking



British SA80 Rifle

Unique Identifier: UE 85 A000001

- U = Country of Manufacture – UK
- E = British Factory Code = Enfield (N = Nottingham)
- 85 = Year of Manufacture – 1985
- A000001 = Serial No.

Marking - Article 8

I would like to begin by focusing on the most important provision of the Protocol, Article 8 – Marking of Firearms. Without an effective marking system there can be no record-keeping and no ability to trace weapons to identify the sources of illegal supply.

The Protocol includes two different approaches to marking in Article 8.

“8.1 For the purposes of identifying and tracing each firearm, States Parties shall:

(a) At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number...”

This first approach is standard amongst many countries. For example, as shown here, the UK uses a simple Alphanumeric Code to provide a unique identifier regardless of type, model or calibre.

Article 8 . 1(a)

Marking



USA Colt M16

Unique Identifier: COLT	=	Manufacturer
M16 A2	=	Model
CAL. 5.56MM.	=	Calibre
8195518	=	Serial Number
-USA-	=	Country

However, the USA, for example, takes it one stage further and includes a combination of Alphanumeric Code and Serial Number plus Manufacturer, Model and Calibre, which collectively create the unique identifier. Difficulties with identification can arise where the marks are not necessarily adjacent to each other, because, on its own, the serial number may not be unique. It is vital, therefore, that all the elements are included in record-keeping (and tracing requests) to ensure each weapon is accurately and individually identified.

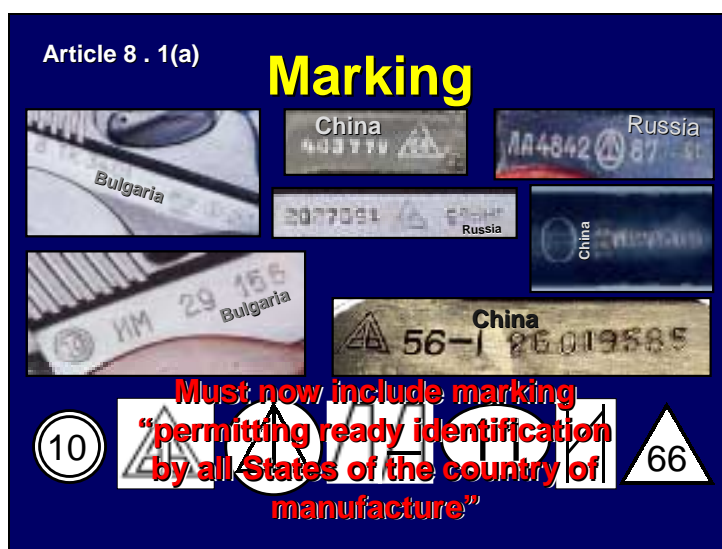


The second approach in Article 8.1(a) is intended to accommodate the arms industries of China and many countries of the former Soviet Union.

“...or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture.”

This second approach should be interpreted to mean that countries can use an alternative marking system involving a combination of symbols, numbers and/or letters to uniquely mark each firearm and that this marking will readily identify the country of manufacture, such as “Made in China”.

This more complex system is used predominantly by China and countries of the former Soviet Union where a number of factories can simultaneously produce identical weapons with duplicate serial numbers. It is only when the individual factory symbol is added to the serial number, etc. that the marking becomes unique. However, the name of the country of manufacture is rarely included, which means correct identification, and then tracing, is wholly reliant at the outset on experts correctly recognising the significance of specific features and symbols to identify the weapon as Chinese, as opposed to Russian, or some other former Eastern Bloc country.



Where countries include symbols to create the unique identifier, it is essential that they share information on the significance of such marks, so that police and customs worldwide recognise their relevance and include them in record keeping, and tracing requests.

Difficulties arise where a symbol is neither compatible with an importing country's computerised record-keeping system, nor immediately recognisable as an integral part of the serial number (and without which the mark would not be unique). Not including the symbol in a tracing request would totally undermine the process.

Countries using symbols will now have to include, as a minimum, a mark that permits ready identification of the country of manufacture.

Back-record conversion may be a problem. However the Protocol helps should such weapons be imported by a country that has ratified the Protocol.



Import Marking - Article 8.1(b)

This is because the Protocol includes a provision for marking on import.

Article 8.1(b) “Require simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm...”

The European Union is proposing that each EU Member State will use a simple stamp, similar to a proof mark, to identify the country plus year of import and then record the information on the national record-keeping system.



Article 8.1(b) goes on to add
“...and a unique marking, if the firearm does not bear such a marking.”
In the EU, this has been interpreted to mean, if the manufacturer's markings are not unique (or ambiguous, or incompatible with national record-keeping systems in the importing country), then the importing country can apply its own nationally unique import mark, as shown here for the UK. This would be the 2,345th firearm imported into Great Britain in 2004 that had an incompatible or ambiguous marking for record-keeping purposes. This new marking would replace the manufacturer's for UK record-keeping purposes.



Criminalisation - Article 5

The UK was keen to ensure the Protocol included a specific provision that criminalised “illicit manufacture” to combat the increase in reactivating or converting unregulated firearms (deactivated and imitation weapons) to lethal barrelled weapons.

Having seen that tough controls in the UK on private firearms ownership had forced criminals into new areas of supply, including reactivation and conversion, the UK introduced the provision in **Article 9** to ensure all countries that allow deactivation do so to a standard that prevents illicit reactivation.



In addition, Criminalisation includes a provision to tackle the increasing problem of counterfeit firearms manufactured in certain countries (which have included China and Croatia) bearing counterfeit manufacturers' markings. A provision criminalising “**falsifying markings**” was needed to halt the problem counterfeiting creates for record-keeping and tracing, and also to make the authorities in those countries where counterfeits are made accountable for stopping this illicit trade.

Article 5 . 1(c)

Criminalisation

“Illicitly Obliterating, Removing Markings”

Removed	Not removed
	
Readily traced to point of diversion	Extended trail – stolen, recycled, etc.

It is also necessary that the Protocol criminalised “**illicitly obliterating, removing or altering the marking(s) on firearms required by Article 8**”. Where markings are obliterated or removed, then it is a clear indication the firearms were supplied direct from the legal to criminal market. The source of illegal supply has removed the marks to ensure the firearms cannot be traced back to them.

Markings tend not to be removed when the trail from legal to criminal market is so extended that the source of illegal supply considers tracing will be so problematic as to be prohibitive for the authorities. This would include stolen firearms, or “battlefield sweepings”, those collected at the end of a conflict, to be recycled for some other “war zone”.



There are other markings on firearms, not required by the Protocol, that can assist with tracing.

Top left, this Berretta has brown plastic “furniture” that was specifically made for the Libyan army.

The change lever markings on this MP5 (top right) indicate it was made for the Yugoslav army.

The armourer’s mark on the butt of this AK47 (bottom left) identified it as belonging to a specific regiment of the Iraqi army, which helped identify and convict a British soldier of murder. He brought it home as a trophy from the Gulf war and then used it to kill a friend. The marking linked the weapon to the particular battle and British army regiment involved, and then direct to him, as he was the only member of the regiment living close to the murder scene.

Proof marks (bottom right) identify the country of import and where more recent records to those of the manufacturer are held, thus shortening the tracing route.



Record-keeping - Article 7

Effective marking regimes underpin record-keeping and accurate record-keeping underpins the ability of law enforcement agencies to trace illicit small arms and identify the sources of illegal supply.

Computerisation, as opposed to manual paper records, is an absolute must for 21st Century record-keeping for privately owned firearms and stocks held by commercial dealers. Similarly, the military needs computerised records to manage distribution.

However, for reasons of national security, military records should be kept separate from the civilian database, but still searchable by law enforcement on a case-by-case basis.

Record-keeping & Inspection

Commercial Arms Dealer Register							
Make	Model	Serial Number	Date of Purchase	Purchased From	Date of Disposal	Sold to	Other Disposal
H&B	D	123001	12/18/79	Gun, Gun & Gun	22/12/97	Salvage Warehouse	
Takara	D	134001	18/18/79	GUNS R US	23/12/97	Gun, Gun & Gun	
Call	D	140001	14/18/79	Salvage Warehouse	24/12/97		
Praxiteles	D	155402	12/18/79	Salvage Warehouse	25/12/97		
H&B	D	123123	18/18/79	Weapons & Pistols	26/12/97		
H&B	D	123001	12/18/79	Gun, Gun & Gun	27/12/97	Salvage Warehouse	
Call	D	134001	18/18/79	GUNS R US	28/12/97	Salvage Warehouse	
Call	D	140001	14/18/79	Salvage Warehouse	29/12/97	Gun, Gun & Gun	
Praxiteles	D	155402	12/18/79	Salvage Warehouse	30/12/97		
Takara	D	123123	21/18/79	Weapons & Pistols	31/12/97		
Takara	D	123001	22/18/79	Gun, Gun & Gun	01/01/98		
H&B	D	134001	23/18/79	GUNS R US	02/01/98		
Takara	D	140001	24/18/79	Salvage Warehouse	03/01/98		
Call	D	155402	25/18/79	Salvage Warehouse	04/01/98	Weapons & Pistols	
Praxiteles	D	123123	26/18/79	Weapons & Pistols	05/01/98	GUNS R US	
H&B	D	123001	27/18/79	Gun, Gun & Gun	06/01/98	Weapons & Pistols	
H&B	D	134001	28/18/79	GUNS R US	07/01/98		Deactivated
Call	D	140001	29/18/79	Salvage Warehouse	08/01/98		Deactivated
Call	D	155402	30/18/79	Salvage Warehouse	09/01/98		Deactivated
Praxiteles	D	123123	31/18/79	Weapons & Pistols	10/01/98		Deactivated
Takara	D	134001	01/19/98	GUNS R US	11/01/98		Deactivated
Takara	D	123123	02/19/98	Salvage Warehouse	12/01/98		Deactivated

No record
False Address
Deactivated
Scrapped
Bogus Dealer

Record-keeping must be linked to an effective inspection regime to maintain the integrity of the system, otherwise rogue dealers will quickly exploit the gaps in controls and “lose” weapons from their records. The UK has considerable experience of this, which is why we are introducing the National Firearms Licensing Management System.

This will enable us to remotely trace the ownership of a firearm without having to follow the archaic process of sending paper files from police force to police force to each check their individual records. The latter had the distinct risk of “tipping off” the actual rogue dealer of police interest.

In the UK, due to the absence of national computerised record-keeping, it has taken an average of 12 weeks to complete a tracing enquiry. That is 12 weeks in which the source of illegal supply continues to operate leading, potentially, to further loss of life.

Many countries still operate a manual record-keeping system. The consequences for tracing are enormous. For example, to discover whether a firearm is even lawfully in the country (as opposed to smuggled in), police first need the manufacturer (often overseas) to check which of their dealers first imported it. Only then can the internal process of tracing begin.

Due to the absence of computerised records, most countries do not know whether the individual small arms they authorise for export are even in the country lawfully in the first place.

Record-keeping

“Intra-UN Small Arms & Ammunition Transfers Database”
- Proposal -

1. **Details of every Small Arm & Ammunition Transfer**
2. **Searchable archive record of each individual small arm transferred on the system.**



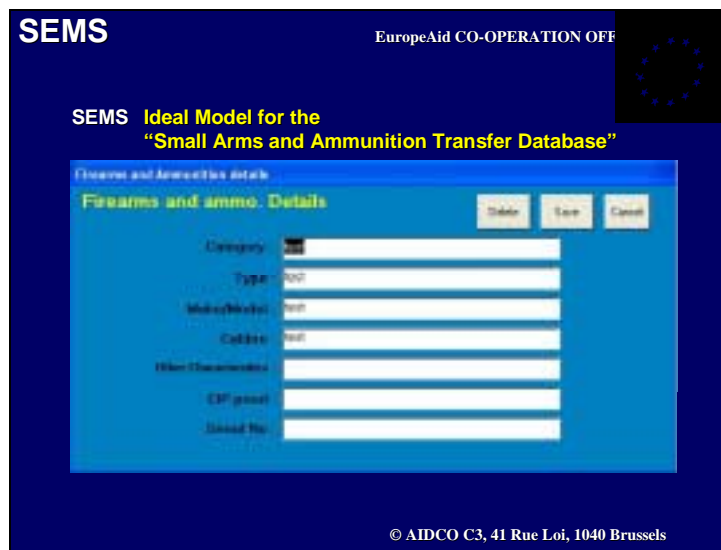
Internet driven

EU CODUN Funded Model



SALSA

Consideration should be given to the development of a computerised record-keeping system for all small arms transfers between UN Member States. Through CODUN (the EU Working Group on Global Arms Control and Disarmament), the UK and Canada are supporting the UN Regional Centre in Lima (UNLiREC) in a project to develop a system called SALSA (Small Arms and Light Weapons Administration System) under the CICAD Model Laws and Regulations for OAS countries. SALSA has a dual use. First, it is a Web-based system designed to facilitate the regional arms trade by computerising the exchange of information between OAS Member States involved in a transfer of small arms and recording details of each weapon involved. Every transfer is then archived to create a regional database of each small arm transferred on the system. The secondary use is as a law enforcement tool, where the archive database can be searched on a case-by-case basis for tracing purposes.




I am grateful to the Europe Aid Co-operation Office in Brussels, who designed SEMS (Southeast Europe Messaging System) and created these slides as an example of making best use of computerisation.

They are keen to demonstrate that SEMS, which is currently used to exchange information on the movement of controlled goods in the Balkans, can be readily adapted to record any information participating States want to exchange, such as intra-State transfers of firearms.

The following slides demonstrate how SEMS provides a useful model to complement SALSA, as an automated, Web-based, multi-lingual system.

SEMS EuropeAid CO-OPERATION OFF

Sender Information - Deutsche -



Information bez. Absender

Information bez. Absender

Land: Deutschland (D)

Funktionstitel: Text

Nachname: Text

Adresse: Text


Telefon: Text

E-Mail: Text


Löschen Speichern Abbrechen

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One of its key features is that it automatically translates text into the language of the country where its Web pages are viewed. For example, the text for the Sender is originally entered in German.

SEMS EuropeAid CO-OPERATION OFF 

Sender Information Automatically Translated into Language of Recipient State - Dutch -

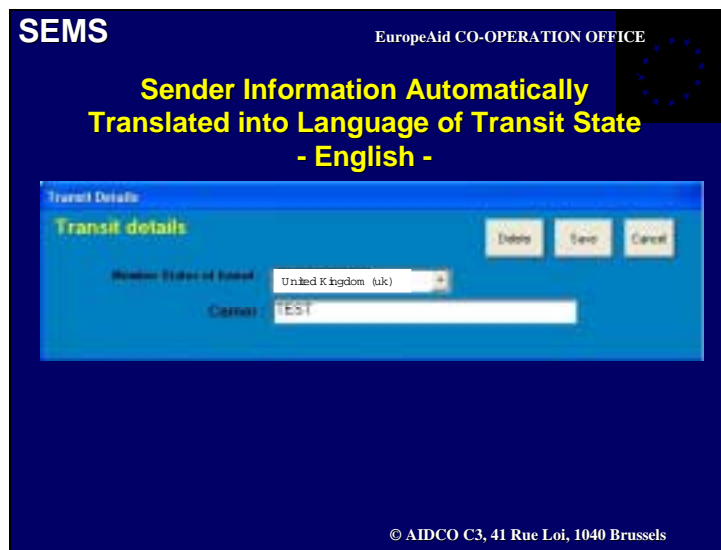


The screenshot shows a web form titled 'Verzender' (Sender) with a blue background. At the top right of the form are three buttons: 'Terug', 'Opnieuw', and 'Afdrukken'. Below these buttons is a dropdown menu for 'Land van de afzender' (Country of sender) with 'Nederland (nl)' selected. The form contains several input fields, each with the word 'Test' entered: 'Naam' (Name), 'Adres' (Address), 'Telefoon Nummer' (Telephone Number), and 'e-mail'. The text is in Dutch.

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When viewed in the Recipient State, here the Netherlands, the text is automatically translated into Dutch.

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And, similarly, when viewed in the Transit State, here the United Kingdom, it appears in English.

CRIMINAL MARKET

Fundamental principle of the illicit arms market –

Virtually every firearm now in illicit circulation was almost certainly obtained from the legal market.

Tracing

The reason why the UN Firearms Protocol is such an important tool in the fight against illicit manufacture and trafficking in small arms is that it is the first international legally binding treaty to apply minimum standards of control to the legal arms market. The legal arms market has to be more tightly regulated because it is one of the fundamental principles of the illicit market that (barring illicit manufacture) every illegally held weapon was almost certainly obtained from the legal market.

Therefore to stop sources of illegal supply, you must first control the legal market more effectively. To identify those illegal sources and close them down, law enforcement agencies need to be more active in tracing recovered weapons.



Tracing requires specialist skills, particularly in weapon recognition. To the untrained eye, all of the above would probably be described as an AK47, when in fact only the one flagged is an actual Russian-made AK47. I believe variants of the original AK47 "Kalshnikov" are currently manufactured under licence in 19 different countries. Most are not marked with the country of manufacture.

The only means of correctly identifying or differentiating between them is the symbols used in markings, and that takes expert knowledge that can only be made available through technology.

Tracing Tools

**RCMP - Firearms Reference Table
Aid to Weapon Identification**

**Photographic Catalogue of
Small Arms and Light Weapon
Markings includes
Non-Alphanumeric Symbols**

Essential for:

- **Accurate Record-keeping**
- **Correct Identification, &**
- **Tracing.**



That technology is now available to law enforcement agencies worldwide through Interpol. The Royal Canadian Mounted Police (RCMP) with the help of the UK Ministry of Defence (Pattern Room) have produced the Firearms Reference Table that holds a photographic catalogue of some 22,000 small arms and light weapons from around the world.

The FRT enables correct identification of any small arm catalogued by detailing the differences between markings and manufacture, and explaining which markings are relevant to identification and tracing.

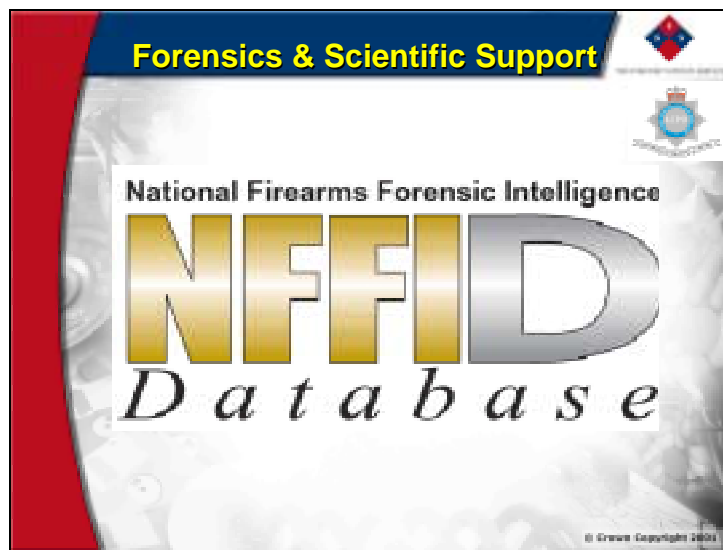


The FRT is pivotal to the Interpol International Weapons and Explosives Tracking System (IWETS). A tracing request cannot be sent over IWETS until the operator has verified that each firearm has been correctly identified and the right markings included.

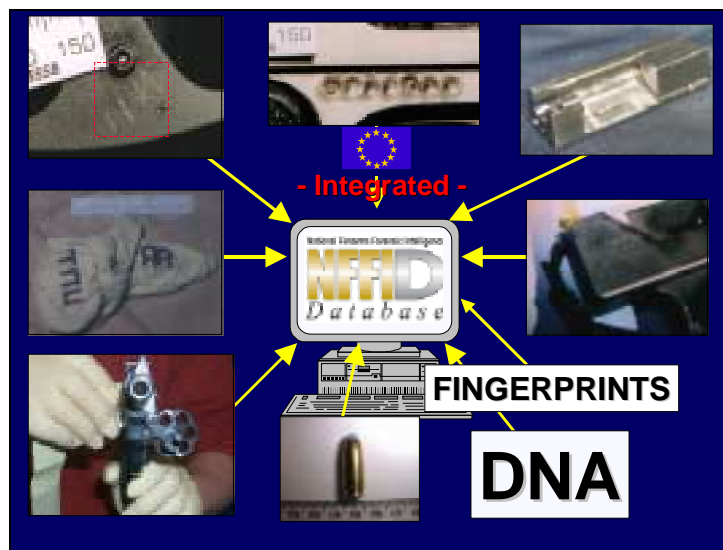


Recognising that IWETS is only available at Interpol National Contact Points, another tool used for tracing is the Interpol Orange Notice. This can be sent out in paper form to police stations worldwide when, for example here, police in the UK need to trace whether other law enforcement agencies have recovered models of the same type of firearm. This MAC 10 machine gun was one of a series illicitly manufactured in the UK, and the gunsmith had included a unique design for the breech bolt, which ultimately was his downfall, because all of the 100 or so guns recovered could be forensically linked back to him and his workshop. Orange Notices can also be used to trace whether small arms in the same series of markings (batch numbers) have been recovered in other countries, and thus help link weapon seizures to identify a common source of illegal supply.

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To provide forensic support, the UK has introduced the National Firearms Forensic Intelligence Database (NFFID) enabling the Forensic Science Service to computerise details of recovered firearms.



NFFID is linked to similar Forensic Laboratories across Europe. Using one common data standard (commonly referred to as ENFOPOL 16), they can share information about individual firearms to help identify common denominators to link them to much larger series of cross-border illicit trafficking, which is then used to support investigations to trace the sources of illegal supply.



As a brief example of countering illicit trafficking, Operation Abonar ran from 1997 to 1999 and followed the recovery of hundreds of handguns, machineguns, and half a ton of assorted ammunition.

Every marking on every firearm was removed, which indicated the source of illegal supply knew that tracing would identify him as a British arms dealer. Nonetheless, all the firearms were manufactured outside the UK and many showed signs of having had Proof Marks from being tested by the British Proof Authorities (BPA) following importation. Even though these Proof Marks had been removed, evidence of their removal indicated a clear link to the UK arms trade.

BPA Records were checked identifying 3 Importers: one of US made handguns; another of French and German, and the third of Russian and Chinese (as shown in the combination recovered). On examination of the Importers' records, one arms dealer was identified as the common denominator. When ammunition wholesalers' records were checked for the types recovered, again the same arms dealer was identified. When his records were inspected, false declarations about methods of disposal and sale confirmed he was the source of illegal supply.

We have all heard of cases where firearms have been traced by their serial numbers back to criminal arms dealers. What this case demonstrates, is that accurate record-keeping is also critical, as tracing can still be effective even if markings have been removed.

Features of Illicit Trafficking

- Front Companies
- Rogue Arms Dealers
- Brokers
- Manufacturers
- Shippers
- Corrupt Officials
- Diversion from Military Stocks
- False End User Certificates

Article 10

The above are many of the common features of illicit trafficking. When trafficking is discovered, key to the success of prosecuting those involved is the ability to use markings to trace the weapons back to the records kept and identify the sources of illegal supply.

As in **Article 10**, it is essential to verify, *prior to shipment*, that each firearm / small arm (not just the quantity of each type) is individually listed in the airway bill, bill of lading or ship's manifest, as well as on the import and export licences, and to record this information on computerised systems. This will help greatly to counter illicit trafficking.

Despite attempts to disguise their illicit trafficking activities, sources of illegal supply have been identified through effective tracing. There have been significant cases where this has led to prosecutions, and created considerable political embarrassment where Governments have been involved. One such case is the UN International Commission of Inquiry in Rwanda; made all the more relevant today (6th April), as this is the 10th anniversary of the start of that conflict.

International Issues

- **Protecting “Free Trade” before Justice and Homeland Security – EU**
- **Countries recognising their domestic and international responsibilities – Marking and Record-keeping**
- **Political will in Countries to invest in measures to prevent diversion from legal markets.**

To finish, I would like to focus on three issues that need to be overcome if the Protocol is to be effective.

First, certainly within the EU, “Free Trade” takes priority over Co-operation on Criminal Law. The EU is based on 3 pillars. The first has primacy, and protects trade within the EU. The 2nd is the Common Foreign and Security Policy, and the 3rd, comprises police co-operation on criminal law. As a consequence, protecting the arms trade and the free movement of small arms takes priority over creating effective systems to control the arms trade and protect the public.

A further problem, evident throughout negotiations in Vienna, is that certain countries place greater interest in protecting the secrecy of their arms manufacturing industries, and the trade generated, than supporting the international effort to prevent illicit trafficking. Hence, the situation where, in Article 8, one country (China) declined to adopt an international marking standard and forced the UN to accept (although their markings would be unique) the only element of use to the rest of the world for tracing would be the country of manufacture symbol. However, economic pressures of complying with marking and record-keeping standards in importing countries may force China, and others, to review their position.

A final point is countries need to have the political will to invest in and commit to improving control measures, which certainly includes computerisation of the administration and regulation of their internal and external arms trade. In the EU, for example, we have been quick to invest in systems elsewhere in the world without first getting our own house in order.

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Questions and discussion

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