

Illegal Firearms Data Administration: Administrative Procedures and Legal Framework for Tracing Illegal Firearms in Thailand

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Abstract

The incidence of firearm-related crime in Thailand continues to rise despite sustained government efforts to regulate firearms. The presence of illegal weapons remains a significant issue within criminal activities. This study investigates the growing prevalence of illicit firearms in Thailand, evaluates the associated legal and regulatory frameworks, and addresses the challenges in enforcement. It also proposes data management procedures to enhance the efficacy of firearm tracing. Employing a grounded theory approach, the research gathered data from secondary sources and conducted in-depth interviews with officials and firearms experts. Data analysis involved systematic coding and thematic analysis. The study's findings indicate that the Thai government has enacted laws, administrative measures, and engaged in international cooperation to tackle the illegal trade and production of firearms in alignment with global treaties and frameworks. Thailand's firearm control laws and measures are comparable to those of other countries at a fundamental level. However, the country lacks essential legal structures for comprehensive firearm tracing, such as a national firearms committee, a dedicated tracing agency, a robust licensing system, and a centralized database. Further legislative action is necessary to address issues related to firearms trafficking, confiscation, and brokerage. To overcome these obstacles, the study recommends the establishment of a national firearm tracing centre, the promotion of inter-agency collaboration for more effective investigations, amendments to firearms legislation, and improved data sharing among relevant agencies.

Keywords: Data Management Procedure, Public Policy, Gun Control Law, Firearms Tracing, Policy Impact, legal Measures.

Introduction

Background

In the current global context, governments are intensifying efforts to regulate firearms to mitigate their proliferation and prevent a corresponding rise in violent crime. The United Nations has championed international cooperation and the adoption of best practices for conventional weapon regulation to align with global standards and curtail the misuse of illegal firearms. Key initiatives include the United Nations Security Council's arms embargo resolutions, the United Nations Program of Action on Small Arms and Light Weapons (UNPOA), the International Tracing Instrument (ITI), the Arms Trade Treaty (ATT), and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms (Firearms Protocol) ([Affairs, 2020](#)).

As a member of the international community, Thailand is obligated to adhere to the requirements established by international law and frameworks for global cooperation. The Global Firearms Programme, initiated by the UNODC, provides a comprehensive gun control system designed to promote the full and effective implementation of the Firearms Protocol. According to the [UNODC \(2022\)](#), recent geopolitical developments have heightened the risks of regional and global arms trafficking, making these threats more imminent and tangible. Thailand is also confronting this issue, with substantial focus placed on controlling illegal firearms, particularly those used in criminal and violent activities ([Suriyavorapunt, 2018](#)). The country rigorously enforces relevant laws, yet data from the Royal Thai Police indicate that in 2023, there were 34,806 cases involving unlicensed firearms and 6,714 cases involving licensed firearms ([Police, 2023](#)). This data underscores concerns regarding the effectiveness of existing laws and administrative measures in tracing illegal firearms, as evidenced by the upward trend in the use of unlicensed firearms in criminal offenses in Thailand over recent years.

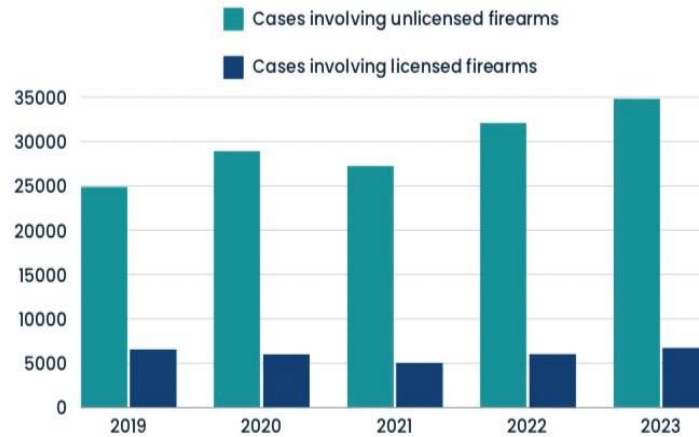


Figure 1: Cases Involving Firearms in Thailand

Firearms control in Thailand is currently governed by the Firearms Act of 1947, which delineates the regulations for the possession, use, and trade of firearms. Despite this legislative framework, the country grapples with significant challenges related to the proliferation of illegal firearms and a rise in gun-related crimes. The accessibility of illegal firearms has notably contributed to an increase in organized crime and terrorism, particularly in the southern regions of Thailand. Additionally, inadequate data management practices and ineffective administrative policies for tracking illegal firearms have hindered enforcement efforts (Picard, 2021; Wise, 2019). The distribution and possession of illegal firearms are closely linked to higher rates of violent crimes and murders in the country (Picard, 2021). The current data administration practices and legal framework for tracing illegal firearms are largely insufficient, impeding the effective application of firearm control measures. The lack of an integrated data management system, coupled with ineffective administrative policies and poor inter-agency cooperation, results in weak tracing of smuggled firearms (Betty Kemboi, 2023). Furthermore, the monitoring and control of firearms licenses and registrations are inadequate, and there is limited information exchange among law enforcement agencies. The existing legal provisions for firearms control in Thailand are fragmented and fail to provide standardized guidelines for controlling and tracking illegal firearms (Yahaya, 2020). This situation facilitates the continued illegal circulation of firearms and perpetuates a cycle of violence and crime, highlighting the urgent need for a comprehensive assessment and enhancement of firearms regulation in Thailand. To address the issue of illegal firearms, this research

aims to:

1. Examine concepts and practices related to illegal firearms data management;
2. Analyse the operating procedures, laws, regulations, guidelines, challenges, and obstacles encountered by Thai law enforcement agencies in tracing the firearms cycle.
3. Propose guidelines for developing data management procedures, including recommendations for administrative practices, policies, and legislation related to illegal firearms control in Thailand.

In light of the study's objectives, its primary contribution is analytical, providing valuable insights into the enhancement of data management practices and the identification of administrative needs for tracking illegal firearms in Thailand. This research addresses a significant gap in both academic literature and practical applications. The findings and recommendations will be instrumental for policymakers, law enforcement agencies, and other stakeholders involved in firearm regulation in Thailand, offering strategies to improve the enforcement of firearm control measures. Additionally, the study will advance the existing body of literature on firearm control and data management, presenting methodologies and insights that may be beneficial for future research in this field.

Conceptual Framework

This paper has developed a conceptual framework to analyse the policy, legal, and management aspects related to firearms control in Thailand and international agencies. The framework provides an overview of the procedures for managing firearms data. It aims to guide the development of a comprehensive procedure for tracing illegal firearms in Thailand, emphasizing mechanisms for firearm tracing, data management procedures, and the creation of an integrated firearms database.

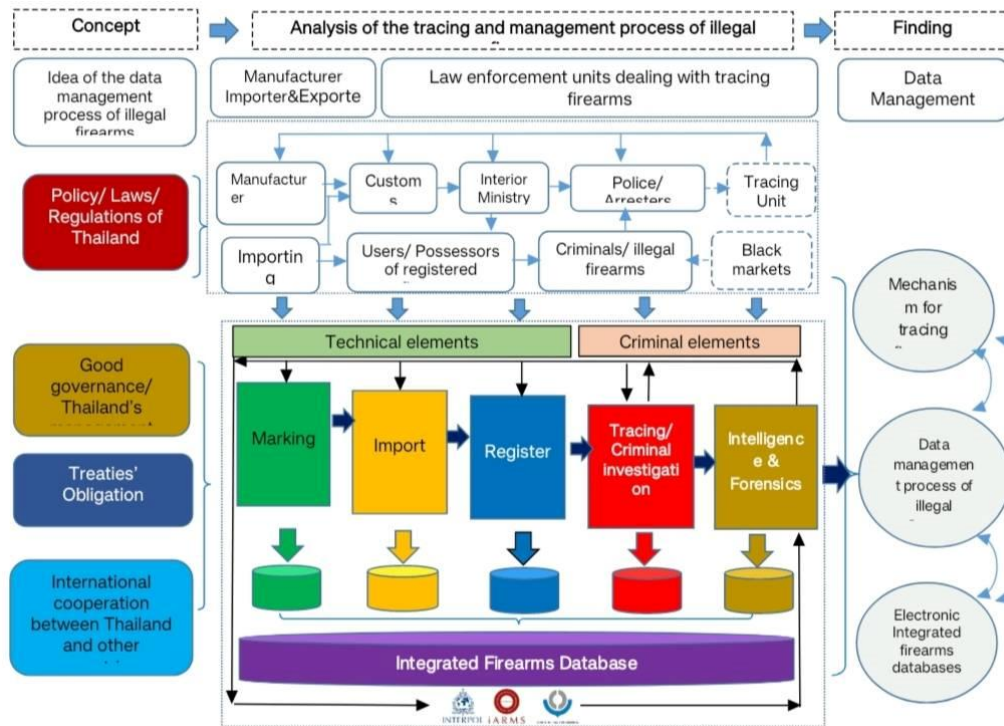


Figure 2: Conceptual Framework

Literature review

Theoretical Approach

This research employs Regulatory Theory [Drahos \(2017\)](#) to identify the administrative processes and legal mechanisms essential for tracking illegal firearms in Thailand. By analysing the issue of illegal firearms through the lens of Regulatory Theory, it can be asserted that effective regulation plays a crucial role in reducing both the prevalence and demand for illegal firearms. [Sarre \(2018\)](#) research established that effective compliance with firearms legislation contributes to a reduction in the proliferation of illegal firearms. The study investigated the impact of the National Firearms Agreement (NFA) of 1996 on the accessibility and use of illegal firearms. The findings indicated that the NFA, which introduced stricter firearms legislation and enhanced policing measures, led to a significant decrease in the number of illegal firearms in circulation. This suggests that implementing and enforcing more stringent firearms laws, coupled with robust enforcement measures, can effectively limit both the use and accessibility of unlawful firearms.

Treaty Obligations

A treaty, as defined by the Vienna Convention on the Law of Treaties (1969), is an international agreement formalized in writing between states and governed by international law, regardless of whether it is contained in a single document or multiple instruments. Treaties serve as instruments of international law that create legally binding obligations for states. They encompass a wide range of international agreements. For the United Nations, international organizations, and states, treaties are essential for establishing obligations between states and fostering cooperation in various domains, including the prevention and combating of transnational crimes related to small arms and light weapons. The United Nations has established laws and international cooperation frameworks to guide the control of various types of firearms and ammunition. These include the United Nations Convention against Transnational Organized Crime (UNTOC), the Protocol against the Illicit Manufacturing of and Trafficking in Firearms (Firearms Protocol), the Arms Trade Treaty (ATT), and the United Nations Program of Action on Small Arms and Light Weapons (UN PoA). These frameworks provide member states with guidelines to integrate into their domestic legislation to enhance firearms regulation and combat illegal trafficking (Saul, 2017).

Solovyeva and Hynek (2022) investigated the effectiveness of the ATT in regulating international arms transfers, with a particular focus on its impact on exports to countries with poor human rights records. The study found that the ATT has led to a reduction in arms exports to such human rights-violating countries. Additionally, the findings highlight that the ATT's provisions and reporting mechanisms have enhanced transparency and accountability in the arms trade. Thailand has ratified the UNTOC and enacted the Prevention and Suppression of Participation in Transnational Organized Crime Organizations Act 2013 (Gazette, 2013). The country also supports international efforts to prevent and combat the illegal trade in small arms and light weapons within the framework of the UN PoA. These actions underscore Thailand's commitment to addressing transnational organized crime, including illegal trafficking in small arms and light weapons, in alignment with the provisions of UNTOC and the UN PoA.

Legal Framework for Firearms Control

[Chachavalpongpun \(2020\)](#) compares gun control policies and firearms-related incidents in Thailand with those in other countries, revealing notable differences in approach and outcomes. Unlike the United States, where firearm ownership is constitutionally protected, Thailand does not recognize this right as a fundamental freedom. Instead, the Thai Constitution emphasizes public order and permits firearm possession only under specific conditions. The study highlights that the variation in gun control laws significantly influences the incidence of gun-related deaths. [Galea and Abdalla \(2022\)](#) conducted a study analysing the impact of gun control laws on firearm mortality rates and found that strengthening gun control legislation led to a significant decline in gun-related deaths. The results demonstrated a 21.5% reduction in firearm-related homicides and a 15.6% decrease in firearm-related suicides. The study suggests that policymakers should prioritize the development and implementation of effective gun control strategies to regulate firearms and mitigate related fatalities. Furthermore, countries with stringent gun control laws, such as Japan and Australia, have reported fewer firearm-related deaths. This comparison indicates that the effectiveness of gun control provisions in reducing firearm fatalities varies across different countries. The analysis suggests that Thailand's approach to gun control has been relatively effective in improving safety and reducing gun-related incidents.

Administrative Framework for Effective Firearms Data Management

The government currently applies principles of good governance to enhance the efficiency, transparency, traceability, and accountability of organizational management. These principles include the rule of law, transparency, accountability, participation, responsiveness, equality, efficiency, and effectiveness. [Jahren \(2020\)](#) study assessed the outcomes of a data management system for firearms in Denmark, focusing on data accuracy, error rates, and data sharing between police forces. The study found that the implementation of this data management system improved data quality, reducing errors and inconsistencies by 30%. Data Governance for

Government delineates the rights and controls necessary for effective data management, ensuring that data acquisition and usage by government agencies are accurate, complete, current, confidential, and securely accessible (Sangkachan, 2020). A cross-sectional study by Paporova et al. (2023) demonstrated that well-defined data ownership, responsibilities, and management practices are crucial for the successful implementation of data governance among Norwegian civil servants. The study highlighted that clear data ownership is especially critical, as it establishes guidelines and boundaries for accountability in data quality and protection. Thus, establishing clear rights, responsibilities, and procedures for data access, storage, and utilization ensures data integrity, accuracy, and protection. Adhering to best practices in data governance fosters a secure environment for managing firearms data, which enhances the efficiency of information sharing and analysis (Black et al., 2022 ; Yunqian, 2024).

Research Methodology

Research Approach

This study employed a research methodology integrating emerging and systematic data analysis strategies, with a focus on grounded theory. The grounded theory approach, combined with emerging and systematic techniques, involves concurrent data collection and analysis to develop a theory that elucidates the phenomenon under investigation. This methodology was particularly advantageous for studying firearms control in Thailand, as it facilitated the exploration of various factors related to firearms regulation, illegal firearms trafficking, and enforcement mechanisms. The emerging approach enabled the identification of patterns and themes during data collection, while the systematic approach ensured a structured and primary process for data accumulation and processing.

Data Collection Methods

This research involved a comprehensive analysis of both domestic and international legislation, policies, and government databases related to firearms control. The analysis included a review of Thailand's current firearms legislation and guidelines, as well as an extensive examination of international conventions and

guidelines on firearms control. The researcher gathered and analysed government data, reports, and documents covering various aspects of firearms licensing, registration, and enforcement. The researcher conducted interviews with firearms experts from various agencies, including policy, law enforcement, and licensing bodies, to gain insights into their understanding of current firearms laws. These expert officers shared their experiences, knowledge, and perspectives on firearms control, providing valuable information about existing laws and the challenges faced by law enforcement agencies. An open-ended interview questionnaire, aligned with the proposed conceptual framework and research objectives, was developed following the guidelines of (Duggleby et al., 2020). To ensure the validity of the interview questions, the Index of Item Objective Congruence (IOC) method was employed. This rigorous approach involved comparing the research questions with the measurement tool. All items defining the constructs in this study achieved an IOC rating above 0.67, indicating high validity (Fouzul Kareema & Bt Zubairi, 2021; Mariana & Fahlevi, 2024).

Population and Sampling

In this study, purposive sampling was employed to select 24 key informants with expertise in firearms control, the presence of illegal firearms, and firearms licensing. As noted by Campbell et al. (2020), this method allowed for the intentional recruitment of participants with relevant prior knowledge in the field. The inclusion criteria ensured that the key informants had directly engaged in firearms control policies, law enforcement, and the issuance of firearms licenses. This approach ensured that the participants had first-hand experience with the challenges and constraints associated with regulating firearms in Thailand.

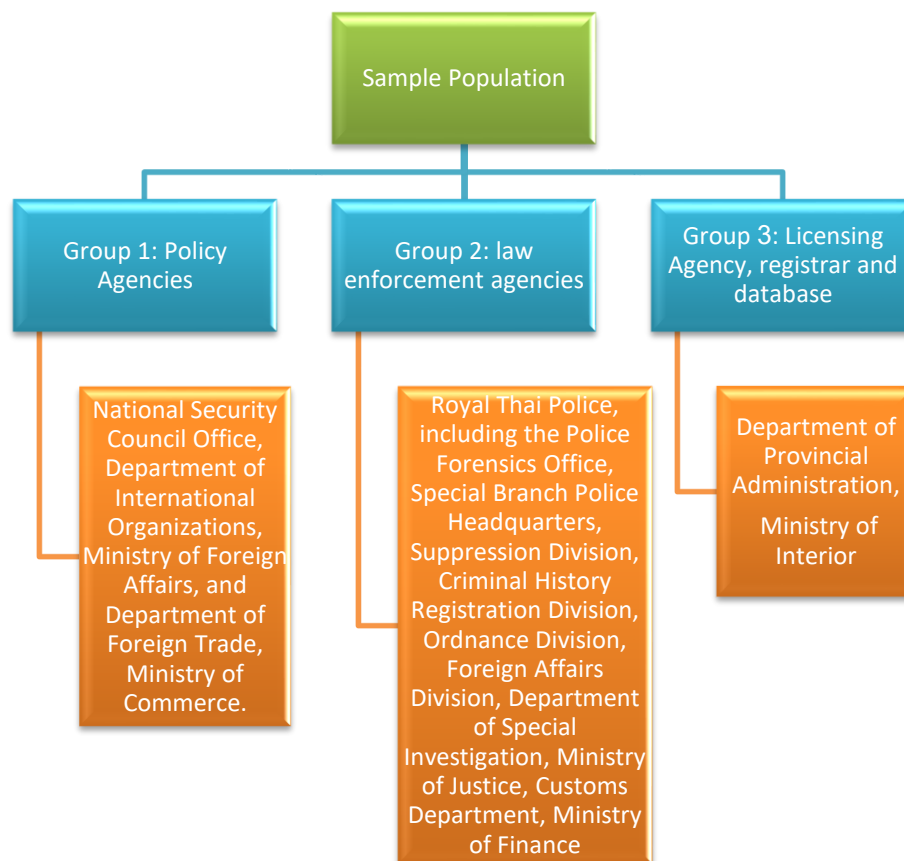


Figure 3: Agencies used for Data Collection

Data Analysis

This research employed qualitative data analysis techniques, including content analysis and thematic analysis, to examine data collected from in-depth interviews with key informants. Content analysis provided a structured and scientific approach for analysing interview transcriptions, focusing on identifying overarching patterns and features within the data (Gläser-Zikuda et al., 2020). In contrast, thematic analysis aimed at coding and categorizing the themes and concerns emerging from the data (Christou, 2022; Baniawwad et al., 2024).

Ethical Considerations

Ethical clearance for the study was obtained from an Institutional Review Board (IRB) to ensure adherence to established ethical principles. The IRB review process validated that the data collection and analysis procedures adhered to ethical best practices, thereby safeguarding the participants' rights and well-being.

Findings

RO1. *Concepts and Practices Pertaining to the Administration of Illegal Firearms Data*

The findings reveal that the ATT, the UNTOC, and the Firearms Protocol are key international laws governing firearms trade and addressing illicit trafficking. Member states are required to integrate these principles into their national frameworks. Additionally, the UNPOA and the ITI provide best practices for member states to incorporate within their legal and policy environments. To support the management of illegal firearms data, international law and cooperation frameworks categorize essential measures into three areas:

Administrative Measures

- Comprehensive Firearm Tracing
- Data Collection and Sharing
- Data Confidentiality
- Technological Advancements for Tracing
- Training and Capacity Building
- Establishment of National Firearms Commissions

Legal Measures:

- Criminalizing Firearms Offenses
- Asset Seizure and Forfeiture
- Effective Investigation and Prosecution
- Firearm Identification and Tracing
- Cross-Border Transfer Controls
- Firearms Broker Regulation
- Potential use of Armed Blockades

International Cooperation:

- Strengthened Multilateral Cooperation,
- Regional Mechanisms

- Designated national contact points to facilitate cross-border firearm tracing and information exchange.

In the realm of firearms tracing, the ATT and the Firearms Protocol provide comprehensive guidelines to assist member states in curbing the illegal trade, sale, import, export, and transit of firearms. States are required to implement legal and administrative frameworks to facilitate international cooperation in tracking illegal firearms. These mechanisms include establishing robust legal measures, regulations, and guidelines, as well as creating effective law enforcement agencies and fostering public-private partnerships within the firearms industry. Essential components of these frameworks involve the development of a firearms database and the establishment of a State Firearms Tracing Centre, supported by international and regional organizations such as Interpol, the World Customs Organization, and the United Nations, along with contributions from the private sector and non-profit organizations. The standard firearms tracing procedure comprises seven key steps: 1. Discovery of firearms. 2. Identification of the firearms' status using the database. 3. Determination of the firearms' origin. 4. Identification of the location where the firearms were diverted from legal to illegal status. 5. Assessment of the chain of possession of the firearms. 6. Examination of the illegal use of firearms both before and after the diversion. 7. Evaluation of the evidentiary value of the firearms. Establishing a comprehensive firearms database is crucial for effective tracing. This database should encompass three types of data: technical data on firearms, information related to state firearms management measures, and crime data involving firearms. These requirements align with the guidelines outlined in the Model Manual for Small Arms Control (MOSAIC).

RO2. *The operating procedures, laws, regulations, and guidelines governing Thai law enforcement's firearms tracing processes, including identified challenges and obstacles.*

Thai law enforcement agencies encounter various challenges in tracing the firearms cycle due to existing procedures, laws, regulations, and guidelines. In response, Thailand has enacted a range of legal, administrative, and international cooperation measures in alignment with international standards set forth by the ATT Treaty, UNTOC Convention, Firearms Protocol, UNPOA, and other relevant

international instruments. These measures include: 1. Criminalization of Illegal Activities: Legislation criminalizes the production and trafficking of illegal firearms and addresses transnational firearms-related criminal organizations. 2. Asset Seizure and Confiscation: Legal provisions enable the seizure and confiscation of assets linked to firearms offenses. 3. Investigations and Prosecutions: Comprehensive investigations and prosecutions are conducted to address firearms crimes effectively. 4. Criminal Profiling: Techniques in criminal profiling are employed to better understand and target criminal activities involving firearms. 5. Identification and Registration: Specific firearm characteristics, including markings, registration, and licensing, are identified and monitored. 6. Control of Cross-Border Transfers: Measures are implemented to control and regulate cross-border firearms transfers. 7. Data Management: Collection, exchange, and sharing of firearms and crime data are prioritized to enhance traceability. 8. Confidentiality: Ensuring the confidentiality of data related to firearms and criminal activities is maintained. 9. Training and Capacity Building: Law enforcement personnel receive targeted training to improve their effectiveness in firearms control. 10. International Cooperation: Collaboration with international and regional organizations is fostered to strengthen global efforts against illegal firearms trafficking.

Administration Measures

Administrative measures are essential components that drive the effective implementation of legal measures, including tracing down illegal firearms, collecting, exchanging, and sharing data on firearms and crime, maintaining data confidentiality, using technology to trace illegal firearms, training and technical assistance, and establishing the National Firearms Commission.

Tracing Illegal Firearms

Thailand currently lacks specific legislative measures for tracing firearms and has not established a dedicated agency for tracking illegal firearms, unlike other countries with more structured frameworks. The Prevention and Suppression of Participation in Transnational Organized Crime Organizations Act of 2013 allows for

special investigative measures only in cases involving illegal firearms related to transnational organized crime. As a result, Thailand has yet to fully align with the Firearms Protocol and the ITI Instrument, which mandate that effective firearms tracing requires the establishment of fundamental structures and mechanisms. These include: 1. Specific Rules and Guidelines: The development and implementation of detailed rules, regulations, or guidelines for the tracing of illegal firearms. 2. Dedicated Law Enforcement Agencies: Establishing specialized law enforcement organizations responsible for controlling, monitoring, and supervising firearms. 3. Comprehensive Data Management: Creating holistic data management procedures that cover the entire lifecycle of firearms use. 4. Coordination Mechanisms: Implementing coordination mechanisms between government agencies, the private sector, and international partners. To enhance the effectiveness of firearms management, Thailand could consider enacting legislation that incorporates these measures, thereby improving its capability to manage and trace illegal firearms more efficiently.

Firearms and Crime Data Collection, Sharing, and Exchange

Thailand has actively engaged law enforcement agencies, policy-level institutions, universities, and various educational entities through both bilateral and multilateral meetings, as well as continuous data exchange. These efforts, conducted through both formal and informal channels, align with the UNTOC framework, which mandates member states to collaborate with scientific and educational institutions on organized crime. This collaboration includes analysing crime trends, methods, and technologies used by criminal organizations, as well as developing and sharing expertise across member states. Furthermore, Thailand's approach involves examining and evaluating policies and measures to combat organized crime, in accordance with international and regional standards.

“Seized firearms might be linked to international crimes. Data exchange with foreign countries could help arrest criminals domestically and abroad. (Foreign Affairs Division, Royal Thai Police) Existing MOU with Police is limited to high-ranking officials. Sharing data with other justice agencies requires internal coordination. Sharing data with external agencies requires a new MOU and justification for necessity. (Department of Provincial

Administration) Overall, sharing data across agencies and internationally can improve investigations, but bureaucratic hurdles exist."

Data Privacy and Protection

Thailand enforces measures to safeguard the confidentiality of firearms data through several legislative frameworks, including the Official Data Act of 1997, the Personal Data Protection Act of 2019, and the Rule on Maintenance of Official Secrets of 2001. In accordance with the Firearms Protocol, member states are mandated to uphold data confidentiality as outlined in domestic legislation and international memorandums of understanding. Additionally, the ITI instrument requires states to protect the secrecy of weapons data shared by foreign states.

Forensic Ballistics and Firearms Tracing Technology

Thailand has established a firearms database within the e-DOPA License system, which facilitates the verification of firearms data using various identifiers, including the 13-digit national identification number, firearms serial number, name of the manufacturing company, and registration mark. This database includes detailed information on firearms items, types, models, and sizes. However, it has yet to be integrated with the databases of key law enforcement agencies such as the Royal Thai Police and the Department of Special Investigation, limiting its effectiveness in tracing illegal firearms. According to the Firearms Protocol and ITI instruments, member states are encouraged to leverage technology for the investigation and tracing of illegal firearms, emphasizing the need for comprehensive firearms registration and the development of a national firearms database. Such measures are intended to enhance data sharing between government agencies, thereby improving the traceability and identification of firearms.

"The Criminal Records Division of the Royal Thai Police can't connect their database with external government agencies due to data protection laws. They exchange data through written requests and offer help in urgent cases. While they have agreements for database access, data sharing is limited. The Crime Suppression Division faces challenges due to the lack of an accessible firearms database hindering investigations and arrests. Immediate identification of

weapons linked to crimes or modifications is difficult without proper tools. Integrated databases among government agencies are needed for efficient data coordination, saving time in firearm-related inquiries.”

Training and Technical Assistance

Thailand collaborates extensively with various agencies at multiple levels, both in policy and practice, including through training and seminars focused on combating illegal firearms trafficking organized by Interpol. This cooperation aligns with the requirements set forth by the UNTOC Convention, the Firearms Protocol, and the UNPOA Action Plan. These international frameworks mandate that states enhance cooperation through the exchange of expertise and training among relevant agencies at both regional and international levels. Such collaborative efforts are crucial for tracing illegal firearms and involve a comprehensive range of measures. These include providing training assistance to bolster prevention efforts, suppressing and eliminating illegal firearms production and trade, and employing advanced investigative techniques. Additionally, this cooperation covers the control of airports and seaports, the use of modern tools and equipment, and the application of contemporary investigative methods, including the use of modern computer technologies.

Legal Measures of Thailand

Criminalizing Firearms Trafficking and Transnational Organized Crime

Thailand's Firearms Act establishes a legal framework for addressing firearm-related offenses, largely in accordance with international standards. The Act specifies various crimes, including the unauthorized manufacture, purchase, possession, use, ordering, or importation of firearms or ammunition without a license (Section 7). It also criminalizes the sale of firearms and ammunition to unlicensed individuals (Section 34) and the possession of firearm components without authorization (Section 72), particularly in cases where an individual possesses a firearm belonging to another licensed person or transfers a firearm to someone whose license has been revoked (Section 72, Paragraph Two). Additionally, the Act addresses the illegal transport of

weapons (Section 371), importation offenses under the Customs Act, participation in transnational criminal organizations (Section 5 of the Anti-Participation in Transnational Organized Crime Act), corruption (Section 30 of the same Act), and money laundering (under the Anti-Money Laundering Act). These provisions align with international frameworks, such as the UNTOC Convention, ATT Treaty, and Firearms Protocol, as well as foreign laws, including those of the United States. However, Thailand's legal framework lacks specific provisions for certain high-risk offenses, such as the possession of automatic firearms. In contrast, countries like Australia and the UK have detailed regulations addressing specific firearm-related offenses, including unauthorized possession of firearm blueprints and improper maintenance of firearms.

Asset Seizure and Forfeiture

The Firearms Act of 1947 does not contain explicit provisions for the confiscation of illegal firearms. Consequently, such confiscations are governed by the general asset forfeiture provisions outlined in the Criminal Code (Sections 32-36). According to these provisions, the criteria for forfeiture include: 1) firearms that are manufactured or possessed illegally, 2) firearms used or intended for use in the commission of a crime or acquired through criminal activity, and 3) firearms imported unlawfully. However, the general asset forfeiture provisions under the Criminal Code may be insufficient for addressing the unique nature of firearms, which have significant implications for public safety and order. Therefore, specific methods for the destruction or rendering of illegal firearms obsolete are necessary. The Firearms Act does not provide detailed guidelines for such procedures unless stipulated by a court order or specified in regulations issued by the Royal Thai Police.

“Police Ordnance Division inspects firearms over 40mm from criminal cases, while Forensics Division handles smaller amount. Previously, usable firearms were registered for police use, but now all confiscated ones are destroyed. After a final court decision, investigators deliver the firearms to Ordnance with the decision. Firearms are kept by investigators until the case is finalized. Around 10,000 firearms are confiscated annually (Source: Police Ordnance Division)”

This contrasts sharply with the requirements set forth by the UNTOC Convention and the Firearms Protocol, which mandate member states to implement precise domestic legal measures for the confiscation of illegally produced or trafficked firearms, parts, components, and ammunition. These measures aim to prevent such firearms from reaching unauthorized individuals. There are two primary approaches: 1) Seizing and confiscating firearms and related components that are illegal or possessed without authorization, and 2) Confiscating and destroying firearms, parts, and ammunition to prevent their illegal diversion. States are required to ensure that any seized, confiscated, or stockpiled small arms and light weapons are either destroyed in accordance with legal provisions or repurposed for government use, with appropriate marking and registration. The Firearms Act of 1947, however, does not include specific provisions for the confiscation of firearms, failing to address the nuanced requirements outlined in these international instruments.

Laws on Illegal Firearms Investigation and Prosecution

The Firearms Act of 1947 requires investigators to verify whether the accused possesses the proper authorization for firearm ownership. Should the accused hold a license but display characteristics that disqualify them under Section 13, the investigating officers are obligated to promptly collect evidence and notify the local firearms registrar. Following the conclusion of the investigation, a final report is submitted to the registrar. The entire investigative process is conducted in accordance with the Basic Criminal Procedure Code. To improve investigations into transnational firearms trafficking, law enforcement agencies can utilize specialized investigative techniques permitted under the Anti-Participation in Transnational Organized Crime Act of 2013. In accordance with the UNTOC Convention, these measures allow for the formation of specialized teams and the use of advanced methods such as undercover operations, controlled deliveries, and surveillance. These tools are instrumental in dismantling criminal networks and tracing firearms to their origins, thereby supporting successful prosecutions.

Key Legal Challenges Encountered during Firearm Investigations are as Follows:

- Illegal firearm sales have proliferated on online platforms as criminals exploit technological advancements and e-commerce systems to evade legal restrictions through evolving trading patterns. A Crime Suppression Division officer noted that.

"Illegal gun sales are facilitated through social media platforms, with buyers often sourcing parts separately and assembling firearms themselves to evade detection. To apprehend sellers, police must meticulously track accounts, financial transactions, and deliveries." (Representative of the Crime Suppression Division, Royal Thai Police)"

- Legal firearms are frequently diverted to the illegal market due to regulatory loopholes and inefficiencies in the licensing and enforcement systems. Firearms intelligence experts from the Royal Thai Police contend that

"Most illegal guns come from stolen legal firearms, then sold online in hidden gun-trading groups. These guns may be modified with parts from Thai gunsmiths. Thailand acts as a smuggling route for guns used by border groups, not the source or final destination." (Royal Thai Police)

- The lack of a comprehensive firearms database impedes investigations into the origins of crime guns. An arresting officer observed that

"The absence of a centralized firearms database hampers criminal investigations. Police currently face challenges in efficiently tracing the origin of firearms. Integrating data from provincial administrations with police records would enable rapid access to information and enhance investigative capabilities." (Royal Thai Police)

Laws on Criminal Records for Illegal Firearms

The Firearms Act of 1947 requires firearm permit applicants to provide personal details, specify the number of firearms requested, disclose their criminal history, and state the intended use of the firearms (Section 13). To validate this information, firearms registrars work in conjunction with the Royal Thai Police to perform criminal background checks. This procedure complies with the UNTOC Convention's mandate for member states to maintain criminal records for international criminal proceedings. By identifying individuals with criminal records,

authorities can more effectively trace the illicit movement of firearms.

Laws on Firearm Identification and Ballistics Analysis

- **Marking on Firearms**

Thailand's Firearms Act requires firearms registrars to implement identification markings on licensed firearms, in line with the Firearms Protocol and ITI instrument. These markings, which include the manufacturer's name, country of origin, serial number, or a unique code, aid in firearm control and verification. Imported firearms must also be marked with the importing country and year, while firearms transferred from government storage require clear and durable markings. The government has discretion over the marking methods used.

- **Firearm Registration and License**

Thailand's lifetime gun permits lack periodic reviews and renewals, unlike the US system, which includes regular qualification checks. This absence of ongoing scrutiny may lead to legally owned firearms becoming illegal over time. Therefore, Thailand's firearm control measures require enhancement to address this issue.

Laws on Border Control of Firearms Transfers

Thailand regulates firearm imports through a dual-pronged approach involving customs controls and licensing requirements. The Customs Act of 2017 classifies firearms as restricted goods, imposing stringent import procedures. The Firearms Act of 1947 requires import permits for firearms, issued by the Firearms Registrar for both personal and commercial use. Additionally, the Export and Import of Goods Act and the Border Goods Control Act establish further regulatory measures. These domestic controls are consistent with international obligations under the UNTOC Convention, ATT Treaty, Firearms Protocol, UNPOA, and ITI instruments. These treaties require comprehensive import and export licensing systems, stringent investigative procedures, measures to prevent diversion and loss, secure data management, end-user verification, and risk assessments to combat illicit firearms trafficking.

International Cooperation

Effective tracing of illegal firearms requires robust international cooperation due to jurisdictional limitations on unilateral actions. Key international instruments, including the UNTOC Convention, ATT Treaty, Firearms Protocol, UNPOA, and ITI, establish a framework for states to collaborate in preventing, suppressing, and eliminating illicit firearms trade. These measures include technical and financial assistance, legislative development, enforcement, firearm marking, weapons depot security, destruction, data sharing, personnel exchange, and joint investigations. Thailand actively participates in international and regional cooperation platforms, such as INTERPOL and ASEAN, to combat transnational firearms trafficking. The Royal Thai Police, as the primary enforcement agency, executes operational measures in line with these frameworks, including enhancing border security and sharing information with partner countries.

RO3. *Develop guidelines for an illegal firearms data management system, including administrative, operational, legal, and policy recommendations for Thailand.*

Establish a National Firearms Commission and a Dedicated Central Firearms Investigative Agency through Legislative Action.

Thailand currently lacks specific legislation or policies to establish a National Firearms Commission or designate lead agencies for firearm tracing. Although the ATT Treaty and Firearms Protocol do not explicitly require such a commission, regional frameworks like the ECOWAS Convention have integrated this structure. The ECOWAS Convention tasks the National Firearms Commission with responsibilities such as policy development, international cooperation, research, awareness-raising, data management, and resource allocation to combat illegal firearms proliferation. Thailand has not yet implemented similar measures ([Programme, 2008](#)). The U.S. National Tracing Centre (NTC), managed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) within the Department of Justice, provides crucial firearms tracing data to assist law enforcement agencies in criminal investigations. The NTC plays a key role in disrupting the illegal firearms trade by tracking weapons linked to crimes such as drug trafficking, terrorism, and

international criminal networks. Similarly, the UK's National Firearms Targeting Centre works with counter-terrorism police, local law enforcement, the Office of Forensic Science, and the National Ballistics Intelligence Service (NABIS). The National Crime Agency (NCA) leads efforts to address modern firearms-related crime through both domestic and international cooperation, aiming to limit criminal access to firearms and dismantle related criminal networks ([Agency, 2021](#); [Benson & Fortune, 2022](#)).

Legal Framework for Firearms Brokerage

Thailand's legal framework currently lacks specific provisions for regulating firearms brokers, with existing regulations predominantly addressing commercial firearms distributors under the Firearms Act. This regulatory gap could enable the diversion of illegal firearms. International agreements, including the UNTOC Convention, ATT Treaty, Firearms Protocol, UNPOA Plan of Action, and ITI instruments, require member states to establish comprehensive measures for regulating firearms brokering. Such measures generally involve broker registration, licensing, and oversight of arms-related transactions. States should enforce strict penalties for illegal firearms brokering. For example, the U.S. Gun Control Act of 1968 requires brokers to obtain a license from the ATF and mandates Federal Firearms License (FFL) holders to conduct background checks on purchasers. This ensures that firearms are not sold to prohibited individuals and helps trace firearms used in crimes by maintaining transaction records and ensuring safe storage during sales ([Bureau of Alcohol, 2016](#); [Alkhazaleh, Khasawneh, Alkhazaleh, Alelaimat, & Alotaibi, 2022](#)). Under the New York Safe Act of 2013, sellers must record the buyer's name in the central database system "NICS" to ensure the buyer is not prohibited from possessing ammunition. Ammunition sellers are also required to electronically report sales volume and transaction details. Adopting similar provisions in Thailand could enhance the regulation of firearm transactions.

Discussion

Concepts and Practices Related to Illegal Firearms Data Management

While many countries, including Thailand, have established fundamental gun control laws and policies, a comprehensive framework for tracing firearms throughout their entire lifecycle is often missing. Research by [Karpman and Winkelmayr \(2022\)](#) indicates that stricter gun control laws are linked to reduced rates of firearm homicides in the U.S. However, the impact of specific laws varies: background checks and permit-to-purchase laws are generally associated with lower firearm homicide rates, whereas the effects of laws restricting guns in public places are less consistent. The findings are consistent with [Kneeshaw and Auerman's \(2022\)](#) research on gun control laws and firearm-related deaths in the United States. Their study, which employs diverse data sources to analyse the impact of various gun control measures on homicide rates, suicides, and unintentional firearm deaths, demonstrates that specific regulations—such as bans on assault weapons and high-capacity magazines—can effectively reduce firearm-related fatalities. The inadequacies in the Firearms Act of 1947 similarly impede the efficient tracing and control of illegal firearms, both within Thailand and internationally.

Operating Procedures, Laws, Regulations, Guidelines, Challenges, and Obstacles in Tracing the Firearms Cycle

The current legal and administrative framework in Thailand falls short of meeting the obligations and best practices established by international law and cooperation frameworks such as the ATT, Firearms Protocol, and UNPOA guidelines. The Firearms Act of 1947, with its outdated provisions, impedes effective tracing and control of illegal firearms. Legislative reforms are essential to address these deficiencies, particularly by implementing standardized firearm markings to improve cross-border traceability. This recommendation aligns with the research by [Noito \(2014\)](#), which highlighted issues with revocation and confiscation measures. To enhance firearm control, the Firearms Act should be amended to grant the registrar expanded authority for license revocation and firearm confiscation. Additionally,

firearm licenses should be renewed every three years, in line with practices in jurisdictions such as the UK. License issuance should be centralized under the authority of qualified local police chiefs. The study by [Spieller \(2020\)](#) on global gun control models, including Japan's rigorous system requiring annual reports on firearm storage and inspections, provides a valuable reference for improving Thailand's firearm control measures. Law enforcement agencies face considerable challenges in tracing firearms throughout their lifecycle. These include unclear responsibilities for firearm tracing, inadequate legal frameworks, insufficient administrative procedures, and limitations in international cooperation.

Guidelines for Developing Data Management Procedures

In developed countries such as the United States, Australia, and the United Kingdom, specialized centres for tracing illegal firearms coordinate with relevant agencies to collect and analyse both technical and legal data on firearms. These centres enhance law enforcement agencies' ability to investigate and trace offenders effectively under established legal measures. In contrast, Thailand employs a general gun control procedure with fragmented implementation across multiple agencies: the Customs Department oversees firearm imports, the Department of Provincial Administration manages registration and licensing, and the Royal Thai Police, Customs Department, and Department of Special Investigation handle investigation, confiscation, and destruction of illegal firearms. However, Thailand lacks a specific mechanism for tracing firearms, clear authority, and defined responsibilities aligned with international standards, resulting in ineffective firearm tracing procedures.

Framework for Illegal Firearms Data Administration in Thailand

Administrative and Operational Recommendations

1. State agencies should consider assigning the Central Forensics Authorities or the Central Investigation Bureau with the responsibility for investigating and tracing illegal firearms to their sources. In the interim, a connection between the firearms database and relevant agencies should be established until an official National

Firearms Tracing Centre is created.

2. Responsible state authorities should oversee firearms data across import-export, registration, licensing, and criminal investigation processes. Agencies should establish agreements to share firearms data effectively, ensuring it supports their respective missions and enhances overall operational efficiency.
3. State authorities should implement comprehensive training programs on combating illegal international firearms trafficking and establish a network of law enforcement partners to enhance the tracing of illegal firearms.

Law and Policy Recommendations

1. To address regional and international threats and align with relevant international standards and treaties, domestic laws and administrative strategies should incorporate provisions related to firearms brokers, firearm licenses, and comprehensive firearms tracing. This implementation should conform to established international standards and practices observed in other countries.
2. Based on the practices of the U.S. NTC, the government should consider enacting legislation to establish a National Tracing Centre. This centre should develop and implement best practice guidelines for national firearms tracing procedures. Such measures will enhance the efficiency of addressing transnational organized crime related to illegal firearms production and trafficking, and help prevent the proliferation of illegal firearms on both regional and international levels.

Conclusion

The research findings advocate for a multilevel approach to improving firearm identification systems by modelling the entire firearms lifecycle. Key recommendations include implementing standardized, universally accepted firearm marking mechanisms, enhancing international cooperation, and establishing a specialized agency dedicated to firearm tracing. The paper suggests that policymakers, law enforcement, and international organizations use these findings to strengthen firearm control measures. Additionally, developing guidelines for data management and regular reporting can aid in tracking illegal firearms entering

Thailand. Legislative reforms, such as updating the Firearms Act of 1947, are crucial to address existing legal gaps in firearm governance. The limitations of this research include its reliance solely on secondary data and its focus exclusively on Thailand as a case study. The guidelines provided are specific to illegal firearms control, highlighting the need for future research on effective management strategies. Comparative analysis with other countries could offer valuable insights into best practices for firearm regulation and data management. Additionally, further studies are needed to address challenges in firearm identification, enhance international cooperation, and implement effective marking system.

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