

INTERNATIONAL TRAFFIC IN FIREARMS: EMERGING ISSUES

Jenny Mouzos
Australian Institute of Criminology, ACT

*Paper presented at the Transnational Crime Conference
convened by the Australian Institute of Criminology
in association with the Australian Federal Police and
Australian Customs Service
and held in Canberra, 9-10 March 2000*

Introduction

The unauthorised movement of firearms across national borders presents a significant problem. Firstly, firearms can be important as instruments of crime, favoured by criminal elements, and secondly, their widespread availability poses a threat to the sovereignty of some states. In some cases international traffic in firearms may contribute to destabilisation and even to total state failure. The proliferation of weapons is also responsible for fuelling violations of international human rights and humanitarian law, thwarting sustainable development and destabilising regional peace and security throughout the world¹. According to the United Nations, small arms and light weapons are responsible for 90 per cent of all war casualties since World War II. All but three of the 49 conflicts since 1990 have been fought *exclusively* with small arms and light weapons².

According to one report, in 1995, over 45 million people worldwide were displaced, mostly as a result of war or political repression. Even when conflict are resolved, they usually leave a legacy of an armed and insecure society, which undermines the re-establishment of governance.³

The illicit trafficking of firearms is a global problem with multifaceted ramifications. Curbing its development and proliferation calls for a better assessment of the phenomenon and a new way of looking at problems and identifying solutions. Given that firearms are “central to the new era of insecurity, in the transnational, global and local contexts”⁴, the international community has increased its focus and responded accordingly.⁵ “Coping with the issue of illicit trafficking from a new perspective is therefore the *sine qua non* for success in this fight both on the national and international level.”⁶

The main aims of this paper are twofold. Firstly, this paper seeks to examine a number of issues affecting international communities in their attempt to curb the illegal proliferation and diffusion of firearms. Secondly, it will discuss how the efforts abroad impact on Australia, and whether these have resulted in the emergence of new issues relating to the illicit trafficking in firearms.

Movement of Illegal Firearms

For the purposes of this paper, illegal firearms trafficking has been defined as “the movement of firearms from the legal to illegal marketplace through an illicit method for an unlawful purpose, usually to obtain profit, power, prestige or to supply firearms to criminals”.⁷ The diversion of firearms from the legal to the illegal marketplace includes international,

¹ Wood, B., & Clegg, E. 1999, *Briefing – Controlling the gun-runners: Proposals for EU action to regulate firearms brokering and shipping agents*, BASIC Publications, downloaded on 18/01/00 at <http://www.basicint.org/gun-runners.html>

² Stohl, M. 1999, *Small Arms and Failed States*, America’s Defence Monitor Program, downloaded on 21/01/00 at <http://www.cdi.org/ada/1307/transcript.html>

³ Federation of American Scientists. 1997, “Global Black-Market Arms trade should be next target of NGOs”, *Journal of the Federation of American Scientists*, vol. 50, no. 4, downloaded on 23/02/00 at <http://www.fas.org/faspir/pir0797.htm>

⁴ Mathiak, L. 1998, “The Light Weapons Trade at the End of the Century”, in *Society Under Siege – Crime, Violence and Light Weapons*, ed V. Gamba, Towards Collaborative Peace, Vol. I, Institute for Security Studies, South Africa, p. 178.

⁵ See Mouzos, J. 1999, *CSCAP Working Group on Transnational Crime – Small Arms Project: An Australian Perspective*, Australian Institute of Criminology, Canberra at <http://www.aic.gov.au> for a review of international initiatives to combat firearms trafficking.

⁶ Alves, P. G., & Cipollone, D. B. 1998, *Curbing Illicit Trafficking in Small Arms and Sensitive Technologies: An Action-Oriented Agenda*, United Nations Institute for Disarmament Research, UNIDIR Brief No. 2/1998.

⁷ Greco, J. P. 1998, *Pattern Crimes – Firearms Trafficking Enforcement Techniques*, US Department of Justice, F.B.I, downloaded on 18/01/00 at http://www.guncite.com/gun_control_guntraffi.html

interstate, intrastate trafficking, stolen firearms cases, illegal firearms transfers and straw purchases (an individual who purchases a firearm and completes the required paperwork for the purpose of concealing the true identity of the intended receiver of the firearm).

The illegal trade of firearms usually occurs through three main channels. These include:

- *Clandestine military operations*: these are covert transfers of firearms by one government to a separatist or insurgent forces operating in another country;
- *Black market sales*: this is the criminalisation of other legal transactions, rather than black marketeering per se. What truly differentiates a black market from a ‘legitimate’ firearms deal is the covert methods of intermediating between supply and demand – firearms moving one way and money back the other. To hide their trail, purveyors of black market firearms will use concealment, mislabeling, fake documentation, and laundering of payment. Put simply, the essence of the black market transaction can be understood by thinking of “black” not as a colour, but the absence of light (transparency)⁸;
- *Grey market sales*: the grey market is more obscure than the black market. The grey market resembles the covert nature of the black market, but in reality it is very different. Unlike the black market, grey transactions usually are neither entirely legal nor entirely illegal. The grey market represents not policy writ large, but policy in flux as exporting and importing governments experiment with new diplomatic links, cloaking possible policy changes in covert transactions. It is through the use of covert channels that officials on both sides can take greater risks, cultivating new relationships while minimising the danger and potential embarrassment.⁹

Black markets were created by embargoes¹⁰. They are the unintended by-product of embargoes prohibiting sales to particular countries, and since the Cold War, embargoes have been a standard instrument. Following each embargo placed on a country by the United Nations, new opportunities for black market sales arose. In other words, black markets were created in an attempt to circumvent embargoes on specific countries.

Transnational Issues

1. State Failure

Research suggests that the greatest threat from the movement of weapons out of state control and into the hands of non-state actors, is that it results in a cycle of events that together results in an erosion of state authority. “States affected by firearms proliferation, are ... no longer “sovereign” structures”¹¹. Transborder links between militants, organised crime and narcotics traffickers, takes away the legitimacy of borders, and reduces the decision making capacity of states. At the extreme end of this process are the “failed states”.

⁸ Naylor, R. T. 1995, “The structure and operations of the modern arms black market”, in *Lethal Commerce: The Global Trade in Small Arms and Light Weapons*, Committee on International Security Studies, American Academy of Arts and Sciences, Cambridge, Massachusetts, p. 45.

⁹ Karp, A. 1994, “The rise of black and gray markets”, *Annals of the American Academy of Political and Social Scientists*, vol. 535, Sept., p. 178.

¹⁰ Karp, A. 1994, p. 178.

¹¹ Kartha, T. 1999, *Light Weapons Proliferation: Security Implications for the State*, IDSA, p. 4.

States fail when they are unable to provide basic functions for their citizens and when they can no longer exercise their traditional functions, such as guarding the territorial integrity of the state, and the exercising its' sovereign functions. The economy collapses, health care becomes inadequate, physical infrastructure deteriorates. Crime and violence run rampant. These conditions foster opposition groups which often turn to armed rebellion. Weapons are commonly supplied through black market channels and are smuggled from hot zone to hot zone. Small arms, in particular firearms, leave a devastating legacy long after a conflict has officially ended. They continue to be used for other forms of violence, such as crime and interference with the delivery of food and medicine to persons in need of relief.¹²

There are many examples where the proliferation of firearms has contributed to state failure. One example is the Soviet Union where as a result of its collapse and an alleged corrupt Russian military, there has been a proliferation of weapons and military material. Firearms and other weaponry have been sold to national and transnational criminal organisations in and out of the former Soviet Union. Firearms stolen or sold from Russian armouries have been used by criminal elements to eliminate rivals and intimidate business, government and law enforcement officials. In addition, in Lithuania, law enforcement authorities during the mid-1990s reported fifteen international organised criminal groups engaged in the illegal trade of weapons.¹³

Other examples of how the proliferation of firearms, and other small arms have contributed in the destruction of a society's infrastructure, government institutions, and political process include Somalia, Albania, and Sierra Leone in West Africa.

In the case of Somalia, the withdrawal of US soldiers and the sheer quantity of firearms, especially American-made M-16 assault rifles, prevented a peace from being established, and eroded opportunities for future peace. It has also been suggested that the proliferation of firearms has also impacted on neighbouring countries in the region. Lax border controls provided a conduit for both explosives and people to succeed in bombing US embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, in August, 1998.¹⁴

In 1997, the citizens of Albania overturned the government in response to being defrauded by pyramid schemes that resulted in a large majority of citizens losing their life savings. It was reported that protestors raided and looted military bases, bunkers, arms depots and police stations. In the end about 80 per cent of Albania's total weapon stocks and over a million tons of ammunition were no longer in the control of military or police. Through the assistance of the international community, and the United Nations, the Albanians have re-created a state, and have also begun a series of weapons collections programs in order to recover weapons still in the country.

For almost a decade now, Sierra Leone in West Africa has been involved in civil and cross-border conflict with Liberia. Liberians have been reported to be assisting and supporting the Sierra Leone rebel group, the Revolutionary United Front, or RUF by providing them with weapons. In this specific case, the availability of firearms and light weaponry has enabled one of the poorest nations in the world to continue financing their weapons purchases in order to continue their participation in the war.¹⁵

¹² Stohl, R. 1999, p. 3.

¹³ Ulrich, C. 1997, "Transnational Organised Crime and Law Enforcement Cooperation in the Baltic States", *Transnational Organised Crime*, vol. 3, no. 2, pp. 111-130.

¹⁴ Stohl, R. 1999, p. 5.

¹⁵ Stohl, R. 1999, p. 7.

While these examples may seem far removed in terms of posing a threat to Australia's security, the fact that Australia is geographically isolated from most countries does not preclude it from experiencing some of the international consequences of state failure. "Failed states are important ... because of the demands that they foster. They bring increased refugees ... and they create insecurity in the states that surround the failing states, thus causing demands for other states to intervene"¹⁶. State failure has the potential to increase illegal immigration to Australia. According to the latest figures released by the Department of Immigration and Multicultural Affairs (DIMA), the greatest numbers of unauthorised air and boat arrivals to Australia in 1998-99 (in descending order) were from PRC, Iraq, Malaysia, South Korea, Turkey, Afghanistan, Algeria, Indonesia, Thailand and New Zealand.¹⁷

2. Australia's Neighbours: Trafficking Throughout the Asia-Pacific Region

Geographical location and the policies and practices of one's 'neighbours' have a direct impact on the firearms problem of some states. Research indicates that "borders" tend to be porous, and thus facilitate firearms smuggling.¹⁸

The foreign countries with which Australia shares its border would pose the greatest threat to national or regional security. At their closest point, Australia and Papua New Guinea (PNG) lie just 3.5km apart. At the northern-most tip of Australia, it takes exactly 15 minutes in a dinghy to cross the Torres Strait and to move from one country to the other. The Torres Strait has been described as "one of the most exposed parts of Australia", but one which is "of growing importance from the law enforcement perspective, not only in relation to cross border crime, but also the regulation of our immigration, quarantine, fisheries and other high priority national interests"¹⁹.

In a recent report presented at the Fifth Meeting of the Council for Security Cooperation in the Asia-Pacific region (CSCAP), it was reported that the illegal smuggling of firearms into PNG has become obvious along the common PNG borders with Australia, Indonesia, Solomon Islands, and the Federated States of Micronesia. According to this report, the two main routes for the trafficking of firearms into PNG are the Torres Strait border with Australia, and the North Solomons border with the Solomon Islands. Police records indicate that the major sources of firearms are from Australia and Asian countries, and this includes US made weapons.

There is also some evidence to suggest that a small, but continuing level of trafficking of PNG cannabis to Australia and firearms and other commodities into PNG across the Torres Strait. It has been reported that there are four distinct markets for firearms in PNG:

- The Bougainville rebellion;
- OPM (Free Papua Movement) on the PNG-Indonesian border;
- Highland tribal fighting
- "Rascal" gangs in Port Moresby and other urban centres.²⁰

¹⁶ Stohl, M. 1999, p.8

¹⁷ DIMA. 1999, *Protecting the Border: Immigration and Compliance*, DIMA, Commonwealth of Australia, p. 15.

¹⁸ Issues Relating to Firearms: Illicit trafficking and Transnational Crime – Summary Report of the Fifth Meeting of the Council for Security Cooperation in the Asia-Pacific (CSCAP), Bangkok, Thailand, 1999.

¹⁹ Minister for Justice and Customs, Senator Amanda Vanstone, 1998, cited in *Torres Strait: Policing the Open Border*, McFarlane, J., Trends & Issues in Crime and Criminal Justice, No. 92, Australian Institute of Criminology, Canberra.

²⁰ O'Callaghan, M. 1991, "Torrid Straits", *Good Weekend*, 03/08/91, pp. 25-33.

However, as a result of recent Australian Commonwealth Government initiatives, additional marine patrol resources and hours have been allocated to aerial surveillance. Also, specific consideration has also been given to proactive intelligence collection, coordination and dissemination; improved law enforcement armed response capabilities, and closer coordination and mutual support between government agencies represented in the Torres Strait.²¹

It has been suggested that the Asian economic crisis may have forced some business groups, political groups, and organised crime groups in countries such as Thailand, to turn to illicit trafficking in firearms for profit. The problem is further exacerbated because Thailand shares its border with many countries, and some that are still involved in a civil war. As a result illicit firearms are easily trafficked into Thailand, rarely being detected by police.²²

There have also been a number of reports in the print media stating that a number of Thai syndicates with 'corrupt military links' are using new sea routes out of Cambodia. "Intelligence sources say operations dominated by ethnic Chinese in Thailand are increasingly using contacts in southern China and Vietnam, as well as Cambodia, to buy and market weapons"²³. The report also stated that the troubled Indonesian province of Aceh, at the northern end of Sumatra, is one of the developing markets for Thai smugglers and their Cambodian counterparts. Furthermore, Thai and foreign intelligence personnel point to the use of the port of Rayong, in the Gulf of Thailand, as a centre of smuggling various types of contraband, including firearms, drugs, and fuel oil. "According to one Western intelligence officer, Rayong has become the key to weapons transshipment mainly because its proximity to ports in southern Cambodia. Criminal gangs in southern China are one source of new weapons, and smugglers in southern Vietnam have also joined the arms trade". These issues were further discussed at the ASEAN Regional Forum meeting in Singapore in July 1999.

The Impact on Australia²⁴

Illicit trafficking in firearms affects Australia's national and regional security in a number of ways. Firstly, the uncontrolled proliferation and misuse of firearms contributes to the breakdown of civil society in many regions, including in the Asia Pacific.

Australia, through its aid program, funds many projects, which address the humanitarian needs of conflict-affected communities. These needs include the demobilisation and re-integration of ex-combatants into productive civilian life, assistance with post-conflict reconstruction, reform and capacity-building of police, judicial and penal systems in conflict-affected areas and assistance to promote respect for international humanitarian law regarding the use of firearms. These projects have been located in Cambodia, the Philippines, Bougainville, Papua New Guinea, and more recently, in East Timor.

The illicit trafficking in firearms has the potential to impact on Australia's aid program, to destabilise regional countries and prompt a national response (eg. the situations in East Timor and Bougainville), to destabilise regional economies with a flow-on effect on Australia's economy, and possibly to impact on people and refugee flows in the region.

²¹ McFarlane, J. 1998, p. 6.

²² CSCAP Working Group on Transnational Crime – Thailand's Contribution, 1999, Fifth Meeting of CSCAP, Bangkok, Thailand.

²³ Skehan, C. 1999, "Thais run huge arms trade", *The Sydney Morning Herald*, 14/08/99, p. 21.

²⁴ Stephens, P. 1999 cited in Mouzos, J. 1999, Additional information requested from each CSCAP Member Committee, presented at 5th CSCAP Working Group on Transnational Crime Meeting.

Whether firearms are trafficked interstate or between countries in close proximity to each other, they still have the potential to impact on that country's stability, and it is widely acknowledged that instability can provide new opportunities for crimes such as drug trafficking, money-laundering, immigration racketeering, extortion and corruption.

Emerging Issues in Australia

According to police and other sources, the existing black market in Australia is not an organised underworld²⁵. It is mostly divided into criminal gangs, whose main focus are crimes other than dealing in firearms²⁶, or small networks of individuals who buy or sell by word of mouth. Nonetheless, firearms traffickers play a significant role in supplying firearms to persons with a criminal intent.

Research suggests that the presence, or lack of, state law determines whether a location serves as a source area or a market area in the illegal world of trafficking. A source area usually serves as a place where individuals obtain firearms, especially handguns, more easily due to less stringent state laws. By comparison, in a market area, firearms often are not readily accessible. As a result, illegally trafficked firearms remain a commodity; sought by those engaged in criminal activities. "A symbiotic relationship between a market and source areas exists based on the principles of supply and demand"²⁷.

Theft of Firearms

For firearms traffickers, one of the main methods of illegal acquisition of firearms is through thefts from firearms dealers, military facilities and firearms owners.²⁸ Since the implementation of the Nationwide Agreement on Firearms by each Australian state and territory, one would assume that this has impacted on the availability and access to firearms for both legal and illegal purposes in a number of ways. Firstly, the tightened storage requirements for firearms kept in residential homes, has resulted in restricted access to firearms generally and at the same time making it more difficult for home invaders or burglars to obtain easy access to these firearms.

²⁵ Mouzos, J. 1999, *CSCAP Working Group on Transnational Crime-Small Arms Project: An Australian Perspective*, p. 8

²⁶ There have been a number of reports in the print media relating to the seizure of firearms and ammunition from so called "Organised Crime Groups" including Outlaw Motor Cycle Gangs (OMCG). However, it seems that the main focus of these groups may be the importation and possession of illicit drugs, and that firearms were being seized during police drug raids. For example, the anti-bikie task force seized 1200 rounds of military-style ammunition and a number of firearms in Western Australia in February last year. They also "smashed" a hydroponic cannabis growing operation (Mendez, T. 1999, "Bikie gang raids seize military-style ammunition", *The West Australian*, 05/02/99, p. 3). Another media report stated that "Vietnamese gangs in Adelaide have amassed a huge arsenal of weapons – including machetes and guns" as part of an ongoing war" (The Advertiser. 2000, *Weapons of Street War*, 15/01/00, p. 1-2). This report further stated that as a result of Operation Sundown, "14 gang members had been arrested and "a number" of weapons had been seized". In addition, another newspaper clipping revealed that "high-powered weapons were being stolen from military facilities in NSW in the past 18 months are believed to have been sold to organised criminal gangs". The report further stated that "officials fear that military facilities have become vulnerable to criminal made-to-order thefts ... and that (according to Commissioner Ryan) "criminal gangs were becoming a little bit more brazen and arrogant" and guns were being traded as under world currency". Commissioner Ryan was also quoted in the report as saying "when one groups of people becomes armed ... the other group arms up as well, so guns start moving around" (Goodsir, D. 1999, "Army guns grabbed for organised crime", *The Sun Herald*, 10/01/99, p. 6).

²⁷ Greco, J. P. 1998, p. 1-2.

²⁸ In late July last year, the media reported that about 350 working handguns, and 250 handgun frames and other weapons parts were stolen from an army disposal store in Adelaide (Oakley, V. 1999, "350 guns stolen at army disposal store", *The Advertiser*, 29/07/99, p. 3). Also, another 25 handguns were stolen from a Westminister gun shop in Western Australia early last year (Wilson-Clark, C. 1999, "Police hunt handguns", *The West Australian*, 20/02/99, p. 47).

Secondly, the number of firearms dealers has also declined since the introduction of the new firearms legislation. Reducing the number of firearms dealers in Australia, also results in a reduction in the number of potential dealers that could be targeted by professional thieves in their attempt to obtain firearms for resale on the black market.

Another method of illegal acquisition of firearms for traffickers in firearms is through the re-activation of de-activated firearms. De-activation refers to the process involving the removal of parts or portions of parts from a firearm, and the addition of pins and welds so that the firearm can no longer chamber or fire ammunition²⁹. After the firearm has been de-activated, it is no longer operational.

A report published in the United Kingdom indicates that “disturbing numbers of reactivated automatic weapons were recovered from police drug-related operations and shooting incidents”³⁰. According to the report, the bulk of the weapons had originated from legal importations of surplus military automatic arms by dealers possessing the necessary documentation and authority. The weapons, often of East European origin, were deactivated and inspected by two officials, and then passed on for sale to the general public. When recovered by law enforcement, the firearms had been reactivated and their automatic fire capacity had been restored. This inquiry – codenamed Operation Shadow – revealed that a gang was involved in selling deactivated guns to criminals who had found that handguns were more difficult to obtain because of the legislation which led to their surrender following the Dunblane massacre. The National Crime Squad in the UK, believes that “there is a need for a review of the law which allows collectors to own decommissioned (de-activated) weapons; comments echoed by the judge who jailed four of the gang members”. Detective Keith Hudson of the National Crime Squad said: “What has alarmed us is that it was entirely lawful to possess these firearms as long as they were de-commissioned but that in two hours a firearm could be re-activated. This is an issue which has to be addressed”³¹.

In relation to Australia, it is important that we are aware of situations abroad, and that we need to monitor for a similar situation emerging in Australia as seen in the United Kingdom.

New Initiatives in Law Enforcement

In response to the need for a specialised law enforcement unit to investigate those involved in the illicit trafficking of firearms, the New South Police Service established the Firearms Trafficking Program (FTP), known officially as “Organised Crime (Firearms Trafficking), Crime Agencies”. According to their charter, the FTP will focus on the tracing of recovered firearms and the identification, investigation and prosecution of those involved in the illicit trafficking in firearms. Recent media reports indicate that the FTP has seized more than 300 illegal firearms and uncovered a highly organised criminal syndicate with interstate connections distributing weapons in country NSW. According to the report “the syndicate is involved in the illicit trafficking of high powered handguns and gun parts”³². Police suspended the licences of the two dealers involved who were allegedly supplying the black market trade of mainly large calibre pistols and parts.³³ However, it is important to note that these are isolated examples that have come to light, in comparison to the overwhelming majority of law abiding firearms dealers in Australia.

²⁹ <http://www.cfc-ccaf.gc.ca>

³⁰ Wardlow, T. 1996, “Recent trends in the criminal use of firearms”, *Science & Justice*, vol. 36, no. 1, p. 58.

³¹ Dean, J. 1998, “Operation Shadow”, *Police Review*, vol. 106, no. 5498, pp. 22-23.

³² Walker, F. 1999, “Crooks dodge gun controls”, *The Sun Herald*, 28/11/99, p. 41.

³³ The Advertiser, *Weapons Seized from Gun Traffickers*, 18/11/99, p. 22.

This point is further highlighted by the following example. Using data from the Bureau of Alcohol, Tobacco, and Firearms (ATF), a US study found that a small number of firearms dealers were the source of thousands of crime guns, that is, firearms used to commit crimes. The study found that 140 or about one-tenth of one per cent of all federally licensed gun dealers accounted for nearly 20 per cent of all ATF crime traces.

Seven out of eight crime firearms bought from this tiny slice of gun dealers changed hands before they were used in a crime. This proves that criminals get their guns almost exclusively through the unregulated secondary market where guns bought by someone with a clean record are quickly trafficked to criminals who cannot pass necessary background checks. ... one in three guns traced back to these same high crime gun dealers were recovered in a crime within one year of the gun being sold and half were traced to crimes within two years of the original sale – strong evidence that many of the guns that end up in the hands of criminals are trafficked, in the view of the federal law enforcement.³⁴

Directions for the Future

A number of countries are involved in negotiations with Vienna for a protocol on Illicit manufacturing of and trafficking in firearms, as part of the work on the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organised Crime. Australia is involved in these negotiations, which are examining a wide range of international regimes to assist in the detection, prevention and investigation of illicit firearms trafficking activity. The regimes include internationally agreed measures for permanently marking firearms, licensing and recording all import/export movements, and seizure of illicit firearms.

In addition, the sub-committee of the South-Pacific Forum (the South Pacific Chiefs of Police Conference) is developing a common regional approach to weapon control, with specific focus on the illicit manufacture of, and trafficking in firearms, ammunition, explosives and other related materials. Last, but not least, one must not forget the important collaborative work undertaken by the Council for Security Cooperation in the Asia-Pacific (CSCAP), a 2nd Track (unofficial) ‘think tank’ supporting the ASEAN Regional Forum. Participants in the CSCAP Working Group are given the opportunity to discuss various issues relating to the illicit trafficking in firearms and transnational crime. Such meetings encourage regional cooperation, mainly through the dissemination of ideas and resulting discussions, accepting of the need to build on existing arrangements in the region wherever possible, rather than construct new processes and structures.³⁵

This paper has identified a number of issues that have or may emerge in the near future relating to the illicit trafficking in firearms in Australia. It seems that some of these issues are long standing, such as the theft of firearms. However, other issues may arise as a result of individuals attempting to circumvent firearms legislation or taking advantage of variations in the ways in which controls have been implemented in each jurisdiction in Australia.

³⁴ Schumer, C. E. 1999, *Schumer Study Reveals First Ever Evidence of Massive Gun Trafficking*, downloaded on 10/02/00 at <http://www.senate.gov/~schumer/html/untitled2.html>, p. 1.

³⁵ McFarlane, J. 1999, “CSCAP: Transnational Crime Working Group”, *Australian Criminal Intelligence Digest*, ABCI, No. 16, p. 7.

The establishment of a firearms trafficking program, such as the unit set up in NSW³⁶, is a major step forward in an attempt to curb the proliferation and diffusion of firearms in Australia. However, it is also important to be able to trace a firearm that has been used in the commission of a crime, especially a homicide, to its origin and those responsible for its distribution. As is the case in the US with firearms traces, acquiring such knowledge would allow law enforcement in Australia to pinpoint whether particular firearms dealers were responsible for supplying firearms to criminals. It would also allow the linkage of crimes committed with specific firearms.

In the United States, firearms traces are undertaken using the Integrated Ballistics Identification System (IBIS). IBIS is a computerised image-analysis system that acquires, stores, and analyses images of a large number of fired bullets, bullet fragments and spent cartridges. What is quite impressive about this computer system is its efficiency. An examiner can easily enter and correlate eight or more projectiles and casings per day. In contrast, the same task could take up to a week to do utilising the comparison microscope. IBIS also allows firearms examiners to link crimes that were previously unlinkable, and furthers investigations by alerting examiners that the same firearm was used in two (or more) crimes.³⁷ IBIS has produced numerable positive outcomes in the US demonstrating its merits, however, Australia jurisdictions would need to evaluate the feasibility of purchasing such systems to assist in the tracing of firearms to their origins.

It is also important to mention the establishment (although not yet operational) of a national firearms licensing and registration network. Such a network, when operational would allow law enforcement to determine whether a firearm used in the commission of a crime was registered in any state or territory in Australia, whether it was or was not reported stolen, and if registered, whether the person found to be in possession of the firearm is the same person that the firearm was registered to. This is currently in pilot phase with access to a trial number of users.

The Australian Government is sensitive to issues relating the illegal traffic in firearms. As previously mentioned, in order to regulate firearms at the international level, it is necessary to regulate them at both a regional and national level. The Australian Government has been instrumental in introducing initiatives such as the implementation of uniform firearms legislation, and more recently, tougher penalties for trading in prohibited imports/exports³⁸. However, there will always be individuals who will attempt to circumvent legislation for illicit purposes. Identifying that there are possible avenues for exploitation and that there are steps that could be taken to address such issues, sends a message to international firearms traffickers that Australia is not complacent, but actively seeks to target those involved in the illicit trafficking in firearms, and to cease their operations.

³⁶ South Australia is also looking into establishing a unit.

³⁷ Bureau of Alcohol, Tobacco and Firearms. 1999, *We have turned up the heat on Violent Crime*, downloaded on 16/02/00 at <http://www.atf.treas.gov/core/firearms/ibis/ibis.html>.

³⁸ The Federal Government announced in November 1999, that tougher penalties will be introduced to deter people from importing prohibited goods such as firearms, other weapons, sports drugs and child pornography. The new regime will shift from a single offence, currently \$50,000 to three-tiered system with criminal sanctions of up to 10-years jail and/or a \$250,000 fine (Minister for Justice & Customs Senator the Hon. Amanda Vanstone, Media Release, 03/11/99) downloaded on 18/01/00 at www.law.goc.au/aghome/agnews/1999newsjus/152_99.html)