SDG 16 and Target 16.4: Scope and Consequences for the ATT

Thematic Discussion on the ATT and the SDG
ATT 3rd Conference of States Parties
11-15 September 2017
Geneva, Switzerland
2030 Agenda for Sustainable Development

Peaceful societies

Just societies

Inclusive societies
Box 1. Text of SDG 16, Target 16.4, and Indicator 16.4.2¹

**SDG 16**

- Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

**Target 16.4**

- By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime

**Indicator 16.4.2**

- Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments
Relevance of UNSDG 16.4

Recognises the links between crime and development, and identifies organized crime as a domestic and global threat to societies.

Focus on two crucial aspects: *Illicit financial and arms flows* are frequent cross-cutting elements present in serious crimes, which contribute to their *transnational nature* and to their levels of threat.

It recognizes that States cannot achieve the target alone, and calls for international actions to “*combat all forms of organized crime*”
Some elements to build the approach

Significantly Reduce Illicit Arms Flows
- What are illicit flows?
- Only cross-border trafficking or also domestic flows?
- Use of terms; “illicit” (IITI includes violations of embargoes);
- “Illicit Trafficking” (Firearms Protocol: all trans-border movements of firearms without authorization or required marking)
- No global baseline of illicit flows available to measure reduction

Combat all forms of Organized Crime
- Only crime related arms or also conflict related?
Measurability - Development of Indicator 16.4.2

• Measurability through statistical indicators

• First proposed indicator (March 2016):
  “Proportion of seized small arms and light weapons that are recorded and traced, in accordance with international standards and legal instruments”

• Refined Indicator 16.4.2 (March 2017):
  “Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments.”
Importance of changes in the Indicator 16.4.2

- Achieves harmonization with Target 16.4 ("arms") as opposed to ‘small arms and light weapons’,
- Also arms other than SALW fall under the scope of 16.4.
- Enlarged scope: ‘seized, found or surrendered’ arms.
- No reference to the recording of SALW.
- Indicator’s goal: Establishment by the competent authorities of the illicit nature of arms that they seize, find, or that are surrendered to them.
- Definition of applicable norms: “international instruments” instead of “legal instruments” thus including politically-binding instruments
Implementation of UNSDG 16.4

Adequate and updated legal framework
- Criminalisation of illegal trafficking of firearms

Monitoring illicit arms flows
- Collection and analysis of firearms seizure data

Criminal investigation
- Retrieving evidence about firearm diversion
- Prosecuting offenders

Marking
- For unique identification
- Marking at time of manufacturing/import

Recordkeeping
- National registries on firearms
- Records kept at least 10 years

Tracing
- Check against domestic and foreign registries
- Provide international assistance

Firearms seizing
- Recording of all seizures
- Prosecution of offenders

Indicator 16.4.2:
% of seized small arms that are recorded and traced
## Preventive measures under International Instruments

<table>
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<tr>
<th>UN FP</th>
<th>ATT</th>
<th>UN PoA</th>
<th>ITI</th>
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<td>Marking</td>
<td>Record-keeping</td>
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<tr>
<td>Record-keeping</td>
<td>Import, Export, Transit and Trans-shipment</td>
<td>Record-keeping</td>
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<tr>
<td>Deactivation</td>
<td>Brokering</td>
<td>Tracing</td>
<td>Tracing</td>
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<tr>
<td>Import, export and transit licensing system</td>
<td>Control list</td>
<td>Import, Export, and Transit</td>
<td>Tracing requests and responses</td>
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<td>Security and prevention measures</td>
<td>International cooperation</td>
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<td>Brokers and brokering activities</td>
<td></td>
<td>International cooperation</td>
<td>International cooperation</td>
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<td>Tracing</td>
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<td>International cooperation</td>
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Scenario A

Criminal Activities → Investigation → Conviction → Arms Seizure → Tracing (Origin) → **Investigation stops** → Arms trafficking

Arms flow continues

Scenario B

Criminal Activities → Investigation → Conviction → Arms Seizure → Tracing (Origin) → **Investigation continues** → Arms trafficking

Arms flow stops
What does the indicator 16.4.2 measures?

- One indicator may not be enough
- Focus on illicit arms: seized, found or surrendered
- Does not measure what has not occurred (prevention)
- Does not measure actual illicit flows, but allows for a better analysis and monitoring of these flows.

**16.4.2 measures the effectiveness of States’ in establishing measures to prevent, detect and reduce illicit arms flows and combat all forms of organized crime.**

- It captures a crucial moment in a larger chain of events that need to take place in order to achieve the target goal. More is needed.
Establishment of Origin/Context under Indicator 16.4.2
Other national / regional indicators to support risk assessment and analysis

- Crime Statistics: (the more disaggregated the better)
- Prices on black market
- Civilian possession: no. of licensed owners
- National manufacturing: No. of licensed manufacturers. Craft production?
- Size of police, military, etc.
- Types of seized, found or surrendered arms
- Ground for seizure and criminal context
- Records on international transfers and their denials
- Crime situation: OC / terrorist groups, gangs etc.
- Regional context: armed conflicts? Transit country?
- External sources to understand broader picture UN mission & monitoring groups reports; official press releases; media, research …
How ATT can support SDG

• Implementation of the preventive measures under ATT through the establishment of import, export, transit, trans-shipment and brokering regulations will have a direct impact on the reduction of the illicit arms flows.

• Collection of data on denials of licensing requests and specifically the reasons for the denial, including a reference to ATT’s provisions, will provide information about the number of illicit transfers, which were prevented due to the adoption of the ATT.

• Record-keeping under ATT supports directly the implementation of Indicator 16.4.2 as the ATT reports contain relevant data, which will assist competent authorities in the process of establishing the origin of the arms.

• The reports submitted under ATT will assist the process of tracing of arms conducted by national authorities.
### Synergies between ATT and UN FP

<table>
<thead>
<tr>
<th>ATT</th>
<th>Firearms Protocol</th>
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<tr>
<td>International transfers – Art. 6(2) ATT, transfers from the exporting to the receiving State,</td>
<td>Authorisations requirements, Art. 10, 4(2)</td>
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<td>Marking requirement for firearms, Art. 8</td>
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<td>Offences under the FP (Art. 5 FP) and UNTOC</td>
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<tr>
<td>Offence: Illicit manufacturing, Illicit trafficking, Tempering with markings, Attempts/ participation/ organisation in/of offence, Illicit reactivation, UNTOC offences</td>
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What and when are these offences relevant for the ATT?

Example: Illicit trafficking in firearms

If State A is aware of risk of subsequent illicit traffic, State A needs to take the potential future traffic into account in its export risk assessment (Art. 7 (1 b iv) ATT)
# Synergies between the ATT and the Firearms Protocol: Other relevant aspects

<table>
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<th>ATT provision</th>
<th>Relevant FP and UNTOC provisions</th>
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| Art. 8 – Import        | Art. 10 (1) – Import authorisation or licensing system  
                          | Art. 10 (4) – Upon request, inform the exporting State of the receipt of the dispatched items |
| Art. 10 - Brokering    | Art. 15 – Registration and licensing/authorisation system for brokers; disclosure of information related to the transferred items (licences, accompanying documents); *Note that brokering measures are not legally binding* |
| Art. 11 – Diversion    | Art. 11 – Security measures for items at time of manufacture, import, export and transit; increase transfer controls including border controls and police/customs trans-border cooperation |
| Art. 12 – Record keeping | Art. 7 – Records on licences (including import)  
                           | Art. 8 – Marking of firearms |
Synergies between the ATT and the Firearms Protocol: Other relevant aspects

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<td>Art. 14 – Enforcement</td>
<td>Art. 5 – Relevant offences&lt;br&gt;Art. 6 – Confiscation, seizure and disposal&lt;br&gt;Art. 19 UNTOC – Joint investigations&lt;br&gt;Art. 20 UNTOC – Special investigative techniques&lt;br&gt;Art. 27 UNTOC – Law enforcement cooperation&lt;br&gt;...</td>
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<tr>
<td>Art. 15 – International cooperation, including to prevent corruption</td>
<td>Art. 12 – Information exchange on organized criminal groups and modus operandi; cooperation in tracing&lt;br&gt;Art. 8 and 9 UNTOC- Criminalisation of corruption and measures against corruption&lt;br&gt;Art. 16, 18 UNTOC – Extradition and Mutual legal assistance</td>
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</table>
• Created in 2011

• **Objective:** To counter illicit arms trafficking and related serious and organized crime, and foster effective international cooperation and information exchange.

• **Global and Trans-regional dimension**
  
  Since 2011
  - Latin America
  - West Africa & Sahel region

  As of 2017:
  - Western Balkans
  - Sahel-Maghreb region
  - Panama
UNODC’s Integrated 5 Pillar Approach on Firearms

Contribution of all pillars to achieve and/or Monitor achievement towards SDG target 16.4
Pillar 5: Data Monitoring Illicit Arms Flows Collection and Analysis

- **2015 Study on firearms**
  - Developed by UNODC in 2013-2015 in cooperation with Member States, to explore the transnational nature routes and modus operandi of firearms trafficking
  - First effort to collect & analyse standardized data on firearms seizure at global level (Period 2010 – 2013)

- **2016: UNODC mandate to collect on regular basis data on firearms**
  - Currently developing a questionnaire for an annual data collection on firearms starting in 2017

- **UNODC /UNODA custodian agency for SG 16.4**
  - EU-UNODC project to support global data collection work
2010 - 2013
UNODC mandated by COP to develop the Firearms Study (res. 5/4, 6/2)

2015
Publication of the first UNODC Study on Firearms

2016
UNODC mandated by COP “to continue to collect and analyse, on a regular basis, quantitative and qualitative information and suitably disaggregated data on trafficking in firearms, their parts and components and ammunition” and to take into account target 16.4 of the SDGs (res. 8/3)

2017
EU-UNODC Project “Supporting Global Data Collection and Analysis on Firearms Trafficking and Fostering Cooperation and Information Sharing, in particular Among Countries along Major Trafficking Routes to/from the EU”
Content of the New Questionnaire

• Introduction: Use of terms and concepts, definitions and metadata from States
• Total number of seized - found - collected firearms / SALW, their parts and ammunitions;
• Level of disaggregation: by types of firearms and years
• Legal ground for seizure (illegal possession, illegal trafficking, other crimes, administrative infractions) and seizure context
• Tracing results (domestic / international) and Trafficking routes
• Crime context (associated crimes)
• Qualitative information on trafficking, including on flows, involvement of organized crime, prices, new technologies etc.
How UNODC supports Member States in these efforts

• Support development of comprehensive record-keeping mechanism

• EU funded project: Supporting Global Data Collection and Analysis on Firearms Trafficking and Fostering Cooperation and Information Sharing,

3 Pillars

Develop tools for data gathering, establish regular data collection mechanism on illicit arms flows and SDG 16.4.

5 Reg. Meetings to raise awareness & technical assistance on data & information exchange, designation of national focal points

Mapping and monitoring of illicit arms flows, periodic sharing of findings, foster information exchange
Registration and Record-keeping

Informing and tailoring policies and action plans

Information exchange to support a joint fight against illicit firearms trafficking

Addressing points of diversion
  → Strengthening control and regulatory measures
  → Prosecuting offenders

Tracing → Identification of point of diversion

Identify, monitor and address illicit arms flows

FROM DATA TO ACTION: USE OF INFORMATION
Better understand the extent and dimension of the illicit trafficking
Reduce and monitor its illicit flows, monitor SDG indicator 16.4.2
Combat illicit trafficking and all associated forms of organized crime
With the support of Denmark, the EU, Germany, Japan and Sweden (since 2011 and ongoing):

• Supporting the drafting of national firearms legislation, including relevant offences;
• Supporting preventive and control measures such as marking and registration of firearms, enhancing security of storage sites for firearms and ammunition, supporting weapons collection and destruction campaigns;
• Training law enforcement officers on investigating and prosecuting firearms trafficking and related offences;
• Fostering information exchange through group of practitioners and compilation of firearms related cases
• Supporting direct operational information exchange and cooperation on real cases (cooperation with INTERPOL, EMPACT)
• Support standardized collection and analysis of firearms data at national and international level
CONCLUSIONS

• The SDG 16.4 focuses on illicit flows
• The ATT can significantly contribute the SDG by:
  • Establishing a robust transfer control regime
  • Encouraging reporting and transparency in legal transfers
  • Thus preventing illicit arms flows
  • Supporting the work of national authorities to the tracing and the establishment of the illicit origin of arms
  • Facilitate information exchange and international cooperation in criminal investigations

• In conjunction with other relevant instruments such as the Firearms Protocol, the PoA and the ITI, the ATT provide a solid basis for Member States to achieve and monitor the SDG
Thank you!

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