



# **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

**Items 4, 5 and 6 of the provisional agenda\*\***

**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**

**Measures to facilitate the implementation of the Firearms Protocol, including the development of technical assistance tools**

**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 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**

**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**

**Background paper prepared by the Secretariat\*\*\***

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\*\*\* The report was submitted late owing to the late receipt of information from the substantive report.



## I. Introduction

1. The international community has increasingly acknowledged the links between firearms and other forms of transnational organized crime, including drug trafficking, money-laundering and financing of terrorism, and expressed its concerns regarding the threats posed by illicit trafficking, proliferation and misuse of firearms to security and stability.

2. In its resolution 5/4 entitled “Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (Organized Crime Convention),<sup>1</sup> 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 accompanies the activities of transnational organized criminal groups, and that there was a need for strengthened international cooperation.

3. The Conference also noted that the Organized Crime Convention and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol), supplementing it, were among the principal global instruments to combat these crimes, and reiterated its invitation to States, to consider becoming parties to the Protocol and to fully implement its provisions. The Conference also urged States parties to harmonize their national legislation in a manner consistent with the Protocol, to develop programmes of action to implement the Protocol, and to provide to the Secretariat full and up-to-date information on their national body or single point of contact and to make use of the online directory of competent national authorities designated by States under the Firearms Protocol.

4. In that resolution, the Conference requested the Secretariat to support States in their efforts and to facilitate technical assistance to States parties. The Conference further requested UNODC to finalize the model law and disseminate it in all the official languages of the United Nations and to develop other technical assistance tools, in order to support the implementation of the Protocol, and encouraged relevant international and regional organizations, the private sector and non-governmental organizations to strengthen their cooperation and work with States parties to the Firearms Protocol in order to achieve the full implementation of the Protocol.

5. It also decided to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the Organized Crime Convention and rule 2, paragraph 2, of the rules of procedure for the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Firearms Protocol, and that the working group on firearms shall 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;

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

(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.

6. Furthermore, the Conference decided that the Chair of the open-ended intergovernmental working group on firearms shall submit to the Conference, at its sixth session, the report of the working group on its activities.

7. The present report was prepared in accordance with resolution 5/4, which requested the Secretariat to inform the working group about the activities of the UNODC to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, coordination with other relevant international and regional organizations, and 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, in order to enable the working group to perform its mandated functions.

## **II. Impact of firearms on armed conflicts, crime and human security**

### **Impact of firearms on armed conflicts and crime**

8. Firearms and ammunition impact in different ways on peace and security, both in the context of armed violence and in connection with crime. Understanding the complex multi-dimensional nature of firearms is essential to further devising appropriate criminal justice responses.

#### **1. Firearms as tools used to prolong armed conflicts**

9. Firearms have an undeniable impact on armed conflict. Their ready availability, either through illicit manufacturing or through trafficking, their uncontrolled proliferation and misuse, are often considered essential factors that drive and exacerbate armed confrontations, increase levels of crime, undermine human and socio-economic development and impede the achievement of the Millennium Development Goals. In particular, when combined with the violation of international arms embargoes, the illicit flow of firearms and ammunition becomes a decisive factor in prolonging armed conflicts and, sometimes, determining their outcomes.

## 2. Firearms as tools of violence

10. The impact of firearms on crime and security is evident as they play a predominant role in the context of armed violence and crimes, both as lethal instruments for the commission of crimes, and as a highly profitable illicit trafficking commodity. When associated with large-scale criminal activity, firearms 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 its normal functioning.

11. The vicious nexus, although difficult to establish, seems to connect firearms availability and homicides. According to UNODC's 2011 *Global Study on Homicides*, the total global number of non-conflict related intentional homicides in 2010 was estimated at 468,000. More than a third (36 per cent) occurred in Africa, 31 per cent in the Americas, 27 per cent in Asia, 5 per cent in Europe and 1 per cent in Oceania.<sup>2</sup> According to the same study, 42 per cent of overall global homicides are committed by firearms. This percentage becomes considerably higher in regions where it is often associated with the illicit activities of organized criminal groups, such as in the Americas, where the use of firearms in violent crimes amounts to 74 per cent of all homicides, as compared to 21 per cent in Europe.

## 3. Firearms as tools for acquiring power

12. Firearms are also commonly utilized by criminal organizations and gangs as tools to facilitate the commission of other crimes and to perpetrate and/or secure the physical dominance and wealth. They are closely connected to organized crime, in particular drug trafficking, human trafficking, piracy, gang criminality, as well as to other serious crimes such as terrorism, abduction and kidnapping. The commission of many such crimes would not be possible should firearms and other weapons not be available to criminal groups

13. For example, in Central America and the Caribbean — two regions located on the crossroads between the major supply and demand markets for drugs and the opposite flow of illicitly trafficked firearms — the drug trade has been a determining factor behind the rising levels of crime and violence. Sudden changes in the drug market, both in terms of decrease and influx of the drug flow, can drive lethal violence in the two regions, attributable to increased competition and conflict relating to the control over drug markets. Furthermore, in some urban areas, gang criminality is associated with a certain “gun culture”, which idolizes firearms as an integral part of the identity of gang members, and which seems to be a major drive of armed violence and gun criminality.<sup>3</sup> Piracy is another example of crime that has evolved in recent years into a sophisticated form of organized criminality and which typically requires the availability of firearms.

14. In general, the circulation and flow of weapons often also represent a source of insecurity and instability that can spread to neighbouring countries every time that transnational organized crime operates. The recent crisis in Libya, for example, presented an opportunity for various criminal and terrorist groups in the subregion to secure firearms, surface-to-air missiles and ammunitions from looted government

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<sup>2</sup> UNODC, *Global Study on Homicides* (2011).

<sup>3</sup> UNODC, *Crime and Development in Central America* (2007).

stockpiles, generating increased levels of crime in neighbouring countries. In these situations, the abilities of security institutions, such as the police and the military, to enforce the law is sometimes greatly diminished in the face of the power of well-armed organized crime groups with ready access to arms in the black market, thus undermining the social tissue of entire communities.

#### **4. Firearms as an illegal trafficking commodity**

15. Firearms are not only important tools in exercising violence and perpetrating power, but also a lucrative illicit commodity often in the hands of organized criminal groups. Although it is difficult to obtain reliable data on the value of clandestine activities such as firearms trafficking, some estimates place the value of the illegal trade in firearms between \$170 million and \$320 million per year.<sup>4</sup>

16. Organized criminal groups are becoming increasingly transnational and poly-crime oriented, as they diversify their range of action and also 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.

17. Firearms trafficking can often be described as a complex transnational crime that requires, for its commission, the participation of an organized criminal group as it involves more than three persons, requires different types of specialized expertise, and is by its nature transnational. It also connects in multiple ways to other forms of trafficking: through shared trafficking routes, use of the same distribution networks and money-laundering infrastructure and the exchange of guns for drugs or other commodities. Often, it is the drug business that generates a demand for illegal arms and creates an international infrastructure that can also be used for arms trafficking. In several other cases, the firearms trafficking is connected to other illicit commodities, including minerals, wildlife, livestock and even food, which are being sometimes exchanged for weapons.

### **III. Relevance of the Firearms Protocol to countering the illicit manufacturing of and trafficking in firearms**

18. 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 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.

#### **A. Global Project on Firearms**

19. Pursuant to resolution 5/4, adopted by the Conference, UNODC has continued to raise awareness, and to promote and develop technical assistance tools in order to

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<sup>4</sup> UNODC, *The Globalization of Crime. A Transnational Organized Crime Threat Assessment* (2010).

encourage greater ratification and implementation of the Firearms Protocol. A Global Project on Firearms (GPF) was launched by UNODC in 2011, with a view to promote and facilitate the ratification and implementation of the Firearms Protocol, and assist States in this endeavour.

20. In the framework of the GPF, UNODC has started to implement a project, funded by the European Union entitled “Countering Transnational Illicit Arms Trafficking through the Implementation of the UNTOC and its Firearms Protocol”. The project focuses on the following activity clusters:

(a) Awareness-raising and promotion of the ratification of the Firearms Protocol;

(b) Development of specialized tools;

(c) Development of legislation to strengthen the legal and regulatory framework on firearms and promote regional harmonization of laws and practices;

(d) Capacity-building and training in order to reduce the availability of illegal firearms, and strengthen the regulatory framework on firearms, especially in marking, record-keeping, transfer controls, collection and destruction of firearms;

(e) Training and capacity-building with the view to strengthening the criminal justice responses and to promote effective international cooperation and information exchange for combating illicit trafficking in firearms and related offences;

(f) Increased knowledge on transnational firearms trafficking patterns and enhanced civil society engagement.

21. A Project Advisory Group, composed of individual experts and representatives of relevant UN and other international organizations has been established to accompany and advise UNODC on the implementation of specific project activities and facilitate the development of synergies on the ground. The Programme currently covers 15 countries from West Africa, South America and the Caribbean.<sup>5</sup> Several other countries have requested assistance under the GPF and UNODC is currently seeking additional funds to expand the programme to those countries.

## **B. Raising knowledge and increasing the levels of ratification of the Protocol**

### **1. Current status of ratification**

22. Since its adoption on 31 May 2001, the level of adherence to the Firearms Protocol has slowly but steadily increased. To date, 90 State parties have acceded to or ratified the Protocol. This represents more than half of the States parties to the Organized Crime Convention.

23. Member States have increasingly expressed concern regarding the threats and risks associated with firearms and their links to organized crime. An additional effort is required by both States, UNODC and by partner organizations, to fully

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<sup>5</sup> Argentina, Bolivia (Plurinational State of), Brazil, Chile, Paraguay, Uruguay, Jamaica, Benin, Burkina Faso, Gambia, Ghana, Mali, Mauritania, Senegal and Togo.

explain and disseminate information on the Firearms Protocol and increase awareness and knowledge on the Protocol, with a view to support its ratification and implementation.

## **2. Awareness-raising to increase knowledge and promote the ratification of the Protocol**

24. Since the fifth session of the Conference, UNODC has continued to advocate for the ratification and implementation of the Firearms Protocol both through general promotional activities and through individual support and advice to interested Member States.

25. In April 2011, UNODC organized a thematic side event at the margins of the Commission on Crime Prevention and Criminal Justice on “The ratification of the Firearms protocol and the EU Member States”. The event was organized in cooperation with the Academic Council of the United Nations System (ACUNS), the World Society of Victimology, and Small Arms Survey. A side event on the development of specialized tools to facilitate the implementation of the Protocol is planned to be held at the margins of the Crime Commission in April 2012. Firearms-related side events were also held during the fourth and fifth sessions of the Conference of the Parties, in 2008 and 2010.

26. UNODC also participated in several other awareness and knowledge-raising activities aimed at enhancing the understanding of the Firearms Protocol and fostering cooperation and partnerships at international and regional levels: On 6 April 2011, UNODC participated in the Workshop on “Reinforcing Disarmament: Combating the Illicit Trade in Weapons and Materials”, organized by the United Nations Institute for Disarmament Research (UNIDIR), the Friedrich-Ebert Stiftung and the Geneva Centre for Security Policy, held in Geneva, Switzerland, addressing the challenges posed by the illicit arms trade in particular in Africa. UNODC participated also in a series of seminars and webinars organized by the Vienna University, ACUNS and the United Nations Information Service (UNIS) on 19 October and 15 November 2011, respectively.

27. UNODC continued to maintain an open dialogue with States interested in receiving more information about the Firearms Protocol and exploring options of becoming a party to it, by providing supplementary information, legislative and policy advice and explaining the requirements for compliance with the instrument. UNODC provided such information to Australia, Austria, Bolivia (Plurinational State of), Colombia, France, Ghana, Gambia, Indonesia and Iran (Islamic Republic of).

28. In the past, UNODC has allocated significant resources to the dissemination of knowledge and awareness-raising as well as to activities to promote ratification and implementation of the legal instruments of which it is the guardian. In the case of the Firearms Protocol, this has been pursued to a more limited extent, due, inter alia, to the later date of adoption of the Protocol and the subsequent progressive reduction in the available financial resources for this kind of activity. However, experience has shown that, whenever UNODC could adequately promote and raise the awareness on its instruments, this has largely contributed to an increase in the level of ratification in that particular region. For example, in the Caribbean, a region with a traditionally low level of ratification, UNODC was able to organize a

pre-ratification workshop for all Caribbean states, with large civil society participation in 2009, and although no additional funds became available to ensure an adequate follow-up support, the level of ratification has subsequently increased.<sup>6</sup> In regions with equally low levels of ratification, where UNODC could not provide this type of support, such as South-East Asia and the Pacific, the levels of ratification have remained low.

## C. Development of tools to implement the Firearms Protocol

29. Pursuant to resolution 5/4, UNODC has finalized and continued to develop legal and technical tools to facilitate information-gathering and exchange of information on matters related to the Firearms Protocol, and tools to facilitate the ratification and implementation of the Protocol.

### 1. Existing tools

#### (a) *Self-assessment questionnaire on firearms (based on the omnibus software)*

30. Upon request of the Conference, the comprehensive self-assessment software was revised and made available in the six official languages of the United Nations. The Conference decided that the Omnibus survey software would be an important element of the review mechanism currently under negotiation. The Omnibus survey software constitutes a good starting point for States for an in-depth assessment of their level of implementation of the Organized Crime Convention and the Protocols thereto, as well as for the consideration of concrete implementation practices and challenges and identification of gaps and technical assistance needs. UNODC developed a simplified questionnaire based largely on the Omnibus survey software, along with templates for gap analysis and country assessments, which are currently being utilized to analyse the normative and institutional framework of the countries that participate in the firearms project.

#### (b) *Identification of single point of contact under article 13 of the Protocol: online directory of competent national authorities*

31. In its Article 13, 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, who need to obtain information on firearms or related matters from another State party, to obtain information on who to contact within his or her own country, and informs the national point of contact of whom to contact in another State party. Therefore, pursuant to Conference decision 4/2 and with a view to promoting and facilitating greater cooperation among States on matters related to the Firearms Protocol, UNODC expanded the online directory of competent national authorities and included the single points of contact designated by States under the Firearms Protocol. At the time of preparation of this report, the directory contains the contact information of 33 single points of contact from State parties and one signatory, for matters related to the Firearms Protocol (as compared to 21 in the previous reporting period).

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<sup>6</sup> In the past two years, Antigua and Barbuda, Bahamas, Dominican Republic, Haiti and Saint Vincent and the Grenadines ratified the Protocol.



32. In its resolution 5/4, the Conference once again urged State Parties to “provide to the Secretariat full and up-to-date information on their national body or single point of contact and make use of the online directory of competent national authorities designated by States under the Firearms Protocol”. In line with this request, UNODC has sent a note verbale to State parties and signatories to the Protocol, requesting them to provide the Secretariat with the required information. 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.

(c) *Model Law on firearms*

33. Pursuant to Conference resolution 5/4, UNODC has finalized the *UNODC Model Law Against the Illicit Manufacturing of and Trafficking in Firearms* in 2010 and published it in English in 2011.<sup>7</sup> The Model Law was developed between 2009 and 2010 in the course of workshops, with a wide participation of experts and practitioners from different countries and regions,<sup>8</sup> to better assist State parties in translating the treaty language of the Organized Crime Convention and the Firearms Protocol into domestic legal provisions, and help them in strengthening their legislative regimes on firearms in a manner consistent with the Protocol. The Model Law complements the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto*.<sup>9</sup> Its broad range of provisions cover both, the preventive firearms control measures such as on manufacturing, record-keeping, deactivation, international transfers of firearms and related brokering activities, as well as penal and procedural measures derived from the Firearms Protocol and the Organized Crime Convention.

34. The Model Law is currently being translated into all official UN languages for broader dissemination. UNODC is currently seeking additional funds to promote and disseminate it and to provide legislative training through ten regional legal drafting workshops to Member States.

<sup>7</sup> The Model law can be downloaded from the UNODC website ([www.unodc.org/unodc/en/legal-tools/model-treaties-and-laws.html#Firearms\\_Model\\_Law](http://www.unodc.org/unodc/en/legal-tools/model-treaties-and-laws.html#Firearms_Model_Law)). Limited hard copies in English are available upon request.

<sup>8</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 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>9</sup> United Nations publication, Sales No. E.05.V.2.

## 2. New tools

### *Comprehensive training curriculum*

35. With a view to facilitate the implementation of the Firearms Protocol, UNODC is developing a comprehensive training curriculum in modular form, in the framework of its project “Countering Illicit Manufacturing of and Trafficking in Firearms”, funded by the European Union. This curriculum will address all the relevant aspects related to firearms control, investigation and prosecution of firearms criminality, including an operational manual for the seizure, confiscation, deactivation and destruction of firearms and ammunition.

36. The curriculum will target a broad range of beneficiaries, from firearms control authorities, criminal justice practitioners, to civil society organizations and private sector. A meeting of experts was held from 19 to 21 October 2011 in Vienna, Austria,<sup>10</sup> which brought together different experts for a first collective set of deliberations on the structure and content of such modules. The training curriculum is expected to be developed in the course of 2012 and it will be used in the capacity-building activities planned under the EU project from the last quarter of 2012 onwards.

## **D. Activities to facilitate the implementation of the Firearms Protocol, including development of technical assistance tools**

### **1. Legislative development and legal drafting support**

37. The activities presented below are currently being implemented under the first activity cluster of the Global Project on Firearms, aimed at promoting ratification and strengthening the legislative frameworks of beneficiary countries in firearms control:

#### *(a) National self-assessments, legislative assessments and gap analysis in at least 15 countries of West Africa and South America*

38. UNODC is assisting countries to complete a national self-assessment describing their laws and practices, identifying challenges and technical assistance needs, and conducting accompanying research with a view to complete a comprehensive legislative assessment and gap analysis of the legal and institutional framework of the beneficiary countries. In this connection, UNODC has recruited two consultants based in South America and in Africa, respectively, to assist in the assessments.

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<sup>10</sup> Individual experts from the following countries attended: Argentina, Canada, Colombia, Ethiopia, France/Senegal, Jamaica, Kenya, Mexico, Romania, the United Kingdom, the United States of America and Uruguay. Several partner organizations, such as the United Nations Counter Terrorism Executive Directorate (CTED), the Regional Centre of the United Nations Office on Disarmament Affairs (UN-LiREC), UNDP/ ISACS Coordinator, the South Eastern European Small Arms Clearinghouse (SEESAC/UNDP), as well as representatives from Europol, INTERPOL, and the Organization for Security and Cooperation in Europe (OSCE) attended the meeting.

*(b) Country visits*

39. UNODC plans to undertake several country visits, to assess the legislative framework on firearms and discuss with national authorities the findings of their self-assessment:<sup>11</sup> from 19 to 24 March 2012, UNODC will conduct a country visit to Bolivia (Plurinational State of) to discuss, inter alia, their legislative framework and possible legislative drafting support to adopt a law on firearms, as well as support their efforts of becoming a party to the Protocol, followed by a country visit to Paraguay (from 25 to 28 March 2012), and to Uruguay (from 29 to 30 March 2012). Between April and June 2012, UNODC plans visit the following countries: Benin, Brazil, Burkina Faso, Chile, Gambia, Ghana, Mali, Mauritania, Senegal and Togo. Subject to the availability of additional funds, UNODC will also undertake a broad assessment mission to the Central African Republic and Indonesia, upon request.

40. From 19 to 21 March 2012, UNODC participated in a country visit to Moldova to assess the legislative framework on firearms control and advise, in particular, on the development of the criminalization provisions contained in the Protocol. The mission is conducted jointly with the Organization for Cooperation and Security in Europe (OSCE), the United Nations Office for Development (UNDP), the United Nations Office on Disarmament Affairs (UNODA), and the German Federal Office of Economics and Export Control and it is based on a prior distribution of functions and tasks, in line with the respective mandate and expertise of the partners.

*(c) Regional cross-analysis and recommendation for action plans*

41. Through a cross-regional analysis, UNODC will facilitate the formulation of recommendations for the adoption of national and regional action plans to implement the Firearms Protocol and complementary regional instruments will be prepared.

*(d) Regional legal workshops and adoption of regional action plans*

42. The two regional legislative development workshops are planned to be held in May 2012 in Argentina and in June 2012 in Burkina Faso, with the aim to gather national stakeholders, practitioners and civil society representatives, to analyse and validate their findings, discuss areas for possible harmonization, and possibly adopt a joint action plan. Subsequent national stakeholder dialogues will provide further inputs for the refinement of national strategies and action plans. The regional workshops will be organized in close cooperation respectively with MERCOSUR, for its Member and associated States, and with ECOWAS, for its Member States and Mauritania.

*(e) Individualized follow-up assistance and legal drafting support*

43. Through national stakeholder dialogues, UNODC will facilitate the discussion and adoption of national strategies and action plans on firearms control, and provide individual follow-up legislative assistance for enactment of national legislation compliant with the Organized Crime Convention and its Firearms Protocol.

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<sup>11</sup> At the time of preparation of the report, not all the countries have submitted their self-assessments.

## **2. Capacity-building and training to reduce the availability of illegal firearms and ammunition and strengthen the corresponding regulatory framework on firearms**

44. One of the most imminent objectives of a comprehensive regulatory framework control regime is to reduce the availability of illegal firearms and ammunition. This is an important condition to reducing armed violence and gun criminality, and therefore an essential element of a comprehensive firearms control strategy. However, the collection and disposal of firearms presents several challenges for those countries that lack adequate standard operating procedures and the necessary equipment. In addition, these processes will be carried out in a way that would allow the pursuit of any related judicial processes, when applicable.

45. As part of the Global Project on Firearms, UNODC assists Member States in reducing the availability of illegal arms and ammunition, and in strengthening their regulatory framework on firearms in areas such as marking, record-keeping, transfer controls, collection and destruction of firearms, both through normative development and through practical and operational support in the implementation of specific technical aspects of such regime. Such can include the following activities:

### *(a) Implementation of coordinated weapons collection campaigns*

46. This activity is to be coordinated at national and subregional levels. This includes awareness-raising activities for the implementation of arms collection campaigns, registration and legalization of seized arms, and provision of adequate training of competent law enforcement personnel in the identification, registration of collected firearms and ammunition and their safe storage.

### *(b) Firearms and ammunition destruction*

47. The weapons and ammunition collection during the campaign together with the weapons seized and confiscated during search and seizure operations will be destroyed locally in an environmentally friendly way. Standard operating procedures will be implemented to secure, when required, the necessary legal steps to support evidence-gathering and judicial court proceedings.

### *(c) Management of weapons and ammunition stockpiles*

48. UNODC will assist States, upon request, in strengthening their stockpile management capacity through the development of capacity-building tools in the framework of the comprehensive training curriculum under development by UNODC. UNODC will also deliver specialized trainings for officials responsible for material resources in the law enforcement and defence institutions, and for personnel directly engaged with day-to-day handling of weapons and ammunition. Moreover, the project will provide for improved systems for the registration and keeping of records firearms and ammunition, which will include, where required, the development of specialized software product(s) for the identification of arms and for operations related to the management of such weapons, ammunition and/or explosives in depots, approved warehouses or armoires, such as a local police station or central storage site.

*(d) Implementing effective record-keeping systems*

49. UNODC will assist countries in increasing their ability to conduct operations related to tracing of firearms owned by individuals, legal entities, national law enforcement and defence institutions. The development and implementation of electronic system(s) for weapons registration and record-keeping will result in the implementation of the requirements for registration and record-keeping established under the Firearms Protocol and the International Tracing Instrument.

*(e) Support for marking of firearms and ammunition*

50. UNODC also supports the efforts of beneficiary countries to fully implement the Protocol requirements on marking, in particular import marking. Such support can range from theoretical training and capacity-building support to operational support for the actual establishment of marking machines and facilities, and to ensure its related training. For that, UNODC seeks to coordinate and cooperate with other bilateral, regional and international partners and service providers who may have already developed some activities in the field of marking.

**3. Capacity-building and training to strengthen the criminal justice responses and promote effective international cooperation and information exchange**

51. Based on the assessment findings, UNODC will develop in close consultation with the beneficiary country, a tailor-made capacity-building and training plan, which takes also country or region-specific needs into account. The comprehensive training curriculum will contribute to a more standardized — but tailored — approach to the delivery of training and capacity-building by UNODC.

52. In the framework of this project, UNODC is planning to implement, as of the last quarter of 2012, the following activities:

*(a) National (or subregional) capacity-building workshops*

53. National capacity-building activities will address the various aspects of the firearms control regime and will aim, in particular, to strengthen the capacities of law enforcement, investigation and prosecution services, customs, police and intelligence agencies to investigate and prosecute firearms cases and provide effective international cooperation. UNODC is planning to organize ten national training workshops between 2012 and 2014 in the framework of the GPF, which will build on the findings of the previous country assessments.

*(b) Two regional workshops on international cooperation*

54. Complex firearms trafficking cases have by definition a transnational nature. Effective cooperation is essential to ensuring that those who are involved in illicit trafficking are brought to justice. In practice, only few firearms trafficking cases reach the judicial and final sentencing stage, due to, inter alia, difficulties encountered by States in exchanging information and applying mutual legal assistance and other cooperation mechanisms in this regard, including on international tracing requests. The cross-regional workshops will bring together both competent authorities in charge of international cooperation as well as firearms control authorities from different countries and regions to discuss and facilitate the

provision of international cooperation and facilitate criminal investigation and prosecution on firearms.

(c) *Enhanced exchange of information and cooperation*

55. By strengthening existing regional and cross-regional communication and cooperation platforms, UNODC will promote regular contacts and information exchanges on firearms control among single points of contacts, competent authorities responsible for firearms control and the investigation and prosecution of firearms trafficking offences. UNODC will support and promote existing cooperation platforms at the subregional or global levels, such as the MERCOSUR working group on firearms, ECOWAS or, for the purpose of law enforcement cooperation, by using the INTERPOL channels and tools for cooperation and for tracing.

**4. Research and analysis: increased knowledge on transnational firearms trafficking patterns and enhanced civil society engagement in firearms control issues**

56. Over the last several years, UNODC has conducted several studies on crime related issues, which have often included relevant chapters dedicated to research and analysis of the overall firearms problem.<sup>12</sup> These studies have contributed to increased awareness and overall knowledge with respect to illicit manufacturing and trafficking in firearms, armed violence and its relationship to organized crime. UNODC is currently working on a series of transnational organized crime threat assessments for Central America and the Caribbean, East Asia and the Pacific, West and East Africa. These studies are expected to be completed by the end of 2012. Crime data and statistics are of particular importance when it comes to analysing the impact of firearms on crime and security. In 2011, UNODC published a study entitled: “*Global Study on Homicide*,” which analyses disaggregated data on intentional homicides, their extent and impact in various countries and regions, and links to other crimes, notably drug trafficking. The study also includes a chapter on the impact of firearms availability on the overall homicide rate.

57. Evidence-based research and analysis on firearms is extremely difficult, due to the lack of accurate data available at the national and regional levels. These studies have demonstrated the difficulty of obtaining reliable and comprehensive data on firearms-related crimes and illicit trafficking. Beyond anecdotal evidence, there is a need, both at the international and national levels, to increase and develop evidence-based knowledge on firearms, their manufacturing, trafficking, as well as on the impact that their proliferation and misuse have on crime and security. This

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<sup>12</sup> Examples of past UNODC publications specifically dealing with firearms issues include *Crime and Its Impact on the Balkans and affected countries (2008)*, *Transnational Trafficking and the Rule of Law in West Africa: A Threat Assessment (2009)*, and *The Globalization of Crime: A Transnational Organized Crime Threat Assessment (2010)*. UNODC recently completed a threat assessment on transnational organized crime and instability in Central Africa (2011) and a study of illicit financial flows, an issue likely to intersect with the issue of illicit manufacturing of and trafficking in firearms. UNODC has also carried out a number of activities aimed at further understanding of the nature and extent of armed violence, while working towards recommendations for preventing and reducing it. Those activities have included crime and victimization surveys in a number of African countries under the “Data for Africa” initiative.

relates not only to the need for better and more accurate crime data, but also on information — wherever possible — which can be obtained through greater transparency of the information on legal transfers for example, as well as information on collected and destroyed firearms.

58. The UNODC-INEGI Centre of Excellence on Statistics on Governance, Victimization, Crime and Justice, which opened last year in Mexico, is working on an assessment of the challenges regarding small arms trafficking in Latin America, as well as a study on how to measure and how to use statistical data to analyse small arms trafficking in Latin America.

59. Pursuant to resolution 5/4, UNODC also intends to carry out a study on seized and confiscated arms with a view to analysing links between firearms trafficking and transnational organized crime. In March 2012, UNODC circulated a note verbale to Member States, asking for information on arms seizures and destructions, for inclusion, in an anonymized form, in a report to be submitted to the Conference at its sixth session for its consideration. UNODC proposes to conduct a pilot 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.

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

60. The international framework on firearms is composed of three main instruments: the Firearms Protocol, the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (Programme of Action) and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument), where only the Firearms Protocol is legally binding. Several regions have adopted both regional legally binding Conventions or Protocols, or non-binding instruments, in related fields.

61. The existence of multiple legally and non-legally binding instruments on firearms on the one hand is a recognition of the central importance that the issue of firearms proliferation and misuse continues to have for Member States, and a clear indicator of the complementary nature of these instruments, all contributing to the development and further refinement of an international legal framework on firearms. Hence, their complementary and mutually reinforcing nature should be taken into account when developing possible synergies and partnerships.

62. On the other hand, the existence of multiple instruments and related processes require States and organizations to be fully informed about the nature and scope of such processes and of their distinct mandates, in order to facilitate the understanding of the legal or political instruments that underpin them and build on their complementary and mutually supportive nature. This, in turn, would facilitate informed decision-making, in line with the national, regional and international commitments and obligations taken by States in this field.

## A. Cooperation within the United Nations system

63. UNODC has participated in several inter-agency initiatives on firearms and continues to cooperate with relevant organizations and entities with the aim of strengthening partnerships, promoting the Firearms Protocol and advocating for more integrated approaches to firearms control matters.

### 1. Inter-agency initiatives

64. UNODC is a member of the Coordinating Action on Small Arms (CASA), which is the United Nations system-wide coordination platform established by the Secretary-General to promote exchange of information and coordination on ongoing initiatives. It is composed of 22 United Nations bodies working from different angles on the prevention of armed violence and mitigation of the impact of small arms and light weapons (SALW) on societies, communities and individuals through their specific field of action. Through CASA, UNODC has provided regular information to all CASA partners on UNODC's activities and on the work of the Conference of the Parties. In addition, CASA produced joint statements and reports, to which UNODC has substantively contributed.

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

65. UNODC is part of the CASA Reference Working Group for the development of the International Small Arms Control Standards (ISACS). The ISACS are based on the Firearms Protocol, the UN Programme of Action and the International Tracing Instrument and aim at contributing to global standard setting in firearms control. In November 2010, UNODC participated in a meeting of the Reference Group. To date, 26 ISACS modules have been drafted and made available online as drafts for public consultation ([www.un-casa-isacs.org](http://www.un-casa-isacs.org)). Additional modules on international cooperation in criminal matters will be developed.

#### (b) *United Nations contribution to the arms-trade treaty process*

66. Following the General Assembly decision to convene a United Nations Conference on an Arms Trade Treaty in July 2012 in New York, a series of preparatory regional meetings have been held in various regions between 2010 and 2011. Due to lack of resources, UNODC has not been able to participate and contribute to them. However, UNODC has contributed to joint statements and provided substantive inputs to an empiric study carried out by CASA on the impact of the unregulated arms trade. The study highlights the impact of firearms on crime and the threats posed by its unregulated trade on human security and stability, and advocates for the adoption of a more stringent instrument to regulate the arms trade and for the full implementation by States of existing firearms instruments, including the Firearms Protocol and the UN Programme of Action.

67. UNODC is also a member of the United Nations inter-agency armed violence prevention programme (AVPP), together with the United Nations Office for Disarmament Affairs, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Human Settlements Programme, and the World Health Organization. The aim of the AVPP is to develop effective responses to armed violence founded on a clear understanding of the causes, nature



and impact of armed violence, and on best practices generated from violence reduction and prevention initiatives to date. In the context of the AVPP, UNODC participated in a number of inter-agency country assessment missions between 2009 and 2011.

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

68. UNODC has closely cooperated with the Counter-Terrorism Committee Executive Directorate on terrorism and it is increasing its cooperation in the area of firearms control, both directly and through CASA. The Executive Directorate is a member of the Project Advisory group established under UNODC's Global Project, and has participated in several meetings of experts over the past years. The two organizations will continue to cooperate, especially in the field of legislative development and capacity-building in prevention and control of firearms criminality and related crimes.

69. UNODC has continued to cooperate both at Headquarters and at field level with the United Nations Office for Disarmament Affairs (UNODA) and with its Regional Centres. At policy development level, UNODC and the Secretariat to the Programme of Action (UNODA) have worked towards the common goal of enhancing the coordination and information exchange among the Conference of the Parties and the Biannual Meeting of States to consider the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, with a view to establishing greater synergies between the two inter-governmental processes. From 9 to 13 May 2011 UNODC participated in the Meeting of Government Experts on the Implementation of the Programme of Action, on Marking, Record Keeping and International Cooperation, held in New York, and delivered a presentation on the work of UNODC to promote the Firearms Protocol and on the Model Law on Firearms. At the field level, both organizations are currently coordinating the implementation of their respective projects on firearms in West Africa.

## **B. Cooperation other international and regional organizations**

### **1. European Union**

70. On 21 March 2011, UNODC participated in the Third Meeting of the Contact Group on Firearms established by European Union (EU) Directive 2008/51/EC, held in Brussels, Belgium.

71. UNODC has maintained a close cooperation with the European Union on a number of subject areas. The EU is currently the major donor to UNODC's work on firearms. Thanks to its financial support, UNODC launched its Global Project on Firearms, to provide support to fifteen countries that form part of the project. In the coming months, UNODC intends to explore options with the EU, for a possible enlargement of its cooperation to other regions and requesting countries.

### **2. International Criminal Police Organization (INTERPOL)**

72. INTERPOL and UNODC are currently implementing, with the financial support of the European Union, two separate but complementary projects on

firearms in nearly the same countries and regions. This has provided a fruitful ground for enhanced cooperation. INTERPOL is a member of the UNODC Project Advisory Group and its representatives attended a meeting of experts for the development of a comprehensive training curriculum on firearms in October 2011 in Vienna. UNODC is a member of the INTERPOL Advisory Group for the development of the INTERPOL Illicit Arms Records and Tracing Management System (iARMS)<sup>13</sup> — formerly known as SLARM, and attended the meetings of the Group held from 26 to 27 May 2011, and from 14 to 15 December 2011 in Lyon, France, respectively. UNODC will most likely also attend the third meeting which will take place on 30-31 May 2012.

### **3. Regional organizations**

73. UNODC has established a cooperation with the Working Group on Firearms and Explosives of MERCOSUR, in order to mutually support the implementation of the Protocol and strengthen and support ongoing harmonization in the region. From 3 to 4 November 2011, UNODC attended the XXII meeting of the Working Group, held in Montevideo, Uruguay, to present the GPF and discuss forms of cooperation between the two organizations and to contribute to strengthening the Working Group as a regular platform for cooperation and information exchange on firearms-related issues. Similar cooperation is also envisaged to be established also with the Secretariat of the Economic Community Of West African States (ECOWAS) with regard to the implementation of the West African segment of the project.

74. On 13 October 2011, OSCE and UNODC adopted a Joint UNODC/OSCE Action Plan for 2011-2012. The Plan foresees a close and sustained cooperation and joint policy and programme development, inter alia, in the area of fighting illicit trafficking in firearms/small arms and light weapons as well as promotion of implementation of UN Security Council resolution 1540. UNODC participated in the launch of the new OSCE “Template for End User Certificate for Small Arms and Light Weapons”, on 28 September 2011, in Vienna, Austria. OSCE participated in the UNODC expert group meeting on the development of a comprehensive training curriculum on firearms. Both organizations have participated in a joined mission to the Republic of Moldova from 19 to 21 March 2012.

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

75. The Working Group may wish to consider ways of ensuring sustained financial and technical assistance to implement the recommendations and proposed activities provided below, especially by providing assistance to countries in post-conflict situations and least developed countries.

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<sup>13</sup> iARMS will be the first and only worldwide system for the reporting and querying of lost, stolen and illicit firearms. In its final form, iARMS will provide real-time intelligence to police and customs officials who seize firearms and who investigate firearms violations. iARMS is scheduled for global release in January 2013.

76. The Working Group may wish to consider the recommendations and proposed activities provided below for possible inclusion in the report on the activities of the Working Group to be presented to the Conference for its consideration, in accordance with resolution 5/4.

**1. Recommendations**

77. The Conference may wish to urge Member States that have not yet done so to ratify or accede to the Firearms Protocol.

78. The Conference may wish to urge States parties to strengthen their national legislation and to adopt integrated national strategies and action plans to facilitate the implementation of the Firearms Protocol.

79. The Conference may wish to urge States parties to strengthen national capacities to conduct investigations involving firearms and their links to organized crime.

**2. Activities proposed by the United Nations Office on Drugs and Crime**

80. UNODC should develop a ratification kit and a brochure illustrating the features of the Firearms Protocol to facilitate its ratification, and disseminate them in all UN languages.

81. UNODC should organize at least five regional and five national pre-ratification workshops in regions with a low ratification levels and for countries interested in exploring the possibility of becoming a party to the Protocol.

82. UNODC should provide specialized training and capacity-building activities to States on the investigation and prosecution of firearms-related offences and the application of the Organized Crime Convention for this purpose.

83. UNODC should promote information exchange through regular training workshops at national, regional and cross-regional level on international cooperation in criminal matters.