



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Working Group on Firearms

Vienna, 21-22 May 2012

Draft report

I. Introduction

1. In its resolution 5/4, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime requested States to inter alia consider the adoption or strengthening of comprehensive and efficient measures to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition; to consider ways to strengthen the collection and sharing of information; to strengthen their mechanisms and strategies for border control; and to afford each other the broadest possible bilateral, regional and international cooperation so as to facilitate the tracing of firearms and the investigation and prosecution of firearms-related offences, in conformity with their national laws.

2. In that resolution, the Conference also decided to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the United Nations Convention against Transnational Organized Crime, and rule 2, paragraph 2, of the rules of procedure of the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Firearms Protocol.

3. The Conference also decided that the Working Group should perform the following functions:

(a) Facilitate implementation of the Firearms Protocol through the exchange of experience and practices among experts and practitioners in this area, including by contributing to the identification of successful practices, weaknesses, gaps and challenges, as well as priority issues and topics of relevance, in the fight against trafficking in firearms;

(b) Make recommendations to the Conference on how States parties can better implement the provisions of the Firearms Protocol;



(c) Assist the Conference in providing guidance to its secretariat on the activities of the secretariat and on the development of technical assistance tools relating to the implementation of the Firearms Protocol;

(d) Make recommendations to the Conference on how the working group can better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the area of supporting and promoting implementation of the Firearms Protocol.

4. Furthermore, the Conference requested the Secretariat to inform the working group about the activities of the United Nations Office on Drugs and Crime to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, coordination with other relevant international and regional organizations, best practices in the areas of training and capacity-building and awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

II. Recommendations

5. At its first session held from 21 to 22 May 2012, the Working Group adopted the following recommendations:

A. Recommendations to the Conference on how States parties can better implement the provisions of the Firearms Protocol

1. Promoting universal adherence to the Firearms Protocol

6. The Conference may wish to welcome the increased rate of ratifications and accessions to the Firearms Protocol and should call upon States that have not yet done so to consider becoming a party to the Firearms Protocol.

2. Legislative development

7. The Conference should call upon States parties who have not yet done so to adopt national firearms-related legislation in a manner consistent with the Protocol and to consider making use of the UNODC model law against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition in this respect.

3. Overall implementation of the Firearms Protocol

8. The Conference may wish to invite State parties to revise and adapt their national legislation in a manner consistent with the Firearms Protocol and to exchange information at the regional and international levels on national approaches to the use of definitions and nomenclature in the area of firearms.

9. The Conference should urge States parties to adopt national and regional integrated approaches for the implementation of the Firearms Protocol, taking into account, where possible, economic and social factors impacting upon firearm-related crime.

4. Preventive measures

(a) *Marking and record keeping*

10. The Conference should urge State parties that have not yet done so to implement marking of firearms, in accordance with Article 8, for the purpose of identifying and tracing each firearm.

11. The Conference should urge States parties to implement the requirement in the Firearms Protocol to apply appropriate simple marking on each legally imported firearm so as to identify the country of import and if possible the year of import and, if required, to seek technical advice in this respect.

12. The Conference may wish to urge States parties to ensuring that handcraft arms produced without a licence or authorization or without proper marking, are not marked but are destroyed as illicit firearms.

13. The Conference should urge States to consider ways to facilitate access for countries to relevant equipment and knowledge on modern marking techniques and to successful measures and experiences of States with regard to ensuring import markings and better control of firearms at their entry ports.

14. The Conference should urge State parties to establish or strengthen their record-keeping measures, including the establishment of central registries where feasible, for the purpose of preventing and detecting illicitly manufactured or trafficked firearms and, where appropriate and feasible, their parts and components and ammunition.

15. The Conference should invite States parties to ensure adequate maintenance of the necessary records, for the purpose of facilitating the traceability of firearms and international cooperation in investigation and prosecution of criminal offences involving firearms, and to consider keeping their records for an adequate time in light of the long lifecycle of firearms, not less than ten years.

(b) *Transfer controls*

16. The Conference may wish to urge State parties that have not yet done so to implement an effective system of export and import licensing or authorization, as well as measures on transit and on the transfer of firearms, their parts and components and ammunition.

17. The Conference may wish to invite States parties to conduct regular risk assessments of possible points, including land, sea and air, from which firearms may be diverted within the import, export and transit process, including trans-shipment.

18. The Conference may wish to invite States parties, with a view to increase the effectiveness of import, export and transfer controls, to consider possibilities of increased information exchange on diversion track records at the national, regional and international levels and to allow access to this information, in an appropriate format, to export licensing authorities in order to prevent diversion.

(c) *Seizure, confiscation, destruction and deactivation*

19. The Conference may wish to urge States parties to adopt measures and standard procedures within their domestic legal systems for seizing, identification,

confiscation and destruction of illicitly manufactured and trafficked firearms, their parts and components and ammunition, including appropriate record keeping of seized, confiscated, destroyed or deactivated firearms.

(d) Control measures

20. The Conference may wish to invite States to adopt an integrated approach to prevent and combat cross-border criminality and illicit trafficking flows, in particular of firearms and ammunition.

(e) Criminalization

21. The Conference should urge States parties that have not yet done so to review and strengthen their criminal legislation and to introduce the criminal offences envisaged in the Firearms Protocol, including appropriate sanctions that are commensurate with the nature and gravity of the offence.

22. The Conference may wish to urge State parties to ensure that handcraft production of firearms, their parts and components and ammunition be in accordance with the proper licensing, authorization and marking requirements, including through appropriate criminalization provisions.

(f) Criminal investigation and analysis

23. The Conference should call upon States parties to ensure that all relevant government and state authorities, including law enforcement, customs, prosecution and judiciary authorities have the capacity to effectively detect, prevent and combat firearms-related offences.

24. The Conference should encourage States parties to ensure full implementation of firearms legislation, inter alia by placing priority on the investigation, prosecution and adjudication of firearms-related criminal cases.

25. The Conference may wish to urge States parties to identify and share good practices with regard to the investigation and prosecution of firearms related offences and links to organized crime.

(g) International cooperation

26. The Conference may wish to encourage States to reinforce cooperation at the sub-regional, regional, and international level to prevent and combat trans-regional trafficking of firearms and other related illicit commodities.

27. The Conference may wish to urge States parties to exchange relevant information that will enable them to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

28. The Conference may also wish to urge States parties to create mechanisms for the exchange of information on registration of firearms and databases on seizures of firearms, as well as information on trends and emerging modalities of organized crime related to illicit trafficking in firearms, its parts, components and ammunition.

29. The Conference may wish to welcome the technical assistance activities carried out by UNODC, including the Global Project on Firearms and other

initiatives and studies, and may consider requesting UNODC to explore ways and means to expand such activities to different regions, through both legislative and operational measures regarding the functioning of the Firearms Protocol.

30. The Conference may wish to invite States to make available extra-budgetary resources to support the delivery of legislative and technical assistance by UNODC to requesting States, as well as for the development of relevant technical assistance tools to support the ratification and implementation of the Firearms Protocol.

B. Recommendations to the Conference on how the Working Group on Firearms can better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the area of supporting and promoting the implementation of the Protocol

31. The Conference may wish to request UNODC to continue coordination and cooperation with relevant international and regional organizations, including in accordance with their respective mandates, so as to promote the ratification and implementation of the Firearms Protocol, and to improve the delivery of technical assistance.

32. The Conference may wish to request UNODC to enhance coordination with relevant entities in the United Nations system, including with the United Nations Office on Disarmament Affairs, taking into account respective mandates and comparative advantages, for the purposes of promoting a harmonized approach amongst complementary instruments and initiatives, including the Firearms Protocol and the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects.

33. The Conference may wish to request UNODC to facilitate cooperation and coordination within the United Nations system on issues related to organized crime and illicit trafficking in firearms, including where appropriate through the United Nations Task Force on Organized Crime.

C. Recommendations on the provision of technical assistance

34. UNODC should consider promoting greater awareness and knowledge of the Firearms Protocol amongst national stakeholders, including governmental, private sector and civil society, through its network of field offices and through country, regional and thematic programmes.

35. UNODC should provide pre-ratification support and legislative assistance to requesting States to ratify the Firearms Protocol, including through the organization of regional and national pre-ratification workshops, with the aim of addressing possible ratification challenges encountered and of promoting universal adherence to the Firearms Protocol.

36. UNODC should publish and disseminate the UNODC Model Law against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition in this respect, in all UN official languages, as a voluntary tool to facilitate the delivery of legislative assistance.

37. UNODC should develop and disseminate in all UN languages, a ratification kit illustrating the features of the Firearms Protocol, including information on the

relationship between the Firearms Protocol and other regional instruments and global frameworks, to support and facilitate the ratification process.

38. Within the framework of its technical assistance programme, UNODC should support the process of identification of country specific technical assistance needs and play a central role in delivering such assistance and facilitating the provision of available resources.

39. UNODC should continue to assist requesting States in assessing and strengthening national legislation, including through gap analysis and regional comparative analysis, with a view to promoting legislative harmonization

40. UNODC should develop guidance on the proper application of the marking requirements under the Firearms Protocol, with a particular emphasis on import marking, with a view to identifying best practices and possibilities to access technical assistance in this regard.

41. UNODC should intensify its efforts to provide support in response to the growing number of requests for technical assistance in development and maintenance of comprehensive record keeping systems on firearms and their transfers, marking of firearms, and strengthening of import, export and transit controls of firearms, their parts and components and ammunition.

42. UNODC should also provide technical assistance to requesting States to improve border control measures, including customs infrastructure, to prevent and combat cross-border criminality and illicit trafficking flows, in particular of firearms and ammunition.

D. Recommendations on the future work of the Working Group

43. The Working Group encourages States to continue to exchange, through the Working Group, views and comments on the Firearms Protocol, including ratification and implementation challenges, as well as good practices, strengths and successes in implementation, with a view to reinforcing cooperation to prevent, combat, and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

III. Organization of the meeting

A. Opening and duration of the meeting

44. The first session of the open-ended intergovernmental working group on the firearms was held in Vienna from 21 to 22 May 2012.

45. The meeting was opened by Simona Marin (Romania), Chair of the Working Group. The Chair addressed the meeting and presented an overview of the mandate of the group, its objectives and the subject matters under its consideration.

46. The Secretariat made introductory statements under agenda items 2 to 6.

47. Statements were made by the representatives of El Salvador (on behalf of the States Members of the United Nations that are members of the Group of 77 and

China) and Ecuador (on behalf of the Group of Latin American and Caribbean States).

48. Under agenda items 2 and 3, with the Chair presiding, the discussion was led by the following panellists: Valentin Niculiță (Romania), Jorge Mariano Jordan (Argentina), María Concepción Cornejo (Mexico) and William F. Kullman (United States of America).

49. Statements were made by representatives of the following States parties to the Firearms Protocol: Burkina Faso, Mexico, Republic of Moldova, Panama, Spain, Chile, Romania, Algeria, Argentina, Azerbaijan.

50. The observers for the signatory States of Ecuador, Australia, United Kingdom of Great Britain and Northern Ireland and China made a statement.

51. Statements were also made by the observers for France, Switzerland, the United States of America and the Russian Federation.

52. A statement was made by the representative of the European Union, a regional economic integration organization that is a signatory to the Firearms Protocol.

53. A statement was also made by the United Nations Office for Disarmament Affairs.

B. Adoption of the agenda and organization of work

54. At its first meeting, on 21 May 2012, the working group adopted by consensus the provisional agenda and organization of work:

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. Exchange of experience on successful practices, weaknesses, gaps and challenges in the fight against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.
3. Challenges and good practices in the criminalization, investigation and prosecution of, and exchange of information and international cooperation on, illicit firearms trafficking.
4. Measures to raise awareness of, and to promote the ratification of, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.
5. Measures to facilitate the implementation of the Firearms Protocol, including the development of technical assistance tools.
6. Recommendations to the Conference on how States parties can better implement the provisions of the Firearms Protocol and how the Working Group on Firearms can better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms,

their parts and components and ammunition, in the area of supporting and promoting the implementation of the Protocol.

7. Other matters.
8. Adoption of the report.

C. Attendance

55. The following States parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime were represented at the meeting: Algeria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Chile, Costa Rica, Croatia, Cuba, Dominican Republic, El Salvador, Guatemala, Lebanon, Mexico, Morocco, Nicaragua, Nigeria, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Slovakia, South Africa, Spain, Tunisia, Turkey, Uruguay.

56. The following States signatories to the Firearms Protocol were represented by observers: Australia, Austria, Canada, China, Denmark, Ecuador, Luxembourg, Republic of Korea, United Kingdom of Great Britain and Northern Ireland.

57. The European Union, a regional economic integration organization that is a signatory to the Firearms Protocol, was represented at the meeting.

58. The following States that are not parties or signatories to the Firearms Protocol were represented by observers: Armenia, Bolivia (Plurinational State of), Colombia, Côte d'Ivoire, Czech Republic, Egypt, France, Indonesia, Iran (Islamic Republic of), Malaysia, Namibia, Pakistan, Qatar, Sudan, Switzerland, Syrian Arab Republic, Thailand, United States of America, Venezuela (Bolivarian Republic of), Yemen.

59. Palestine, an entity having received a standing invitation from the General Assembly to participate as an observer in the sessions and work of all international conferences convened under its auspices, was represented.

60. The following Secretariat offices of the United Nations system were represented by observers: United Nations International Small Arms Control Standards Project, United Nations Office for Disarmament Affairs.

61. The Organization for Security and Co-operation in Europe, an intergovernmental organization, was represented as an observer.

62. A list of participants is contained in document CTOC/COP/WG.6/2012/INF/1.

D. Documentation

63. The working group had before it the following:

- (a) Provisional agenda and organization of work (CTOC/COP/WG.6/2012/1);
- (b) Activities of the United Nations Office on Drugs and Crime to promote and support the ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and

Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/WG.6/2011/2);

(c) Good practices, gaps and challenges in countering the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and measures to facilitate the implementation of the Firearms Protocol (CTOC/COP/WG.5/2011/3).
