

## Weapons Tracing and Peace Support Operations

### Theory or Practice?

#### Introduction

Weapons tracing is a set of methods used to identify weapons and ammunition and track their origins. It has an established role in criminal investigations, where it is typically used not only to prove a firearm-related offence, but also to uncover the source of illicit supplies to criminals. By contrast, weapons tracing in conflict and post-conflict situations—for example, by peace support operations (PSOs)—remains a matter of theory, not practice. To date, the only bodies that have traced conflict and post-conflict weapons (and ammunition) in any quantity are UN Groups of Experts, specifically for purposes of detecting and confirming arms embargo violations.

This paper will examine the normative frameworks and practical mechanisms that could be used, specifically by PSOs, to trace conflict weapons. It will also consider some of the reasons that have so far prevented PSOs from tracing weapons. The paper begins by reviewing the main features of the International Tracing Instrument (ITI) (UNGA, 2005a), in particular those relevant to conflict tracing. It then examines the current practice (or non-practice) of weapons tracing by UN PSOs and UN Groups of Experts. It concludes with some observations on the possibilities for more systematic tracing of conflict weapons.



British military police examine an AKM-pattern rifle © Visar Kryeziu/AP Photo

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## The International Tracing Instrument

The first step in weapons or ammunition tracing is to uniquely identify the item based on its markings and principal characteristics.<sup>1</sup> Using this information, together with records outlining key elements of its transfer history, the item can be traced from the time of manufacture, or last import, to the point at which it became illicit (i.e. when and where it left the legal market). Effective tracing depends on adequate marking and record-keeping, together with rules for cooperation between the states that issue and reply to tracing requests.

Since the late 1990s there has been broad acknowledgement of the need for international standards in each of these areas. Effective weapons tracing was seen as essential in combating illicit small arms trafficking wherever it occurred. Specific multilateral norms were agreed, first at the regional level (OAS, 1997) and subsequently at the international level (UNGA, 2001a). These instruments did not, however, establish a complete range of marking and record-keeping standards, nor did they articulate detailed rules for how states should cooperate during

tracing, but simply encouraged them, in general terms, to cooperate for this purpose. By the early 2000s UN member states agreed on the need for an international instrument that would fill these gaps. Subsequent negotiations resulted in the UN General Assembly's adoption, in December 2005, of the ITI.

### Overview of the ITI

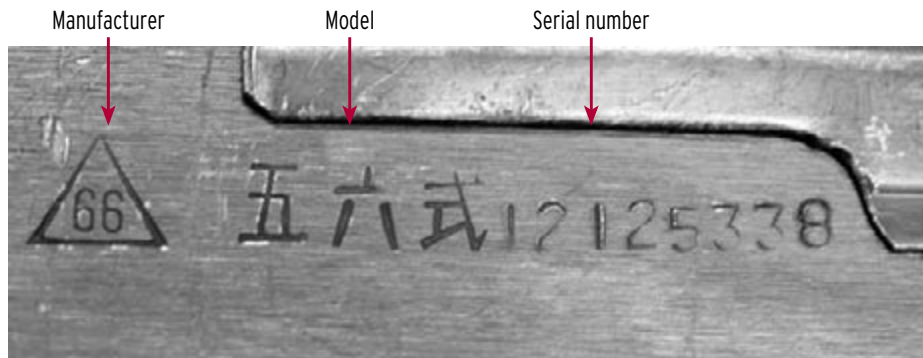
Notwithstanding the strong preference for a treaty expressed by most delegations during negotiations (McDonald, 2006, pp. 100–02), the ITI is politically, not legally, binding. There is, however, one advantage to this in that, unlike a treaty with its ratification requirement, the ITI has applied to all UN member states since its adoption by the UN General Assembly. With few exceptions, ITI language is strong, setting out firm commitments in the areas it covers, rather than recommendations. Nevertheless, as of mid-2010 there was a question as to how seriously states were taking their (non-legal) commitments, with only 43 of 192 UN member states reporting on their implementation of the ITI in advance of the second meeting convened to consider this question (Parker, 2010, pp. 52–53).<sup>2</sup> A second weakness of the ITI is that it

excludes ammunition (McDonald, 2006, pp. 102–03), even though, like weapons, ammunition can be traced for purposes of detecting and disrupting illicit supply (Bevan, 2008).

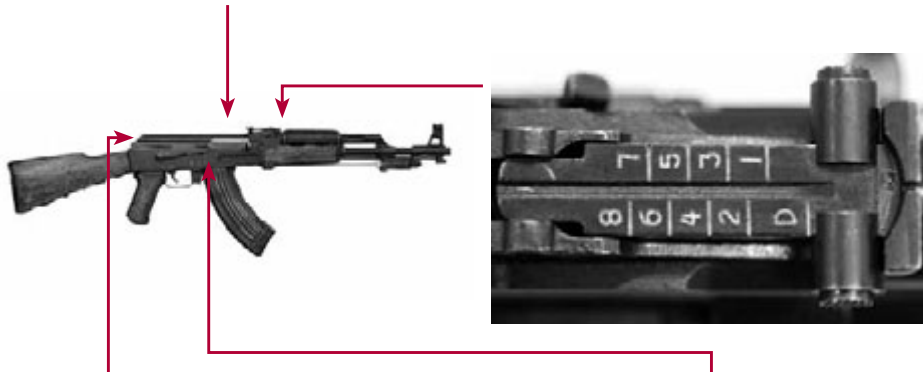
Despite these limitations, the ITI offers a useful framework for strengthened marking, record-keeping, and tracing.<sup>3</sup> It covers a wide range of small arms and light weapons, using a clear, relatively comprehensive, and adaptable definition that fills a gap left by the definition-deficient UN Programme of Action (UNGA, 2001b). Its structure reflects the core requirements for effective tracing, with separate sections on marking, record-keeping, and cooperation in tracing. Its section on marking prescribes the content of markings, especially at time of manufacture and import, in some detail; yet in contrast to other multilateral instruments, the ITI also addresses such areas as the marking of government stocks and the characteristics and placement of markings. The ITI's section on record-keeping is less operationally specific because of variations in countries' constitutional systems that sometimes preclude the centralization of records; but it nevertheless builds on instruments such as the UN Firearms Protocol (UNGA, 2001a, art. 7) in

Figure 1 **Common marks on Kalashnikov-pattern weapon**

**External marks:**

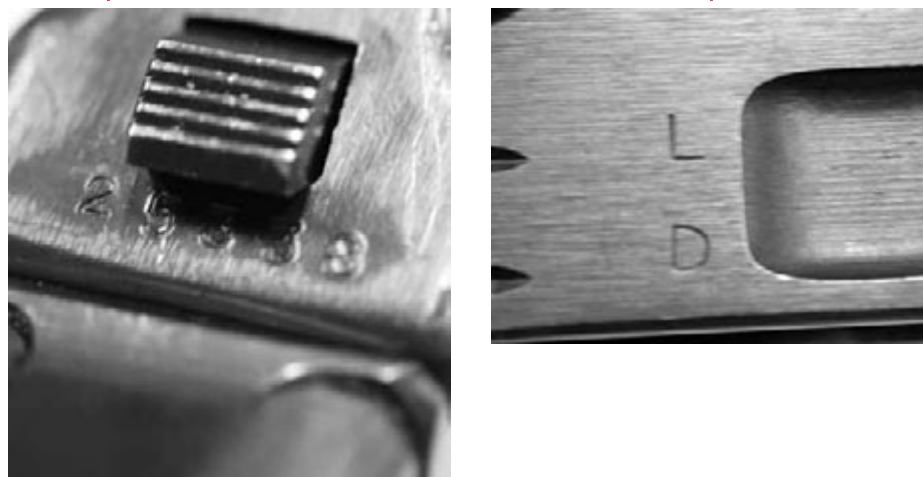


RECEIVER (LEFT SIDE)



REAR SIGHT (TOP)

RECEIVER COVER (REAR)



FIRE SELECTOR, RECEIVER (RIGHT SIDE)

**Internal marks:**



BOLT CARRIER



RECOIL SPRING GUIDE

© James Bevan. Weapon courtesy of Royal Armouries, UK

extending the length of time records must be held. The ITI's section on tracing cooperation is, in many ways, its key source of value added in comparison with other international documents (UNGA, 2001a, art. 12(4)),

establishing specific procedures for tracing requests and responses.

These core sections are supplemented by one on 'Implementation' and a second on 'Follow-up'. The ITI has no dedicated implementation mechanism.

Its section on 'Implementation' makes use of existing organizations, namely the UN and the International Criminal Police Organization (INTERPOL), to facilitate its implementation by states. Nor is there any question of enforcing

Figure 2 Iraqi import mark on a Russian-manufactured AKM



© James Bevan. Weapon courtesy of Royal Armouries, UK

ITI implementation. Its 'Follow-up' section merely provides—in fact *requires*—biennial reporting by states on their implementation of the ITI, along with biennial meetings to 'consider' these reports.

### Applying the ITI to conflict tracing

The role of peace support operations in the implementation of the ITI was disputed during the negotiations, with some states contesting references to 'peacekeeping operations' and other non-state entities contained in the drafts of the document that were presented during the final round of negotiations.<sup>4</sup> This language was removed from the final text in order to secure its adoption by consensus. The quid pro quo was a recommendation by the UN Open-ended Working Group (OEWG), which negotiated the ITI, that the UN consider further the Instrument's applicability to UN peacekeeping operations (UNGA, 2005b, para. 28).

While the OEWG recommendation has yet to be taken up, in recent years the UN has nevertheless stressed the importance of marking, record-keeping, and tracing in conflict situations, including application of the ITI (UNSC, 2008, paras. 31, 46, 69–71).

Notwithstanding the negotiating history, there is little doubt that the ITI can be used for such purposes. Nothing in it requires states to respond to tracing requests issued by non-state entities; ITI commitments concerning the form and content of responses to tracing requests relate to requests made by *states* alone (UNGA, 2005a, paras. 18, 20–23). Yet neither does the ITI preclude states from responding to tracing requests made by non-state entities in line with its norms if they choose to do so.

The ITI's second preambular paragraph notes that 'tracing ... may be required in the context of all forms of crime and conflict situations'. Its definition of small arms and light weapons is not limited to civilian firearms—most often used in crime—but instead includes a fairly complete range of *military-style* small arms and light weapons (UNGA, 2005a, para. 4). Its definition of 'tracing', similarly, can be applied to both crime and conflict—the point being, whatever the setting, to identify the point of diversion from the legal to illicit spheres (UNGA, 2005a, para. 5). One of the ways small arms and light weapons can become 'illicit' is, in fact, if they are transferred in violation of mandatory UN Security Council arms embargoes (UNGA, 2005a, para. 6b).

The ITI's dual crime and conflict function is also supported—although again implicitly—in its 'Implementation' section. Paragraph 35 enumerates the basic roles INTERPOL can play in facilitating small arms identification and tracing. Existing agreements with the UN enable INTERPOL to extend such support to UN PSOs and analogous UN bodies.<sup>5</sup> Paragraph 34 of the ITI, requiring states that are members of both the UN and INTERPOL (the vast majority) to 'promote the implementation of [the ITI] when participating in Interpol's organs' (decision-making bodies), lends additional impetus to enhanced UN–INTERPOL cooperation in the tracing area.

The ITI's marking and record-keeping provisions are also relevant to PSOs in the sense that, although not binding on UN forces, they reflect 'good practice' in these areas. Ensuring that all peace support weapons are marked and recorded is an important means of preventing their diversion,<sup>6</sup> while the marking and recording of ex-combatant arms can strengthen broader embargo monitoring and disarmament, demobilization, and reintegration (DDR) efforts.<sup>7</sup>

A final point concerns the tracing of ammunition, as opposed to weapons. As noted earlier, ammunition was formally excluded from the scope of the ITI. Yet it is only the marking provisions of the ITI that are weapons specific. The marking of ammunition, with its distinct technical requirements, is not covered in the ITI. Nor are states *required* to respond to requests for assistance in tracing ammunition. Nevertheless, the record-keeping and tracing provisions of the ITI can be used to trace ammunition, as well as weapons, by those states that wish to do so. In the same way that the ITI acts as an enabling framework for conflict tracing by UN PSOs—not merely states—it can facilitate the tracing of ammunition as well as weapons.

In conclusion, the ITI's *applicability* to the tracing of conflict weapons, specifically by UN PSOs, is clear. Further consideration of the issue by the UN,

in line with the OEWG recommendation, would undoubtedly help clarify the specific modalities for conflict tracing, but the real question is not the enabling normative framework—which exists—but its *application* to concrete cases.

## From theory to practice: PSO tracing

To date, PSOs have not traced small arms, light weapons, and their associated ammunition. Although PSOs' mandated activities usually necessitate some form of weapons monitoring, such as observing a ceasefire or a disarmament initiative, this monitoring does not extend to in-depth investigations into weapons transfers, including weapons tracing. The following sections of this paper explain why this is the case, notwithstanding the evident utility of weapons tracing to the fulfilment of existing peace support mandates (see Table 1).

The sections below focus on PSOs with a Security Council mandate to monitor arms embargoes. Of all PSOs, these are the operations one would expect to be heavily involved in monitoring, investigating, and *tracing* weapons. But, while these PSOs may be mandated to identify breaches of relevant embargoes, this tends to involve passive monitoring, not the kind of active investigative work needed to uncover embargo violations. This, the paper argues, is a reflection of Security Council mandates that favour monitoring over investigation; mission structures that deter the comprehensive investigation of arms transfers; and practical constraints, in particular lack of capacity, that prevent PSOs from going beyond passive monitoring.

As a result, PSOs that are mandated to monitor arms embargoes tend to leave the responsibility for weapons investigations and tracing to UN Groups of Experts. In contrast to PSOs, these Groups of Experts have mandates to investigate—rather than simply

### Box 1 Ammunition tracing by PSOs

During negotiations on the ITI, some states argued that the tracing of small arms ammunition would not be effective because small arms cartridges of the same production run, or 'lot', although sold to many different recipients, bear the same markings, precluding identification of the individual or group responsible for their circulation on the illicit market. It is worth noting, however, that this problem is mitigated in the case of conflict tracing as ammunition for use in small arms or light weapons made to military specifications is often produced under order for a single military client. Lot numbers applied to the packaging of such ammunition can be used to uniquely identify ammunition, provided it remains in its original packaging. Several UN Groups of Experts have in fact discovered embargo violations using lot-marked ammunition packaging.

Moreover, the analysis of ammunition can provide important insights into illicit ammunition flows even if it has been removed from its original packaging. Military small arms cartridges are typically marked with a manufacturer's code and a date mark that identifies the year of production. In the case of states under embargo, date markings provide clear evidence of whether or not ammunition has been acquired pre- or post-embargo. Further, by recording and analysing markings on ammunition cartridges, investigators can establish a profile of the sources of ammunition used by embargoed actors.

Table 1 **PSO mandated activities and potential weapons-tracing applications**

Mandated activity	Weapons-tracing application
Embargo and ceasefire monitoring	To identify any supply of weapons to parties under embargo
Counter-rearmament monitoring	To generate a baseline of the types of weapons present and thereby facilitate the identification of future influxes of weapons that might jeopardize security
DDR evaluation	To assess the age and quality of collected weapons in order to establish whether DDR initiatives have reduced the number of usable weapons in circulation, as opposed to older or less desirable models
Disarmament verification	To verify the destruction and disposal of weapons collected during arms reduction initiatives, including DDR, arms seizures, and weapons amnesties

Table 2 **Selected UN PSO mandates to monitor weapons in-country**

1. United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), 2003	'Demands that all parties provide full access to MONUC military observers, including in ports, airports, airfields, military bases and border crossings, and requests the Secretary-General ... to report to the Security Council regularly on the position of the movements and armed groups and on information concerning arms supply' (UNSC, 2003, para. 19).
2. UNOCI, 2005	'To monitor the implementation of the [embargo] ... including by inspecting, as they deem it necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings of Côte d'Ivoire' (UNSC, 2005b, para. 2m).
3. UNAMID (African Union/United Nations Hybrid Operation in Darfur), 2007	'Decides that UNAMID shall monitor whether any arms or related material are present in Darfur in violation of the [sanctions regime]' (UNSC, 2007c, para. 9).

Source: Adapted from Bevan (2009, p. 123)

Figure 3 Marks on a PG-7 warhead and propelling charge (RPG-7 rocket launcher)



© James Bevan. Weapons courtesy of Royal Armouries, UK

monitor—embargo violations. Their mandates also facilitate tracing operations outside of PSO mission areas.

The following sections highlight the limitations of PSO weapons-monitoring strategies; contrast them to the approaches of Groups of Experts; and conclude by considering how the latter, including weapons tracing, could be applied to PSOs.

## Mandates

Arms embargoes prohibit the transfer of weapons, ammunition, and related materiel<sup>8</sup> to a country, region, or entity.<sup>9</sup> PSOs with embargo-monitoring mandates typically have two roles: 1) to monitor for shipments of embargoed materiel at ports of entry, such as border crossings, airports, or seaports; and 2) to monitor and identify such materiel that may have already passed through ports of entry in breach of a sanctions regime.<sup>10</sup>

As the following sections note, although insufficient resources limit their efforts, PSOs tend to be relatively proficient at implementing the first role. The second role, however, poses greater challenges to PSOs because it calls for them to identify *post facto* any weapons that have entered the country in breach of an embargo. Although their mandates refer to this as ‘monitoring’, in reality it requires complex investigations dependent on weapons expertise,

weapons tracing, and the capacity to conduct international enquiries.

### *Mandates to monitor at ports of entry*

PSOs adopt a variety of measures for purposes of monitoring weapons and ammunition transfers at ports of entry. They may station peacekeepers next to airports, assign military observers to land border-crossing points, or have customs or police officers patrol seaports. In reality, however, due to resource and time constraints, their capacity to monitor ports of entry is extremely limited.

To provide one example,<sup>11</sup> Security Council Resolution 1739 mandates the United Nations Operation in Côte d’Ivoire (UNOCI) to inspect the ‘cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings of Côte d’Ivoire’ (UNSC, 2007a, para. 2g). While UNOCI conducts regular, twice daily patrols of Abidjan International Airport and the Port of Abidjan, its personnel can only inspect a tiny proportion of the cargo processed there. The Port of Abidjan, one of the largest in Africa, handles thousands of containers each day. The limited number of customs officers available to UNOCI means that, if called to do so, its officers might have time to inspect two or three containers per day.

Other than Abidjan International Airport and the Port of Abidjan, UNOCI does not have enough customs officers to conduct regular inspections at points of entry into Côte d’Ivoire. These entry points include more than 20 airfields and airstrips located around the country; a major seaport in San Pedro; and road crossing points on Côte d’Ivoire’s borders with Burkina Faso, Ghana, Guinea, Liberia, and Mali. While military observers conduct some inspections in these places, given a range of other duties, limited personnel, long distances, and bad roads, they do so, at most, on a bi-monthly basis and only for a few hours at a time.

When monitoring at ports of entry is so infrequent, it is clearly impossible to prevent weapons shipments from entering the country. PSOs therefore need to be able to monitor *within* a country to detect weapons that have evaded border controls.

### *Mandates to monitor in-country*

The Security Council also mandates PSOs to monitor weapons and ammunition held by parties to a conflict. As Table 2 indicates, this includes the monitoring of weapons stored in military bases or generally ‘present’ in an embargoed territory. Among other things, such in-country monitoring seeks to detect weapons that have been imported in violation of an embargo.

The mandates presented in Table 2 call for PSOs to *identify* the presence of embargoed weapons, whether in military bases (MONUC and UNOCI) or more generally (UNAMID).<sup>12</sup> Any observation of the cross-border movement of weapons into an embargoed territory would normally constitute proof of violation. The identification of embargoed weapons within a country, by contrast, is more complicated, as the weapon’s date of entry (pre-/post-embargo) needs to be determined. Under most circumstances, the only way to establish date of entry is to trace the weapon.<sup>13</sup>

### *The limits of PSO mandates*

Although, as indicated above, certain Security Council mandates do give PSOs scope to detect embargo violations within a target country (not

Figure 4 **AK-105 (top) and AKM (bottom)**



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merely monitor ports of entry for such violations), it is the mandates given to UN Groups of Experts operating in the same countries that are most clearly geared towards investigation, including weapons and ammunition tracing. A case in point is the initial mandate provided to the Group of Experts on the Democratic Republic of the Congo (DRC), broadly similar to those given to most Groups of Experts, such as for Côte d'Ivoire (UNSC, 2005a, paras. 7a–b, 11) and Liberia (UNSC, 2007b, paras. 1a, 2):

*To examine and analyse information gathered by MONUC in the context of its monitoring mandate (UNSC, 2004, para. 10a);*

*To gather and analyse all relevant information in the Democratic Republic of the Congo, countries of the region and, as necessary, in other countries, in cooperation with the governments of those countries, flows of arms and related materiel, as well as networks operating in violation of the [sanctions regime] (UNSC, 2004, para. 10b);*

*Urges all States, relevant United Nations bodies and, as appropriate, other organizations and interested*

*parties, to cooperate fully with the Committee and with the Group of experts and MONUC, in particular by supplying any information at their disposal on possible violations of the [sanctions regime] (UNSC, 2004, para. 12).*

These mandates have two core elements: 1) to monitor weapons or expand on the weapons-monitoring activities of associated PSOs; and 2) to conduct international weapons-related investigations. The Security Council typically supports this work by ordering target states and other entities to cooperate fully with such investigations.

PSO mandates, by contrast, do not extend beyond the monitoring functions outlined above. Although PSOs need to investigate and trace weapons to fulfil these monitoring mandates (especially the detection of embargoed weapons in-country), nothing in their mandates compels—or really enables—them to go beyond monitoring to the investigation of possible violations. In practice, when PSOs in embargoed countries conduct weapons inspections, they keep extensive records, but in almost all cases do not analyse the information. Data generated during successive years of monitoring is stored in a number of ad hoc databases, with no further attention

given to it.<sup>14</sup> PSO monitoring stops short of investigation.

## Capacity and resource constraints

Since they have not conducted investigations, PSOs do not detect weapons and ammunition that have entered a country in breach of an embargo. Embargoes therefore *appear* to be successful at blocking the entry of prohibited weapons and ammunition (since none is ever detected), and PSOs consequently have little reason to call existing monitoring strategies into question—including the lack of investigation. This failure to detect embargo violations results from two related, but distinct, weaknesses in current PSO weapons monitoring: 1) a lack of capacity to identify suspect weapons; and 2) mission structures that discourage the active investigation of weapons circulating in a country or region.

### *Insufficient monitoring capacity*

The decision to investigate and trace a weapon's origins requires a trigger of some kind, such as observing a weapon not known to have been previously deployed in an embargoed country (Bevan, 2009, pp. 110–11). Weapons, however, are often very similar in design. For example, at least 25 countries manufacture, or have manufactured, Kalashnikov-pattern (AK-47) assault rifles. The differences among these models may be as slight as the positioning of a rivet or the markings next to a safety catch (fire selector). For these reasons, unless someone is trained to identify weapons, they are unlikely to note anything unusual—in particular, a weapon that does not look like it should be in an embargoed country.

In PSOs, the responsibility to inspect weapons usually falls to UN military observers (UNMOs) and UN police (UNPOL). While such personnel are trained in the use of weapons, they do not as a rule have expertise in weapons identification and cannot therefore be expected to identify suspicious weapons, ammunition, or related materiel. UNMOs and UNPOL personnel in UNOCI, for example, have not detected a single suspect

Figure 5 Marks on the Type 56 assault rifle



© James Bevan. Weapon courtesy of Royal Armouries, UK

weapon during the six-year arms embargo on Côte d'Ivoire.<sup>15</sup> PSOs can instruct staff in the recording of weapons data for later analysis by specialists (including Groups of Experts), but given their short contracts (one year for military observers), they cannot become weapons specialists. In these circumstances, without the capacity to detect suspect weapons, no amount of in-country monitoring can allow a PSO to fulfil its mandated task of identifying the presence of embargoed weapons.

#### *Unsuitable mission structures*

Weapons and ammunition monitoring is usually assigned to the Joint Mission Analysis Centre (JMAC), a section within each mission charged with collating and disseminating information on a range of security-related issues. JMACs process information gathered from many different sources, including local media, but with an emphasis on UN source information, such as daily or weekly reports by UNMOs, UNPOL, or UN security personnel. They do not normally conduct their own investigations. JMAC weapons monitoring is, therefore, a somewhat passive process. This is a problem since, as mentioned above, UNMOs and UNPOL do not have the capacity to detect suspicious weapons. Without evidence of such weapons, JMAC monitoring rarely involves the investigation of embargo violations.

There are exceptions, however. The JMAC for the UN Organization Stabilization Mission in the DRC (MONUSCO) has invested time and resources into improving the capacity

of inspection personnel. It holds regular training sessions and has produced a range of information designed to improve awareness of different weapons types and encourage reporting on them.<sup>16</sup> In Côte d'Ivoire, UNOCI has adopted a different strategy and augmented its JMAC's capacity with a new structure, the Integrated Embargo Cell, which regularly trains inspection personnel, operates a database of inspected weapons, and produces weapons identification material.<sup>17</sup>

Although they tend to leave weapons investigation and tracing to their respective Groups of Experts, both MONUSCO and UNOCI have the potential 'in-house' weapons expertise not only to monitor and detect weapons suspected of having been imported in breach of sanctions regimes, but also to trace them. Most PSOs, however, do not do this; their analytical activities are restricted to compiling simple reports of monitoring activities, such as the number of inspections they have conducted, or relaying weapons-related reports produced by local media.

### **Groups of Experts: a tracing model?**

Although, as explained earlier, PSOs are not specifically mandated to conduct international tracing investigations, their mandates to monitor arms embargo implementation and, most importantly, to identify the presence of embargoed weapons in a territory require this in practice and, moreover,

provide the basis for tracing cooperation by UN member states. The tracing methods adopted by UN Groups of Experts, which employ three distinct avenues of enquiry, offer a potential template for tracing by PSOs.

### **Requests to manufacturers and host governments**

In the first instance, Groups of Experts send letters requesting tracing assistance directly to the manufacturer of a suspect weapon or item of ammunition and send a copy to the permanent mission to the UN of the country where the manufacturer is located. The letter specifies the weapon's model and serial number and includes any other information that might help the manufacturer identify the weapon in its records. In the case of ammunition, Groups of Experts indicate the lot numbers (which identify production runs of various ammunition components) and any additional information that might be marked on ammunition packaging.<sup>18</sup>

The letter requests the manufacturer to provide all possible information on the entity (state or company) to which it sold or transferred the item, including the date of shipment and quantity of weapons or ammunition shipped. When and if the Group of Experts receives the required information, it contacts the recipient entity and asks for the same information it requested of the manufacturer. A Group of Experts will continue this process until either it identifies the recipient entity responsible for breaching the embargo (by transferring the materiel to a state, region, or entity under sanctions) or it receives no response to its request for information.

### **Requests to governments alone**

Some UN member states insist that Groups of Experts not contact manufacturers directly or that they deal exclusively with permanent missions when manufacturers refuse to cooperate. In these cases, as in the case of



Figure 6 **Manufacturer's marks (centre) and serial number (lower right) on an Egyptian Misr assault rifle**



Egyptian Misr assault rifle on the Kenya-Sudan border, May 2008. © James Bevan

direct contact with the manufacturer, Groups of Experts request all available information on the entity to which the state or manufacturer sold or transferred the item. When and if the Group receives such information, it continues contacting recipient entities until, where possible, it identifies the party responsible for breaching the embargo.

### Requests via INTERPOL

When Groups of Experts confront uncooperative manufacturers or gov-

ernment objections to direct contact with manufacturers, they can submit trace requests to INTERPOL. To date, several Groups of Experts have sent letters to INTERPOL requesting information about specific weapons. INTERPOL forwards these trace requests to the INTERPOL National Central Bureau (NCB) in the relevant state (country of manufacture or of last legal import). Provided the NCB is functioning,<sup>19</sup> it liaises with national authorities to establish the weapon's history, ideally reconstructing the

transfer chain up to the time the weapon left the territory of the state. The Group of Experts then contacts any further recipients identified by the NCB until, if possible, it identifies the entity responsible for breaching the embargo. This avenue of investigation, like the others, can be time consuming due to the number of intermediaries that need to be contacted in the course of the investigation.<sup>20</sup> The new procedures described earlier (see section 'Applying the ITI to conflict tracing') that allow authorized UN bodies direct access to INTERPOL databases should expedite the process of getting tracing requests into the hands of national authorities, but it is typically the sheer number of intermediaries involved in responding to a tracing request—within and beyond the country of manufacture—that makes the process so lengthy.

### Political and administrative support for weapons tracing

Groups of Experts use any of the three strategies listed above,<sup>21</sup> depending on the circumstances. In theory, if there is a willingness to trace weapons, nothing would prevent PSOs from using any of the three lines of enquiry. PSO tracing should, however, take two additional aspects of Expert Group practice into account. Firstly, all trace

Figure 7 **Identifying design features of the Egyptian Misr assault rifle**



Egyptian Misr assault rifle on the Kenya-Sudan border, May 2008. Stock design (left), fire selector annotation (right). © James Bevan.

Figure 8 1974 Russian, Ishevsk-manufactured AKM assault rifle



© James Bevan. Weapon courtesy of Royal Armouries, UK

requests submitted by Groups of Experts are copied to a UN Security Council Sanctions Committee.<sup>22</sup> This gives added legitimacy to tracing requests and underlines the need—often the legal requirement<sup>23</sup>—for states, manufacturers, and other entities to cooperate. It is also important to note that a permanent Secretariat located within the Security Council Subsidiary Organs Branch supports successive Groups of Experts. Beyond its administrative functions, the Secretariat provides a consistent point of contact for states, companies, and other entities asked to respond to tracing requests. The Secretariat also assists Groups of Experts—whose membership frequently changes—in the formulation of tracing requests.

## Conclusion

The primary impediment to the tracing of weapons and ammunition by PSOs is the lack of a specific mandate to do so. As stressed earlier, mandates to ‘monitor’, with no reference to ‘investigation’, are in practice insufficient. Unsuitable mission structures, combined with a lack of capacity to identify and trace suspect weapons, are further problems. With neither the

mandate nor means to detect weapons present in a territory in violation of a UN arms embargo, PSOs are unaware that their monitoring efforts are not stopping such breaches. Yet, without such awareness, they have little reason to seek to strengthen their capacity for weapons investigation, thus perpetuating their ineffectiveness.

Security Council mandates that make explicit what is already implicit in most PSO mandates, namely, the need to ‘investigate’ suspected violations of an arms embargo, coupled with related capacity-building measures, could change this. UN Groups of Experts, which already trace weapons and ammunition in many PSO mission areas, are the obvious model for PSO tracing. UN peace support forces should first consider establishing dedicated units within the mission that, like Groups of Experts, are specifically mandated to conduct weapons-related investigations. Such ‘cells’, modelled, for example, on UNOCI’s Integrated Embargo Cell, would allow for the development of common mandates, structures, and strategies for weapons investigation among PSOs. They would also provide PSOs with a constant point of contact on embargo-related issues.

The Security Council might also consider establishing a sub-section within the permanent Secretariat that currently serves UN Groups of Experts. This ‘PSO sub-section’ could handle trace requests submitted by PSOs, provide weapons-tracing guidance, facilitate coordination between PSO investigations and those of Groups of Experts, and also ensure that all PSO tracing requests pass through Security Council Sanctions Committees (the current practice for Groups of Experts).

These or similar measures would ensure that PSOs have the same possibilities for the pursuit of weapons-related investigations that Groups of Experts currently enjoy. Most importantly, they would allow PSOs to make a meaningful contribution to the restriction of arms flows to zones of armed conflict or instability. In the absence of such measures, PSOs are likely to remain highly visible—but largely ineffectual—bystanders to embargo violations.

## Notes

- 1 For firearms, key information includes type, model, and calibre, along with markings indicating manufacturer, serial number, and country of origin and/or import. For ammunition, key information includes calibre, composition, head-stamp marks, and markings applied to packaging.
- 2 Figures as of 6 May 2010, one month before the Fourth Biennial Meeting of States on the UN Programme of Action, at which ITI implementation was discussed.
- 3 For a more detailed review of the ITI, see McDonald (2006).
- 4 States that opposed granting PSOs any status under the ITI argued that this would lead to its ‘abuse’ for ‘political purposes’.
- 5 These include special political missions, sanctions committees, and special tribunals. As of October 2010 INTERPOL was finalizing cooperation arrangements with the UN Department of Political Affairs (Al-Qaida and Taliban Sanctions Committee) and the UN Department of Peacekeeping Operations (PSOs and special political missions). UN PSO access to INTERPOL’s Police Information System is not automatic; it is granted, on a case-

- by-case basis, to designated police components of UN PSOs (correspondence with INTERPOL officials, September–October 2010; INTERPOL, 2009a; 2009b).
- 6 For a case of diversion involving South African peacekeepers, see Glatz and Lumpe (2007, pp. 85–86).
  - 7 See UNSC (2008, para. 69).
  - 8 Embargoed ‘materiel’ usually extends to a range of items and services with the potential to enhance military capabilities, including vehicles, communications equipment, and the provision of foreign military assistance.
  - 9 The Darfur region of Sudan is the subject of one UN arms embargo. Another applies to al-Qaeda, the Taliban, and associated individuals and entities.
  - 10 See, for example, the mandates of MONUC/MONUSCO, UNAMID, UNMIL (UN Mission in Liberia), and UNOCI, information about which is available at <<http://www.un.org/en/peacekeeping/currentops.shtml>>.
  - 11 Based on the author’s (Bevan) own observations, made in 2009–10, as Arms Expert and head of the UN Group of Experts on Côte d’Ivoire.
  - 12 More recent Security Council resolutions have tended to favour broad authorizations—with no restriction on the location of inspections. See, for example, Resolution 1893 (UNSC, 2009, para. 5), which ‘Demands that the Ivorian parties ... provide unhindered access [to UNOCI] ... to equipment, sites and installations ... and to all weapons, ammunition and related materiel, regardless of location, when appropriate without notice’.
  - 13 In rare cases, weapons and ammunition packaging may provide sufficient information to identify the exporter and export date of the relevant materiel. In these instances, the party responsible for breaching the embargo is evident and no trace is needed.
  - 14 Author (Bevan) interviews with a range of UN personnel and personal observations in Côte d’Ivoire, 2009–10.
  - 15 Author (Bevan) interviews with UNOCI officials and former Groups of Experts, and personal observations in Côte d’Ivoire, 2009–10.
  - 16 Author (Bevan) discussions with former members of the Group of Experts on the DRC.
  - 17 Based on the author’s (Bevan) involvement in UNOCI training courses and the production of embargo-monitoring material.
  - 18 For more on ammunition tracing procedures, see Bevan (2009, pp. 110–22; 2008).
  - 19 INTERPOL reports having NCBs in each of its 188 member countries (INTERPOL, n.d.). NCB capacity, however, varies considerably and some are unable to provide

- tracing information (observations of UN Expert Group members and law enforcement personnel relayed to the author (Bevan), 2010.)
- 20 Given Expert Group mandates of approximately nine months, should an Expert Group find a suspect weapon midway through its mandate, it has only four-and-a-half months to trace it. It is not uncommon for trace requests made via INTERPOL to take three months or more to identify the first recipient entity. In cases that involve many recipients, this can make it impossible for Expert Groups to conclude their investigations before they present their findings to the Security Council.
  - 21 The author (Bevan) has submitted numerous trace requests through each of the three channels.
  - 22 Examples include the Security Council Committee established pursuant to Resolution 1521 (2003) concerning Liberia and the one established pursuant to Resolution 1591 (2005) concerning the Sudan.
  - 23 Security Council decisions, including those establishing mandatory arms embargoes, are legally binding on all UN member states.

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## List of abbreviations

DRC	Democratic Republic of the Congo
INTERPOL	International Criminal Police Organization
ITI	International Tracing Instrument
JMAC	Joint Mission Analysis Centre
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NCB	National Central Bureau
OEWG	Open-ended Working Group
PSO	Peace support operation
UNAMID	African Union/United Nations Hybrid Operation in Darfur
UNMO	United Nations military observer
UNOCI	United Nations Operation in Côte d'Ivoire
UNPOL	United Nations police

## About the Small Arms Survey

The Small Arms Survey serves as the principal international source of public information on all aspects of small arms and armed violence, and as a resource centre for governments, policy-makers, researchers, and activists. The Survey distributes its findings through Occasional Papers, Special Reports, a Book Series, and its annual flagship publication, the *Small Arms Survey*.

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