

Firearms Trafficking and Organised Crime

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FIREARMS

GLOBAL PERSPECTIVES ON CONSEQUENCES,
CRIME AND CONTROL



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Outline

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With regards to illicit firearms markets in Europe, policy-makers, regulators and others, all have access to, and information about, at best, one part of the phenomenon.

But they usually lack any kind of intelligible overview that would facilitate a better understanding of the entirety of the phenomenon they are confronted with.

Project SAFTE, 2018

Who is involved in illicit trafficking?

WHO? (Savona and Manusco (2017))

- ▶ Organised crime groups
- ▶ Corrupt officials and professionals
- ▶ Individuals

WHY?

- ▶ To arm criminals/ OCGs
- ▶ To arm terrorists
- ▶ As a commodity for trade – rare/ high value
- ▶ As trade for other legitimate/ illicit commodities



Rationale for OCGs

- ▶ Firearms are linked to various forms of organized crime in several ways:
 - ▶ as a tool for gaining and maintaining power;
 - ▶ as an instrumentality for the commission of a crime; and
 - ▶ as a commodity to be trafficked” (UNODC, 2021, p101)
- ▶ POWER – over territory or commodity market
- ▶ OTHER CRIMES – firearm not necessarily loaded
- ▶ COMMODITY – for the small number of OCGs which are involved in the trafficking of firearms, the vast majority do so as a “supplementary rather than primary source of income” (Europol, 2013. p31).

Flemish Peace Institute, 2018

- ▶ In recent years, firearms have become the weapons most frequently used by terrorists in Europe. Most terrorists acquire these firearms on the illicit gun market. Despite this observation, little is known about the networks used by terrorists to acquire firearms, which is part of a larger problem of scarcity of data and in-depth research on illicit firearms trafficking in Europe

Sources of illicit firearms

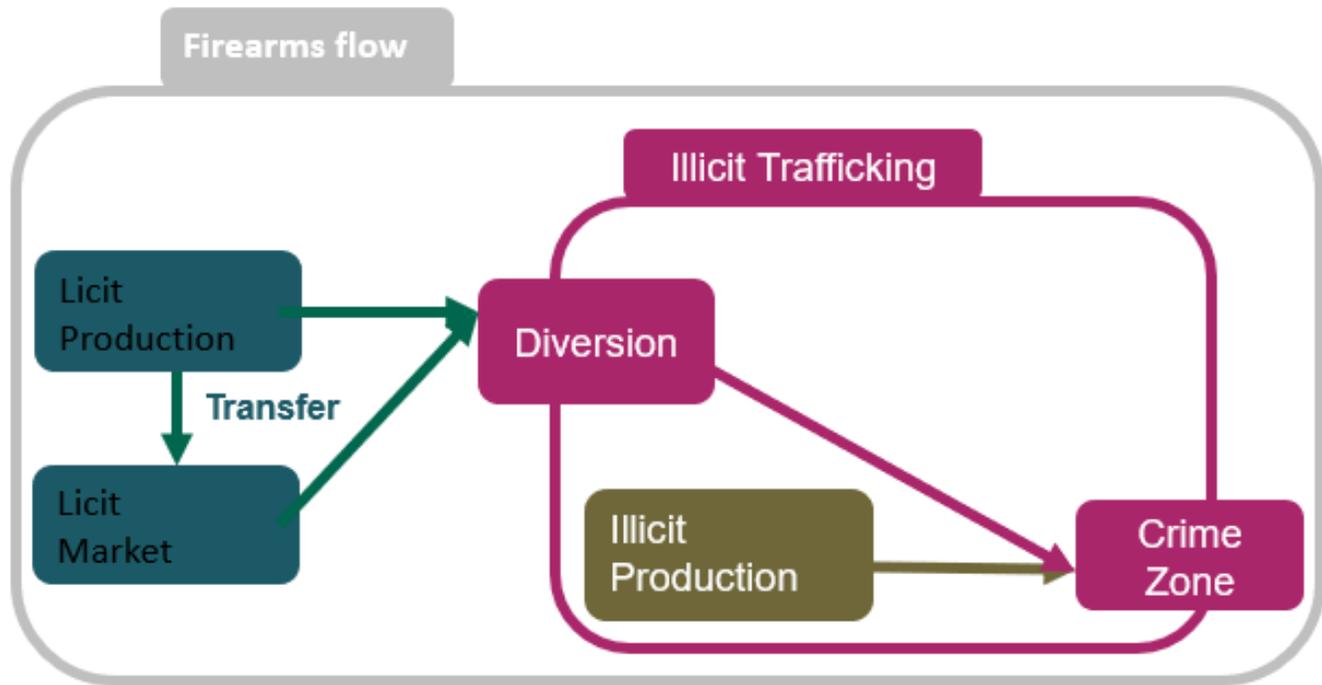
- ▶ Grey Market – Legal to Lethal / licit to illicit
- ▶ Theft – from owners, from stockpiles
- ▶ Diversion – fake “end-user certificates”
- ▶ “Secondary sales market” / Gun Show Loophole
- ▶ Poor post-conflict stockpile management
- ▶ Conversion – reactivation
- ▶ Black Market – illicitly produced weapons

Stockpile Theft

- ▶ '[w]hile there have not yet been any reported EU seizures of firearms originating from these zones, [Libya, Syria and the Ukraine] experience from conflicts in the Western Balkans suggests that these areas may become significant sources in the future (National Crime Agency, 2017)

Diversion – Spanish Civil War

- ▶ Hermann Göring created Legion Condor to move German aircraft, troops and military supplies to Spain in the early days of the war (Preston, 2016).
- ▶ Göring soon realised the personal profit which could be made from selling arms to both sides.
- ▶ Through Reichswerke Hermann Göring AG he controlled the operation of the Rheinmetall-Borsig AG company, Rheinmetall-Borsig did not export weapons directly to Spain, however, the transactions were directed through a Greek State-owned intermediary, Pyrkal.
- ▶ The weapons were then supposedly shipped to Mexico, but diverted to Spain. Whilst the total volume of weapons shipped in this way is unknown (Pyrkal was also used as an intermediary by the USSR to supply the Republican side of the war) it was a multimillion-dollar trade (Beevor, 2006: 380).
- ▶ A Conflict Armament Research 2017 report found that 90% of weapons and ammunition seized in Iraq and Syria originated from China, Russia and Eastern Europe and that the weapons appear to have been diverted under 'unauthorised retransfer' by states such as the USA and Saudi Arabia.



The Grey
Market – licit
to illicit
(courtesy of
UNODC)

Transit

- ▶ Often transited through more than one state/ continent
- ▶ Rarely trafficked in isolation
- ▶ Ant trade prevalent (Small Arms Survey, 2016)
- ▶ Air: in personal luggage
- ▶ Sea: in shipping containers
- ▶ Land: in trucks and cars
- ▶ Mail: internet orders, particularly parts and accessories

Transit

- ▶ SAS (2016) Firearms trafficked via rented shipping containers were often only a small percentage of the cargo, with consumer goods such as clothes and cars making up the majority.
- ▶ 25 million cargo containers enter US ports every year and it is estimated that less than 10% are inspected by border authorities (Security Intelligence, 2014).
- ▶ SAS also highlight prevalence of parts and accessories within the data, which are not so tightly regulated under the Arms Trade Treaty as complete firearms, despite the fact these parts can be used to assemble a functional weapon.
- ▶ One of the reasons that firearms, SALW are not trafficked in isolation is their sheer weight.. The price of a Colt M1911 semi-automatic Pistol on the open market in the USA, for example is around US\$700 (Gunbroker, 2018), and for a similar weight (just over a kilogramme) of cocaine, the price would be approximately US\$25,000 (Evans, 2015).

From Slovakia to Britain – route the weapons took



All smiles: The gang unloading weapons at Cuxton Marina shortly before arrest



1 Aug 2015: Deactivated weapons bought from gun store in Partizánske, Slovakia. Guns converted back into live firearms in

Eastern Europe. Gang also visited Romania and Hungary.
2 Aug 9: They drove the arsenal to the Albermina

moored in Boulogne
3 Aug 10: They sailed across the Channel and up the Medway to Cuxton Marina, Kent.

4 Aug 11: Armed officers arrested two members of the gang at the marina. Three others were arrested in Orpington.



Deadly haul: Six of the 22 Czech VZ58 assault rifles. Gang also bought nine Skorpion sub-machine guns (above), and 1,500 rounds of ammunition



Weapons without Borders

The uncontrolled routes taken by firearms, also used in terror attacks, to Western Europe

- lethal firearms
- firearms that have been deactivated but can be easily reactivated



Transit

Enablers

- ▶ Different Legal frameworks and loopholes
- ▶ Varying Definitions
- ▶ Lack of robust evidence base
- ▶ Lack of international cooperation

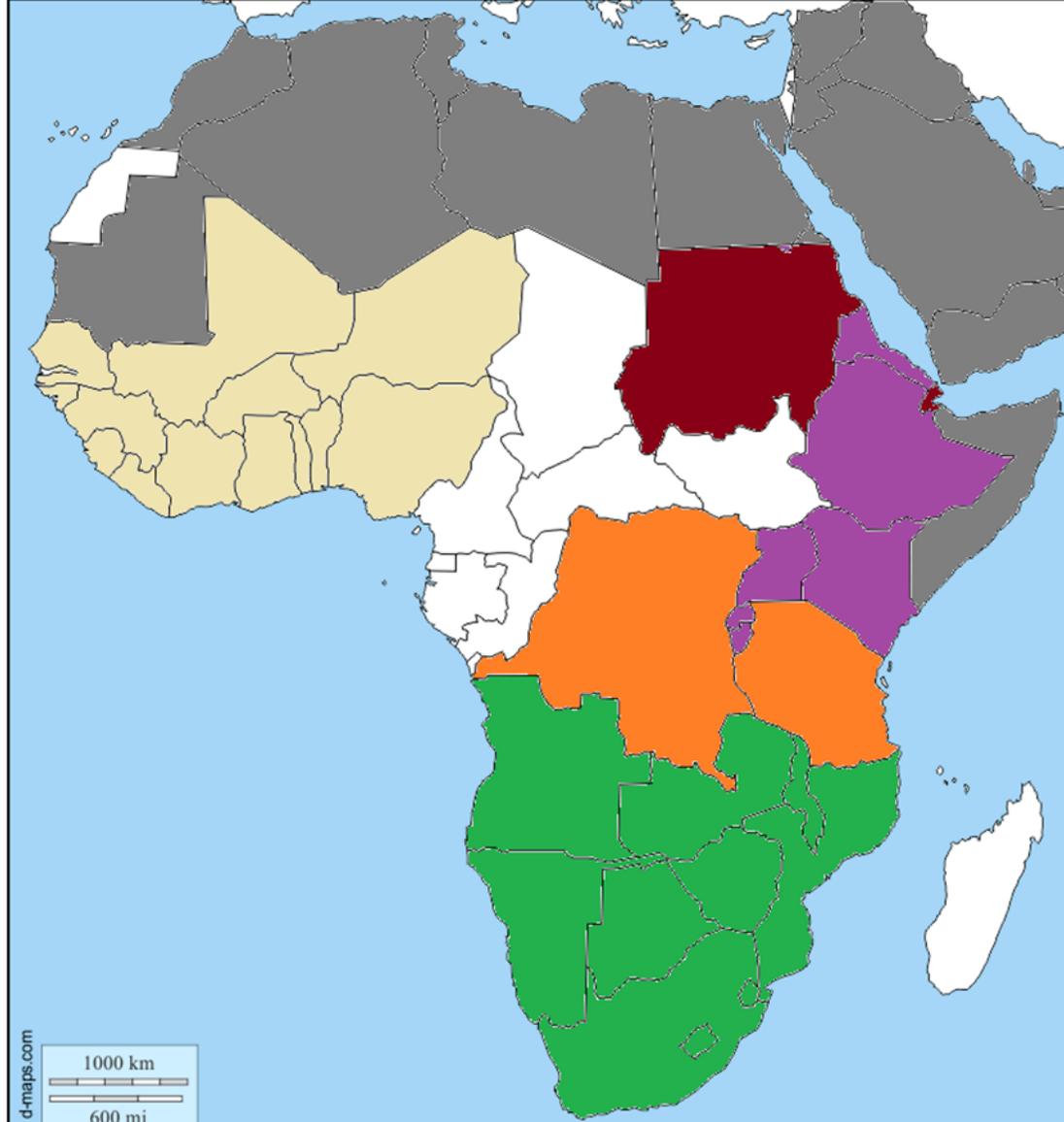
Loopholes and inconsistencies

- ▶ A gun can be legally held in one country, cross an open (Schengen) border, and be illegal in the next.
- ▶ Deactivated, acoustic, blank-firing and antique weapons particularly problematic
- ▶ Implementation of EU Law is patchy



Plethora of Legislation

- ▶ 1997 CIFTA (Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials)
- ▶ Directive 2017/853/EU – The Firearms Directive
- ▶ 2000 Bamako Declaration (on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of SALW)
- ▶ 2002 Southern African Development Community Firearms Protocol
- ▶ 2002 Arab Model Law (on Weapons, Ammunitions, Explosives and Hazardous Material)
- ▶ 2003 Andean Plan (to Prevent, Combat and Eradicate Illicit Trade in SALW In all its Aspects)
- ▶ 2004 Nairobi Protocol (for the Prevention, Control and Reduction of SALW in the Great Lakes Region and The Horn of Africa)
- ▶ 2005 UNTOC Firearms Protocol
- ▶ 2006 ECOWAS Convention (on SALW, their Ammunition and Other Related Materials)
- ▶ 2013 Arms Trade Treaty



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Key – International Mechanisms in Place:

- SADC
- Nairobi Protocol
- ECOWAS Convention
- Arab Model Law
- SADC and Nairobi Protocol
- Arab Model Law and Nairobi Protocol

Gaps in coverage

- ▶ USA (World's largest arms exporter) is absent from all three of the measures it could have ratified (Firearms Protocol, Arms Trade Treaty and CIFTA)
- ▶ Saudi Arabia and Algeria (World's two largest arms importers) absent from ATT
- ▶ Heads of State publicly support the control of the illicit flow of weapons to organised crime groups and terrorist networks, practical implementation is far more problematic.
- ▶ The legislative framework is riddled with loopholes which allow even those states which have ratified particular measures to routinely ignore them.
- ▶ The UK, for example, is exporting weapons directly to Saudi Arabia, whose involvement in the ongoing conflict in Yemen has been argued to show "a clear risk that the military technology or equipment to be exported might be used for internal repression" (Criterion 2a) and to "affect adversely regional stability" (Criterion 4d) both of which are breaches of EU Common Position 2008/944/CFSP.

Impact on Gun Ownership

- ▶ Overlaps and differences in legislation are exploited by the unscrupulous
- ▶ Even legitimate buyers can have differing experiences.
- ▶ New York Times in 2018 looked at how long it took for a civilian to get a firearms licence.
- ▶ Small Arms Survey had done something similar earlier, and found a range of restrictions:
 - ▶ Waiting Periods (from 3 days (Florida) to 28 days (Australia and Canada));
 - ▶ Training (theoretical and practical);
 - ▶ Background checks (precluded under US Federal Law, enhanced checks in South Africa, India, Canada and others);
 - ▶ Having a valid reason (Australia, Croatia, UK (for a shotgun) and others)
- ▶ Next image illustrates the process of buying a firearm in the USA (green), India (yellow), and Japan (red)

Pass an instant background check that considers criminal convictions, domestic violence and immigration status



Buy a Gun

Join Shooting Club or demonstrate threat

Attend practical training course

Get Doctor's note (Physical / Mental health)

Say you have safe storage

Pass a review – tax, criminal, health, relationships

Pass Interview

Buy a Gun

Take a class, pass an exam (3 opportunities a year)

Obtain doctors note

Apply for shooting training permit

Police Interview

Pass review of criminal history, employment, debt, relationships

Apply for gunpowder permit

Take a class, pass a shooting test

Get a certificate for the gun you want from a dealer

Buy an approved gun safe & ammo locker (Police inspect)

Pass additional background review

Buy a Gun

How to make better legislation

- ▶ Many organizations offer to help countries draft better legislation:
 - ▶ Stimson Center – ATT Baseline Assessment Project
 - ▶ Bonn International Center for Conversion
 - ▶ CIFTA Consultative Committee
 - ▶ Saferworld (NGO)
 - ▶ South East and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC)
 - ▶ Stockholm International Peace Research Institute (SIPRI)
 - ▶ UN Office of Disarmament Affairs (UNODA)
 - ▶ UN Office on Drugs and Crime (UNODC) Global Firearms Programme
 - ▶ UNODC Model Law (against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition)

Conclusion

- ▶ Firearms almost all start life as legally-held weapons, and enter the criminal realm later.
- ▶ Controlling legality of firearms is essential part of controlling illicit flow.
- ▶ Many different legislative measures – may complement or contradict each other – some states have signed measures and cannot satisfy both.
- ▶ Lots of national rhetoric, not a lot of action
- ▶ Grey market is very lucrative for governments