



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

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**Review of the implementation of the United Nations  
Convention against Transnational Organized Crime  
and the Protocols thereto: Protocol against the Illicit  
Manufacturing of and Trafficking in Firearms, Their  
Parts and Components and Ammunition**

## **Activities of the United Nations Office on Drugs and Crime to promote and support the 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**

### **Report of the Secretariat**

#### **I. Introduction**

1. The present report has been prepared pursuant to decision 4/6 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, in which the Conference requested the Secretariat to inform it about the activities of the United Nations Office on Drugs and Crime (UNODC), including on coordination with the secretariats of relevant international and regional organizations, to promote and support the 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.<sup>1, 2</sup>

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\* CTOC/COP/2010/1.

<sup>1</sup> United Nations, *Treaty Series*, vol. 2241, No. 39574.

<sup>2</sup> For the purpose of brevity, this report uses the term “firearms” to refer to firearms, their parts and components and ammunition.



2. In its decision 4/6, the Conference noted that reducing the illicit manufacturing of and trafficking in firearms was one of the major components of the efforts to reduce the violence that accompanied the activities of transnational organized criminal groups and that there was a need for strengthened international cooperation.

3. In its decision 4/6, the Conference also urged States that had not yet done so, to consider becoming parties to the Firearms Protocol and urged States parties to the Firearms Protocol to strengthen their national legislation in a manner consistent with the Protocol, and invited States to consider the adoption or strengthening of comprehensive and efficient measures to counter illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The Conference also encouraged States to afford each other as much international cooperation as possible to facilitate the tracing of firearms as well as investigations and prosecutions of firearms traffickers, in conformity with their national laws.

4. In that decision, the Conference also requested the Secretariat to facilitate technical assistance to States parties, and to develop technical assistance tools to assist them in the implementation of the Firearms Protocol and also urged States to consider the advisability of establishing an open-ended intergovernmental working group on the Firearms Protocol. The present report also describes ongoing work and current and proposed initiatives to address issues related to firearms control.

## **II. Integrated responses to firearms control**

5. Illicit manufacturing of and trafficking in firearms and their proliferation and misuse are complex and multifaceted problems that negatively affect the achievement of the Millennium Development Goals, exacerbate armed conflicts and violence and increase levels of crime. When associated with large-scale criminal activity, armed violence can undermine State institutions, spread fear and insecurity and contribute to a climate of impunity. Less visibly, high levels of crime in a society erode the trust, norms and networks that enable the normal functioning of society. Illicit trafficking in firearms is also linked to multiple other forms of organized crime, as well as terrorism and armed conflict, and organized crime groups appear to be engaged in facilitating the illegal trade of weapons and ammunition to armed groups in conflict and post-conflict areas and urban gangs, especially in Africa and Latin America, where such groups are becoming increasingly militarized. Further, drug trafficking generates a demand for illegal arms and creates an international infrastructure that can also be used for arms trafficking. Firearms are linked to other global crimes in multiple ways: shared trafficking routes, use of the same distribution networks and money-laundering infrastructure and the exchange of guns for drugs or other commodities. The links between trafficking in firearms, transnational organized crime, terrorism and armed conflicts have not been sufficiently addressed, and integrated approaches are necessary to assist Member States to respond in an effective manner.

6. As the only global legally binding instrument on firearms, the Firearms Protocol establishes a global framework for States to control and regulate licit arms and arms flows, prevent their diversion into the illegal circuit and facilitate the investigation and prosecution of related offences by means of the

following: (a) preventive and security measures establishing proper marking and record-keeping systems and a strict transfer control regime based on government authorizations/licensing for import, export and transit, in order to facilitate traceability throughout the lifetime of a firearm; (b) criminal provisions establishing specific offences and measures to prevent the diversion of arms into the illegal circuit, providing for the seizure and confiscation, deactivation and destruction of firearms, and provisions aimed at facilitating criminal investigations and prosecutions; (c) international cooperation in criminal matters, which enhances cooperation including in the areas of tracing of firearms and border control as well as law enforcement cooperation through the exchange of information and expertise and joint investigative teams. By addressing both the legal and illegal aspects of firearms, the Protocol sets out a comprehensive regime that regulates the licit flow of arms, preventing and combating trafficking without hampering legitimate movements.

### **Thematic programme on firearms**

7. UNODC is finalizing a thematic programme on firearms that will lay the theoretical and strategic foundation for the work of UNODC in the area of firearms control.<sup>3</sup> The programme will provide a framework for coherent and integrated approaches aimed at further promoting and supporting the ratification and implementation of the Firearms Protocol and address its links to the United Nations Convention against Transnational Organized Crime.<sup>4</sup> The programme will also propose an integrated and multidisciplinary approach, taking into account the multidimensional nature of firearms control and seek to give added value to existing and ongoing efforts on firearms control undertaken at the national and regional levels, develop synergies with complementary legal instruments and initiatives and foster partnerships at the regional and global levels. The programme will address the transnational dimension of illicit manufacturing of and trafficking in firearms through harmonized preventive and control measures, adequate criminal justice responses for investigation and prosecution and improved law enforcement and judicial cooperation among States at the regional and global levels.

8. Activities under the thematic programme on firearms will include the following: (a) raising awareness and disseminating knowledge on firearms issues and the usefulness of the Firearms Protocol; (b) conducting firearms-specific research, analysis and assessments; (c) strengthening the legal and institutional regime on firearms, including in the areas of marking, record-keeping, security and preventive measures, seizure, confiscation and destruction of firearms and international transfers; (d) developing country or regional action plans to implement the Protocol; (e) providing capacity-building and training to law enforcement officials and the judiciary on the investigation and prosecution of organized criminal groups, risk assessments and profiling techniques and border control measures, as well as international cooperation to that end; and (f) assisting and strengthening

<sup>3</sup> The thematic programme on firearms is to be linked to the thematic programme on organized crime and trafficking, which serves as a chapeau for various subprogrammes and addresses common and cross-cutting issues relating to firearms.

<sup>4</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

competent national authorities for firearms, such as single points of contact or national bodies.

9. Regional and country programmes developed in consultation with Member States at the field level will complement the above-mentioned activities by identifying the concrete needs and priorities of States and setting out clear objectives for the provision of technical assistance and partnership-building.

### **III. Current activities to promote and support the ratification and implementation of the Firearms Protocol**

10. Pursuant to Conference decision 4/6, UNODC, in close cooperation with partners, has continued to raise awareness and support ratification and implementation of the Firearms Protocol, developed technical assistance tools and provided legislative and operational assistance and undertaken research and analytical work on armed violence and crime prevention. Several project and programme initiatives have been developed to counter transregional illicit firearms manufacturing and trafficking, building on proposals for technical assistance activities submitted by UNODC to the Conference at its fourth session (CTOC/COP/2008/16) and on individual requests from Member States.

#### **A. Improving the level of ratification**

11. Since the adoption of the Firearms Protocol in 2001, the level of adherence to the Protocol has slowly but steadily increased, bringing the number of States parties to 81.<sup>5</sup> Although encouraging, this is only about half the number of States parties to the Organized Crime Convention. At the special high-level meeting of the General Assembly on transnational organized crime, held on 17 and 21 June 2010 pursuant to Assembly resolution 64/179, several speakers called upon States to adhere to the Protocol and expressed regret at its low level of ratification compared with the Convention, despite growing evidence of the links between firearms trafficking and other criminal activities. It was suggested that UNODC makes additional efforts to increase awareness and knowledge of the Protocol and support its ratification and implementation.

#### **B. Development of tools**

12. UNODC has continued to develop legal and technical tools to facilitate cooperation and information-gathering on matters related to the Firearms Protocol and tools to facilitate the delivery of technical assistance to States for the ratification and implementation of the Protocol.

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<sup>5</sup> From June 2008 to June 2010, the following countries ratified or acceded to the Protocol: Antigua and Barbuda, Bahamas, Chile, Dominican Republic, Kazakhstan, Mongolia and Morocco.

### 1. Self-assessment checklist for implementation of the Firearms Protocol

13. The comprehensive self-assessment checklist (“omnibus survey”) created by UNODC constitutes a solid tool for States to assess in depth their level of implementation of the Organized Crime Convention and the Protocols thereto, consider concrete implementation practices and challenges and identify gaps and technical assistance needs. The tool cross-references the provisions of the Convention and its Protocols with related instruments, thus facilitating reporting by States and preventing duplication of efforts. The section concerning the Firearms Protocol was reviewed and cross-referenced with the most relevant legal instruments adopted at the regional<sup>6</sup> and global<sup>7</sup> levels.

### 2. Inclusion of single points of contact on firearms in the online directory of competent national authorities

14. Article 13, paragraph 2, of the Firearms Protocol requires each State party to identify a national body or single point of contact to act as a liaison with other States on matters relating to the Protocol. This enables investigating officials, when confronted with the need to obtain information on firearms or related matters from another State party, to know who to contact within his or her own country, and informs the national point of contact of whom to contact in the other State party. Therefore, with a view to promoting and facilitating greater cooperation among States on matters related to the Firearms Protocol, and pursuant to Conference decision 4/2, the Secretariat has expanded the online directory of competent national authorities and included the single points of contact designated by States under the Firearms Protocol. To date, the directory contains the contact information of 21 single points of contact for matters related to the Firearms Protocol. State parties are encouraged to provide full and updated information on their national body or single point of contact and to make use of the online directory.

### 3. Legislative guides

15. The *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*<sup>8</sup> were published in 2004 with a view to assisting States seeking to ratify the Organized Crime Convention and its Protocols by laying out the basic requirements of the four instruments, as well as the issues that each State party must address, while also

<sup>6</sup> The Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, of 1997; the Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region, of 2001; the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, of 2004; the Economic Community of West African States Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, of 2006; the Central Africa Convention for the Control of Small Arms and Light Weapons, Their Ammunition, Parts and Components that can be used for Their Manufacture, Repair and Assembly (Kinshasa Convention), of 2010.

<sup>7</sup> Although the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons are not legally binding, they have established regular reporting mechanisms on their implementation similar to that of the Firearms Protocol.

<sup>8</sup> United Nations publication, Sales No. E.05.V.2.

providing a range of options and examples that national drafters may wish to consider as they implement the Convention and its Protocols.

#### **4. Technical guidelines on firearms**

16. UNODC has finalized the development of technical guidelines to help States parties implement the more technical aspects of the Protocol and establish effective firearms control measures. The guidelines also provide practical advice on how to create or strengthen the institutions responsible for controlling the legal trade in firearms and ammunition. In August 2008, a meeting of experts was held in Vienna to discuss the guidelines, which, once finalized, will be published and made available on the UNODC website. The guidelines will also be disseminated through regional and national capacity-building workshops organized by UNODC.

#### **5. Development of a model law on firearms**

17. In 2009, UNODC started its work to develop a model law on firearms in order to assist State parties in translating the treaty language of the Organized Crime Convention and the Firearms Protocol into domestic legal provisions and strengthening their legislative regime on firearms. The model law will facilitate the provision of legislative assistance by UNODC and the review of national legislation by States, irrespective of their legal tradition and social, economic, cultural and geographical conditions.

18. The model law is a voluntary technical assistance tool containing preventive measures on manufacturing, record-keeping, deactivation, international transfers of firearms and related brokering activities, as well as penal and procedural provisions derived from the Firearms Protocol and the Organized Crime Convention. It distinguishes between mandatory provisions, optional provisions and additional provisions addressing further details relating to the Firearms Protocol and the Convention.

##### *Expert group meetings on the development of a model law on firearms*

19. UNODC convened three expert group meetings, held from 3 to 6 November 2009, from 23 to 25 February 2010 and 28 June-2 July 2010 at UNODC headquarters to receive expert guidance and advice on how to improve the draft model law on firearms. The meetings brought together experts, academics and practitioners with different substantive and geographical backgrounds who were invited in their personal capacity, not as representatives of their countries or Governments.<sup>9</sup>

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<sup>9</sup> Experts from the following countries were invited to attend: Argentina, Australia, Belgium, Brazil, Chile, China, Croatia, Ethiopia, Guatemala, India, Italy, Kenya, Nigeria, Peru, Saint Vincent and the Grenadines, Senegal, Spain, the former Yugoslav Republic of Macedonia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and United States of America. The following organizations attended: Coordinating Action on Small Arms, Counter-Terrorism Committee Executive Directorate, European Commission, East African Community, International Criminal Police Organization (INTERPOL), the Southern African Regional Police Chiefs Cooperation Organisation and the Organization for Security and Cooperation in Europe. Civil society and private sector participants included the following: Group for Research and Information on Peace and Security, International Action Network on

20. The experts welcomed the development of a model law on firearms and discussed its purpose, scope, structure, methodology and legal implications, while focusing on the technical content and the challenges of implementing firearms legislation. One recurrent issue was the scope of the model law. There was a divergence of views between those who considered that the task of the group was strictly limited to the obligatory provisions of the Protocol, and those who held the view that the purpose of the model law was to assist States in strengthening their legislative regimes on firearms in a manner consistent with the Protocol. Those holding the latter view asserted that the model law should not set a standard of implementation less stringent than what was set out in the Protocol. The experts agreed that the model law could effectively include varying levels of obligations if those levels of obligation were clearly stated in each provision. To that end, participants presented several options and formats to structurally address the relationship between the provisions and discussed whether to keep the provisions organized by theme or divide them according to level of obligation. At the conclusion of the discussion, a suggestion was made to structure the model law in separate parts, reflecting respectively the mandatory provisions, optional provisions and additional provisions addressing further details relating to the Firearms Protocol and the Convention.

21. The expert group further discussed how best to reflect Convention provisions and their applicability, *mutatis mutandis*. Some participants insisted on the strict consideration of Protocol provisions only, while others indicated that in order to fulfil its purpose — to prevent, combat and eradicate illicit manufacturing of and trafficking in firearms — the model law needed to offer provisions to facilitate investigation, prosecution and cooperation in firearms-related cases and should therefore also deal with relevant Convention provisions. It was suggested that a separate group of experts might consider the issue. Some participants suggested that in order to preserve the model law's fidelity in multiple languages and across jurisdictions, translations of the law be made into other official languages of the United Nations and that the final draft of the model law should reflect a better balance between civil-law and common-law perspectives.

## **C. Activities to promote and support the Firearms Protocol**

### **1. Awareness-raising activities**

#### *(a) Awareness-raising*

22. In the period under review, UNODC organized and participated in several awareness-raising and capacity-building initiatives to promote the implementation of the Firearms Protocol and other related instruments, including a presentation on the Firearms Protocol and its relationship to other legal instruments, delivered by UNODC to a forum of about 30 representatives of international organizations, civil society and Member States, organized by the Geneva Forum<sup>10</sup> in Geneva on

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Small Arms secretariat, Saferworld, Small Arms Survey, Italian National Association of Arms and Munitions Manufacturers (ANPAM), FN Herstal and the World Forum on the Future of Sport Shooting Activities.

<sup>10</sup> The Geneva Forum is a joint initiative of the Quaker United Nations Office, Geneva, the United Nations Institute for Disarmament Research and the Centre on Conflict, Development

10 June 2009, and a presentation and round-table discussion with the community of sport shooters and hunters on the scope and application of the Firearms Protocol and the development of model legislation on the Protocol, held during the annual meeting of the World Forum on the Future of Sport Shooting Activities on 17 March 2010 in Nuremberg, Germany.

(b) *Research and analysis on firearms issues*

23. UNODC conducted a series of studies that have improved evidence-based knowledge with respect to illicit manufacturing of and trafficking in firearms and armed violence and their relationship with transnational organized crime. Examples of publications specifically dealing with firearms issues include a publication on crime and stability in the Balkans, *Transnational Trafficking and the Rule of Law in West Africa: A Threat Assessment*, and *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*. UNODC is also working on a threat assessment for Central Africa and a study of illicit financial flows, an issue likely to intersect with the issue of illicit manufacturing of and trafficking in firearms.

24. There is a need to further develop evidence-based knowledge on the transnational dimension of illicit manufacturing of and trafficking in firearms in order to better understand patterns, trends and routes and the links between illicit manufacturing of and trafficking in firearms and organized crime. UNODC proposes conducting a study with an initial focus on Africa and Latin America and the Caribbean, using, inter alia, the analysis and tracing results of seized and confiscated firearms and ammunition.

(c) *Activities in the area of armed violence and crime prevention*

25. UNODC has carried out a number of activities aimed at furthering understanding of the nature and extent of armed violence and preventing and reducing it. Those activities have included crime and victimization surveys in a number of African countries under the “Data for Africa” initiative. A national victimization survey in Kenya, in particular, included an armed violence module with the aim of collecting data on firearm availability, ownership and use in crime. In December 2009, UNODC released the latest set of global homicide statistics, providing an estimate for the intentional homicide rate in 192 countries and territories. Further research is currently being undertaken in the context of the Geneva Declaration on Armed Violence and Development and the preparation of a second *Global Burden of Armed Violence Report* on the underlying causes and nature of homicide and the response of criminal justice systems to crimes involving armed violence.

## **2. Legislative and operational support and related programme development**

(a) *Legislative assistance and legal advice*

26. UNODC provided initial legal advice to the Plurinational State of Bolivia for the review of a draft bill on firearms. The Plurinational State of Bolivia has not yet adopted comprehensive firearms legislation and has requested UNODC assistance through the jointly developed integrated country programme. UNODC is currently

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and Peacebuilding of the Graduate Institute of International and Development Studies.



coordinating activities with other partners on the ground in order to avoid duplication of efforts and maximize outputs. Several other States have expressed the need for legislative assistance, gap analysis and legal drafting support on firearms.

27. At an independent expert meeting on the draft guide for the harmonization of national legislation on small arms and light weapons in West Africa, held in Togo on 25 and 26 May 2010, organized by the Regional Centre for Disarmament in Africa (UNREC) and the Economic Community of West African States (ECOWAS) Secretariat, UNODC provided expert advice on the Firearms Protocol, with a view to promoting greater harmonization among complementary instruments.

*(b) Capacity-building and operational support*

28. In the area of capacity-building, UNODC organized, in joint cooperation with the Government of Barbados, the Caribbean Community (CARICOM) Secretariat and the CARICOM Implementation Agency for Crime and Security, a Caribbean regional workshop to promote the implementation of the Firearms Protocol, held in Christ Church, Barbados, from 3 to 5 June 2009. The workshop brought together 40 participants responsible for firearms issues from 13 Caribbean countries,<sup>11</sup> eight subregional non-governmental organizations and several other international experts.<sup>12</sup> The workshop was aimed at promoting the ratification and implementation of the Protocol and improving the knowledge and skills of Caribbean practitioners in the area of firearms control.

29. UNODC contributed to capacity-building events organized by other entities: a regional workshop on illicit trafficking in arms in Central America organized by the Central American Programme on Small Arms Control and the United States State Department, held from 12 to 15 July 2009 in Belize City, Belize;<sup>13</sup> a regional seminar on peace and security and firearms control in South Asia, jointly organized by the Bangladesh Institute of International and Strategic Studies and the non-governmental organization Saferworld, held from 7 to 9 November 2009 in Dhaka, Bangladesh;<sup>14</sup> and a workshop on illicit brokering in South-East Asia,

<sup>11</sup> Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago. Non-governmental organizations from Antigua and Barbuda, Grenada, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago and the Bolivarian Republic of Venezuela attended.

<sup>12</sup> Federal Police of Brazil, the International Crime and Terrorism Division of the Department of Foreign Affairs and International Trade of Canada, the Office of the General Prosecutor of Mexico, the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States, Secretariat of the Caribbean Community and its Implementation Agency for Crime and Security, the Organization of American States, United Nations Development Programme in Jamaica, the Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC), the United Nations Stabilization Mission in Haiti, the Central American Programme on Small Arms Control (CASAC) and the Belgian non-governmental organization Group for Research and Information on Peace and Security.

<sup>13</sup> Attended by 40 practitioners from eight countries: Belize, Colombia, Costa Rica, El Salvador, Guatemala, Mexico, Nicaragua and Panama, as well as the Central American Integration System, Organization of American States, UN-LiREC, UNODC, and various State institutions from the United States and Canada.

<sup>14</sup> Nine Asian States participated: Afghanistan, Bangladesh, Bhutan, China, India, Maldives, Nepal, Pakistan and Sri Lanka, as well as UNODC, the United Nations Regional Centre for

organized by the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, held on 18 and 19 February 2009 in Bangkok.

30. The Colombia-based project initiated in 2006 is close to completion, and during the reporting period, several activities were organized, including national and subregional training courses for mid-level officials from the military, police and customs services, such as a training course for officials from Brazil, Colombia and Peru, held in the border area of the three countries, in Leticia, Colombia, from 25 August to 5 September 2008; a training course with participants from Central American countries held on San Andrés island, Colombia, from 6 to 17 July 2009; and a training course for military and police attachés from neighbouring countries, in cooperation with the International Criminal Police Organization (INTERPOL), the Police Community of the Americas (AMERIPOL) and the Latin American and Caribbean Police Intelligence Community (CLACIP) from 4 to 8 May 2009.

31. In March 2010, UNODC assisted the Government of Guatemala with the verification and subsequent destruction of approximately 7,000 firearms in Guatemala City and Escuintla, in southern Guatemala. Further assistance has been envisaged through the joint country programme. In Panama, in the framework of an inter-agency programme on citizen's security in Panama funded by the UNDP-Spain Millennium Development Goals Achievement Fund, UNODC has been requested to develop and adopt a national firearms registration system for the national police force of Panama and to provide training for its use. Such a register will facilitate proper record-keeping and tracing of firearms and allow for enhanced cooperation and exchange of information with other countries in the region and beyond.

### **3. Current programme development on firearms**

32. UNODC and the European Union are finalizing a joint project under the Instrument for Stability of the European Commission for the period 2011-2012, to address the transnational dimension of illicit manufacturing of and trafficking in firearms and its links to organized crime by assisting selected countries in South America, the Caribbean and West and Central Africa in the ratification and full implementation of the Convention and the Firearms Protocol. Activities include strengthening the legislative and institutional framework on firearms; capacity-building and training to implement the Firearms Protocol and to foster law enforcement and judicial cooperation for the prevention, investigation and prosecution of firearms-related cases; evidence-based research on illicit trafficking and its transregional dimensions; and assessment of urban gang criminality and its vulnerabilities to organized crime. The project will strengthen regional and global partnerships, create synergies and build on existing efforts. The project will also promote greater participation of civil society and parliamentarians and foster direct contacts among national focal points and other practitioners, with a view to strengthening cooperation, the exchange of information and good practices on, among other things, firearms issues, transfers, trafficking routes and patterns and links to other crimes, and to promoting a climate of confidence and trust.

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Peace and Disarmament in Asia and the Pacific and the South Asian Association for Regional Cooperation.

33. Several UNODC regional and country programmes include activities to counter gun violence and illicit manufacturing and trafficking and take action against the links to organized crime, reflecting the growing concern of Member States, including the following:

(a) The Santo Domingo Pact, a Caribbean regional action plan endorsed at the ministerial conference held in Santo Domingo from 17 to 20 February 2009, includes activities to strengthen national and regional capacities to counter drug and gun violence and firearms trafficking through, *inter alia*, legislative assistance, capacity-building, support in disposal and destruction of firearms and analysis of and research on urban criminality;

(b) The regional programme for Central America adopted at the ministerial conference held in Managua on 14 and 15 May 2009 includes a segment on firearms control emphasizing the need for implementation of the global and regional instruments and requests UNODC to work with the Central American Programme on Small Arms Control (CASAC). The regional programme for Central America foresees the establishment of a series of centres of excellence, one of which will be based in Guatemala and focus on organized crime and illicit manufacturing of and trafficking in firearms. The aim of the initiative is to provide expertise and knowledge in the subregion in these specific fields;

(c) The regional programme for the period 2010-2012 for East Africa, adopted by States of the region at a ministerial conference held in Kenya on 23 and 24 November 2009 makes specific reference to firearms-related crimes as a form of organized crime and envisages a series of activities designed to improve knowledge and capacities in areas such as research, legislation, capacity-building, cooperation and coordination;

(d) The regional programme for West Africa subsumes firearms trafficking under the heading of illicit trafficking in other commercial goods and focuses on enhancing information-sharing and the exchange of operational intelligence to improve national and cross-border coordination among law enforcement agencies;

(e) In its integrated national programme for the period 2010-2015, the Government of the Plurinational State of Bolivia addresses the lack of norms on firearms and requests UNODC to provide a comprehensive assistance package including ratification support, legislative assistance, operational support, capacity-building and international cooperation. UNODC is discussing possible partnerships with the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UN-LiREC) in this field;

(f) In Guatemala, the integrated country programme launched in March 2010 dedicates an entire subsection to the issue of firearms, requesting UNODC to continue its assistance provided in the area of arms collection and destruction and to complement it with additional activities such as reducing the illicit possession of and trafficking in firearms, the development of a confiscation, verification and destruction procedure for illicit firearms and the provision of training and capacity-building to support implementation of its recently adopted law on firearms.

## **IV. Coordination and cooperation with international and regional partners**

34. UNODC has participated in several inter-agency initiatives on firearms and cooperates with relevant organizations and entities with the aim of strengthening partnerships and promoting and supporting the Firearms Protocol.

### **A. Cooperation within the United Nations system**

#### **1. Inter-agency initiatives**

35. At the global level, UNODC is a member of the Coordinating Action on Small Arms (CASA), the United Nations system-wide coordination platform established by the Secretary-General to promote greater exchange information and discuss collaboration on ongoing initiatives. CASA is composed of 22 United Nations bodies dealing with preventing violence and mitigating the impact of small arms and light weapons on societies, communities and individuals through their specific field of action. During the reporting period, the CASA mechanism achieved broader participation within the United Nations system and strengthened its coordination role culminating in the endorsement of its strategic framework for the period 2009-2013. UNODC participates through regular videoconferences in CASA meetings and has actively contributed to the achievement of the common goals.

##### *(a) Development of the International Small Arms Control Standards*

36. Within CASA, UNODC supports the development of the International Small Arms Control Standards, a set of internationally accepted and validated technical standards that provide comprehensive guidance to practitioners and policymakers on legal, policy and operational issues related to small arms control. To date, 26 modules of the International Small Arms Control Standards have been drafted and made available online as drafts for public consultation ([www.un-casa-isacs.org](http://www.un-casa-isacs.org)). An additional module on international cooperation in criminal matters has been added following a suggestion from the Counter-Terrorism Committee Executive Directorate and UNODC.

##### *(b) Armed Violence Prevention Programme*

37. Growing recognition that armed violence represents a fundamental challenge to many developmental and humanitarian goals, including the achievement of the Millennium Development Goals, has led to recent States-led initiatives such as the Geneva Declaration on Armed Violence and Development, adopted in June 2006. Within the United Nations system, a number of entities, including UNODC, are collaborating in the inter-agency Armed Violence Prevention Programme, which is aimed at promoting effective responses to armed violence through support for the development of international policies and nationally-led comprehensive armed violence prevention programmes. During the reporting period, UNODC participated in expert workshops on the development of indicators for measuring armed violence and a joint inter-agency armed violence assessment mission to Kenya. Further joint missions, to Guatemala and Jamaica, are planned in 2010. UNODC was also represented at the Oslo Conference on Armed Violence, held in Geneva on

12 May 2010, at which more than 60 States endorsed the Oslo Commitments on Armed Violence.<sup>15</sup>

(c) *United Nations input for the arms trade treaty process*

38. The General Assembly, at its sixty-third session, continued its consideration of the issue of an international legally binding instrument to regulate the import, export and transfer of arms. Such an instrument could further strengthen existing instruments, including the Firearms Protocol, and contribute to greater transparency and controls of international transfers while addressing the unregulated trade of conventional arms and their diversion to the illicit market and thus be an important mechanism in combating illicit trafficking in weapons at the subregional, regional and global levels. A United Nations conference on an arms trade treaty is scheduled to be held in 2012, preceded by a series of preparatory meetings to be held in 2010 and 2011, the first of which was held in New York from 12 to 23 July 2009. UNODC contributed to a joint CASA statement on the arms trade treaty and is considering participating more actively in the preparatory meetings in order to address links and possible synergies between a possible arms trade treaty and the Firearms Protocol.

**2. Cooperation with other United Nations entities**

39. UNODC has closely cooperated with the Counter-Terrorism Committee Executive Directorate on terrorism and is increasing its cooperation in the area of firearms control, both directly and through CASA. The Executive Directorate has participated in the first two expert meetings for the development of a model law on firearms. Further ways to strengthen the work of the two agencies on firearms are under consideration. UNODC and the United Nations Human Settlements Programme will cooperate in a joint initiative to address vulnerabilities to organized crime and firearms and their impact on urban violence in selected countries, starting with Jamaica. UNODC cooperates also with other United Nations agencies and international organizations on firearms related issues, such as with the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC). SEESAC participated with experts in the expert meeting for the development of technical guidelines for the Firearms Protocol in 2008.

**B. Cooperation with the secretariats of other regional and international instruments**

40. In recent years, several other political or legally binding instruments on firearms have been adopted at the regional and global levels. There is wider recognition that these instruments are compatible with and complementary to the Firearms Protocol, contributing to the development and further definition of the international framework on firearms. Hence, their complementary and mutually reinforcing nature should be taken into account when seeking synergies and partnerships.

<sup>15</sup> A/CONF.192/2006/RC/2, annex.

## **1. Programme of Action and the International Tracing Instrument**

41. The Firearms Protocol, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons are the three global instruments on firearms control. The strategy of CASA reflects the fact that those three instruments constitute complementary building blocks of a global firearms regime. Cooperation among the secretariats of the three instruments is indispensable if integrated approaches and greater synergies are to be achieved and the efficiency of the assistance provided to Member States is to be enhanced. The Office for Disarmament Affairs of the Secretariat and UNODC coordinate their work through the CASA mechanism and have increased their direct cooperation in particular with the three regional centres of the Office for Disarmament Affairs based in Lima, Lomé and Kathmandu.

42. During the reporting period, UNODC participated in the Biennial Meeting of States to Consider the Implementation of the Programme of Action on Small Arms held in New York from 14 to 18 June 2010. In Latin America and the Caribbean, UNODC and UN-LiREC have continued their cooperation in training on firearms control in the Andean region. UN-LiREC was invited to participate in the UNODC workshop held in Christ Church, Barbados, in June 2009, and further cooperation is envisaged on a country-by-country basis. In East Africa, UNODC and UNREC signed in 2009 a memorandum of understanding to enhance cooperation and joint programming in East Africa. UNODC was invited to provide expert advice on the harmonization guide for legislation on small arms and light weapons in West Africa, jointly developed by UNREC and the ECOWAS Commission, with the aim of harmonizing and aligning national legislation with the ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials and other instruments such as the Firearms Protocol. UNREC and UNODC are in discussion on furthering cooperation for the provision of legislative assistance and capacity-building to several countries in Africa. In 2010, UNODC also started cooperation with the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific, based in Nepal, resulting in the participation of UNODC in a workshop on illicit brokering in South-East Asia, organized by the Regional Centre and held in Bangkok on 18 and 19 February 2010, and in initial talks on possible joint programming for the region.

## **2. Inter-American Convention on Firearms**

43. In 2009, UNODC and the Organization of American States (OAS) signed a memorandum of understanding to enhance coordination and cooperation on several issues, including firearms. The two secretariats have established a direct line of communication and exchange information on issues of mutual interest. In April 2009, UNODC participated in a meeting of the Consultative Committee of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials<sup>16</sup> and in the OAS meeting of the group of experts to develop model regulations on firearms confiscation. The meetings provided an opportunity for the two Secretariats to

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<sup>16</sup> United Nations, *Treaty Series*, vol. 2029, No. 35005.

discuss more closely areas of cooperation and coordination with respect to the implementation of the respective Conventions.

### **3. African regional instruments on firearms**

44. UNODC has invited the secretariats of most African legal instruments on firearms to the expert group meetings for the development of a model law on firearms. Representatives of the Eastern African Community and from Southern African Regional Police Chiefs Cooperation Organization/INTERPOL attended. UNODC is seeking to strengthen its cooperation with those entities and with the secretariat of the newly adopted Central Africa Convention for the Control of Small Arms and Light Weapons, Their Ammunition, Parts and Components that can be used for Their Manufacture, Repair and Assembly (Kinshasa Convention), with a view to promoting and supporting integrated approaches and joint implementation of the Protocol and the regional instruments and creating synergies with ongoing efforts.

## **C. Cooperation with other regional organizations**

### **1. Cooperation with the European Union**

45. The European Union is a major donor to several initiatives of UNODC. In the area of firearms, the European Union has actively participated in all above-mentioned expert meetings organized by UNODC for the development of technical guides and a model law on firearms, and is currently working with UNODC on the finalization of a joint activity under the European Union Instrument for Stability for the period 2011-2012. The European Union is a signatory to the Firearms Protocol and is currently developing, inter alia, a European Union regulation on the implementation of article 10 of the Protocol, on import, export and transit control. That regulation, if adopted, will greatly contribute to harmonizing practices to implement the Protocol by States parties members of the European Union.

### **2. Security Commission of the Central American Integration System and the Central American Programme on Small Arms Control**

46. UNODC works closely with the Security Commission of the Central American Integration System in the framework of the regional programme for Central America and Mexico, which contains a chapter on firearms control. UNODC has cooperated with CASAC on a number of occasions. A CASAC expert attended the UNODC Caribbean workshop held in Christ Church, Barbados, in June 2009, and UNODC participated in the seminar for Central American countries organized by CASAC and the United States State Department in Belize City, Belize, in July 2009. The seminar also provided an opportunity for regional and international organizations to hold coordination meetings and discuss possible cooperation on firearms control issues in the region. A representative of CASAC also participated in several UNODC expert meetings on the firearms model law.

### **3. Other organizations**

47. UNODC is cooperating with the CARICOM Secretariat and Implementation Agency for Crime and Security on several fronts, and jointly organized the regional

workshop on firearms held in Barbados in June 2009. Concrete cooperation on firearms will likely increase in the framework of the Santo Domingo Pact and its specific component on firearms. The Organization for Security and Cooperation in Europe (OSCE) and UNODC cooperate in a variety of fields, including firearms. OSCE representatives have attended several meetings organized by UNODC for the development of technical guides and a model law on firearms. UNODC participated in a seminar organized by OSCE in Vienna in September 2009 to review its documents related to small arms and light weapons. Representatives of INTERPOL and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies attended the expert meeting for the development of a model law on firearms.

48. UNODC intends to strengthen cooperation with the Common Market of the South (MERCOSUR) and its working group on firearms and ammunition, in order to work collaboratively in the framework of the interregional project on firearms, currently under preparation by UNODC and the European Union, which will also cover countries of the Southern Cone.

#### **D. Cooperation with civil society and the private sector**

49. Cooperation with civil society organizations and the private sector has increased during the reporting period. The non-governmental organization network International Action Network on Small Arms (IANSA) presented a statement at the fourth session of the Conference on behalf of its 700 members in support of the ratification and full implementation of the Firearms Protocol and an effective review mechanism. In 2009, IANSA supported the participation of several non-governmental organizations at the above-mentioned regional workshop on firearms organized by UNODC in Barbados. Experts from the Group for Research and Information on Peace and Security (GRIP), the Small Arms Survey, Saferworld and the IANSA secretariat also participated in the meetings of experts for the development of a model law on firearms. UNODC participated in a regional seminar on peace and cooperation in South Asia, organized by Saferworld and held in Dhaka, Bangladesh, in November 2009.

50. Cooperation and dialogue with the private sector have also been enhanced. The representative for Europe of the World Forum on the Future of Sport Shooting Activities and representatives of the firearms manufacturing industry of the United States and Belgium provided expert advice at the three meetings of experts for the development of a model law on firearms. UNODC participated in the annual meeting of the World Forum, held in Nuremberg, Germany, in November 2009, at which UNODC presented the Firearms Protocol. With the aim of fostering greater understanding of the manufacturing process, the Italian Association of Firearms and Ammunition Manufacturers (ANPAM) invited UNODC to visit manufacture sites and a proof house in the second quarter of 2010.



## **V. Proposed activities to promote and support the ratification and implementation of the Firearms Protocol**

51. In order to facilitate and improve the level of ratification of the Firearms Protocol, it is proposed that a series of pre-ratification workshops with national stakeholders be organized, with the aim of increasing the knowledge and awareness of States not parties with respect to firearms issues and the usefulness of the Protocol.

52. With respect to the development of tools, the following actions are proposed:

(a) In order to optimize the reporting efforts of States, the Conference may wish to encourage the Secretariat to seek closer cooperation with the secretariats of relevant international and regional organizations and explore the feasibility of sharing information on and cross-referencing their respective assessments or reporting tools, with a view to reducing the reporting burden of States and preventing duplication of efforts;

(b) Finalization and, subject to available funding, translation of the model law on firearms, ensuring its consistency with different legal systems;

(c) Organization of a group of experts, as appropriate, to address the penal provisions of the model law on firearms and consider, in particular, the relationship between the Organized Crime Convention and the Firearms Protocol;

(d) Dissemination of the model law and the technical guidelines as a tool for the provision of legislative assistance to Member States through publication on the UNODC website and use in regional and national capacity-building workshops;

(e) Upon request and subject to voluntary contributions, development of additional tools such as:

(i) Automated software applications and other tools aimed at harmonizing control procedures for the transfer and tracing of firearms between interested countries;

(ii) Operational protocols for seizure, confiscation, storage, destruction and recording of destroyed firearms, and provision of specialized assistance for the destruction and analysis of confiscated firearms;

(iii) A user-friendly recording system for firearms, compatible with major record-keeping systems, in order to facilitate tracing and the exchange of information, which can be made available to requesting countries in and outside the region.

53. In order to promote and support the Firearms Protocol, the following activities are proposed:

(a) Upon request and subject to voluntary contributions, consider undertaking a study, with an initial focus on Africa and Latin America and the Caribbean, using, inter alia, the analysis and tracing results of seized and confiscated firearms and ammunition;

(b) Assist requesting States in the development of a database of seized and confiscated firearms and in their recording, analysis and tracing, with the aim of

generating more reliable information on illicit manufacturing and trafficking patterns and trends and increased cooperation;

(c) Conduct a study on transnational characteristics and routes of firearms trafficking, based on the outcome of the analysis of confiscated weapons and ammunition;

(d) Respond, in a more systematic manner, to the growing requests for support for legislative assistance and legal drafting on firearms through regional legal assessment and drafting workshops aimed at supporting regional harmonization efforts with respect to firearms and through individualized follow-up assistance, utilizing the model law and other existing tools;

(e) Strengthen subregional expertise on the prevention and combating of illicit manufacturing of and trafficking in firearms and countering related organized criminal activities, inter alia, using the newly established Guatemala centre of excellence as a platform for enhancing regional and international cooperation in this field;

(f) Develop a comprehensive training curriculum on firearms control for practitioners and specialized investigators and prosecutors, and transform some modules into computer-based training programmes;

(g) Enhance cooperation through direct contacts among single points of contact and other authorities in charge of firearms control and investigation and prosecution of firearms-related offences and through expert meetings aimed at fostering the exchange of information, experience and best practices, building confidence and harmonizing policies and legislation on firearms.

54. In the area of cooperation with the secretariats of other international and regional instruments, the following activities are proposed:

(a) The holding of a meeting of United Nations agencies and programmes with a relevant firearms mandate to discuss ways and means to promote and implement the Firearms Protocol, with a view to promoting greater cooperation and synergies;

(b) The further strengthening of cooperation and partnership with secretariats of regional instruments to ensure synergies and proper coordination, with a view to undertaking mutually reinforcing efforts and integrated approaches for joint implementation of global and international instruments, inter alia, by seeking to involve those secretariats in UNODC awareness-raising, legislative assistance and capacity-building activities.

## **VI. Conclusions and recommendations**

55. Ratification and full implementation of an effective firearms control regime requires an appropriate legislative framework and the coordinated action of various specialized entities with appropriate staffing, as well as technical and financial resources. In that context, the Conference may wish to consider the proposed actions, in particular the usefulness of promoting harmonized legislation, the exchange of knowledge and expertise among regions, and the development of tools and other materials such as training and operational manuals and materials,

technical assistance tools, including standardized forms and user-friendly software applications, and databases and registries, to facilitate the implementation of the Firearms Protocol, in addition to the existing technical guidelines and model legislation.

56. The Conference may also wish to request the Secretariat to do the following:

(a) To take the necessary action to finalize the model law and ensure its translation and dissemination;

(b) To continue to cooperate more closely with the secretariats of global and regional instruments and with relevant United Nations agencies and programmes, with a view to exploring ways and means to jointly promote and support the ratification and implementation of the Firearms Protocol;

(c) To organize regional meetings of single points of contact and other authorities competent for firearms control, as well as investigation and prosecution of firearms-related offences, to exchange information and experience and facilitate direct contacts on all matters related to the implementation of the Firearms Protocol.

57. Pursuant to its decision 4/6, the Conference may wish to consider the advisability of establishing an open-ended intergovernmental working group on firearms, in order to bring together, on a regular basis, single points of contact, policymakers and practitioners in charge of the implementation of the Firearms Protocol and the investigation and prosecution of firearms-related offences, with a view to promoting direct contacts and the exchange of expert advice and information on implementation challenges, trafficking trends and routes. Such a working group could provide advice to the Conference on common strategies and actions necessary to prevent and combat illicit manufacturing of and trafficking in firearms, and to request UNODC to hold a first intersessional meeting in 2011 and submit recommendations for action at the forthcoming sixth session of the Conference.

58. The Conference may also wish to consider ways of ensuring sustained financial and technical assistance to countries in post-conflict situations and least developed countries, where porous borders facilitate the flow of illegal firearms, their parts, components and ammunitions, thus nourishing violence and conflicts. The effective functioning of a firearms control regime in those countries is crucial to addressing the issue of firearms worldwide.