

# **Constructive dialogue on the review process in accordance with paragraph 53 of the Procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocols thereto**

Summary by the Chair

## **I. Introduction**

1. At its ninth session, in October 2018, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime established the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto<sup>1</sup> through Conference [resolution 9/1](#), which included in its annex the procedures and rules for the functioning of the UNTOC review mechanism.

2. According to paragraph 53 of the procedures and rules for the functioning of the UNTOC review mechanism and in accordance with article 32, paragraph 3 (c), of the Organized Crime Convention, constructive dialogues with relevant stakeholders, including non-governmental organizations, will be convened as a regular practice, following the conclusion of the sessions of the working groups and the adoption of the reports. The constructive dialogues aim to promote fruitful engagement with relevant stakeholders. They allow for briefing participants on the development and outcomes of the review process, and for collecting inputs and suggestions from participants, including their contributions on ways to improve the implementation of the Convention and the Protocols thereto.

3. The second meeting of the constructive dialogue on firearms took place on 5 May, for a full day, after the conclusion of the tenth meeting of the Working Group on Firearms and was chaired by the Chair of the Working Group, Mr. Miguel Ángel Reyes Moncayo, Deputy Legal Advisor to the Ministry of Foreign Affairs (Mexico). 60 non-governmental organizations and ten other relevant stakeholders (four from the academia and five from the private sector) participated in the constructive dialogue, in addition to 38 Member States and one intergovernmental organization. Written comments that were received in accordance with paragraph 53 of the procedures and rules for the functioning of the UNTOC review mechanism were made available on the webpage: [https://www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/constructive\\_dialogues/fa\\_2023.html](https://www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/constructive_dialogues/fa_2023.html)

4. This Conference Room Paper contains the summary by the Chair.

## **II. Opening**

5. The Chair delivered introductory remarks, briefing participants on the main outcomes of the tenth meeting of the Working Group on Firearms and expressed his strong confidence that the UNTOC review mechanism will greatly benefit from the contributions of relevant stakeholders, including non-governmental organizations, academia and the private sector.

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<sup>1</sup> Hereinafter: UNTOC review mechanism.

### **III. Briefing on the developments and outcomes of the review process**

6. Under agenda item 2, the secretariat shared an overview of the status of the review process, which had been launched in October 2020 through conference [resolution 10/1](#), after a two-year preparatory phase. A status report on the progress of the UNTOC review mechanism had also been shared with the Working Group in form of a background paper ([CTOC/COP/WG.6/2023/4](#)). The overview also included information on the support provided by UNODC to States parties in the review process and to non-governmental stakeholders.

7. Participants shared, through an interactive online exercise, their views and concrete suggestions on how non-governmental stakeholders could further support the UNTOC review mechanism as well as on the needs of non-governmental stakeholders to participate in the process. Several participants mentioned that non-governmental stakeholders could support capacity building, campaigning and awareness raising on the UNTOC review mechanism. Other participants expressed their willingness to follow-up at the national level on the missing nomination of focal points and governmental experts, while others offered their support in analysing and sharing relevant information at the national level on the implementation of UNTOC and its Protocols. Other participants expressed their ability to bring the voices of victims of organized crime to the attention of relevant authorities.

8. To enable the participation of non-governmental stakeholders in the process, participants mentioned the need for an adequate understanding of the UNTOC review mechanism and the Procedures and rules, access to information in all six official languages of the United Nations and information on the progress of the review mechanism, more frequent meetings of civil society, including after the meetings of the working groups, capacity building and training opportunities.

9. Under agenda item 2, a representative of a civil society organisation shared the positive experience of his country in engaging with relevant stakeholders through broad national consultations to prepare the answers to the self-assessment questionnaire. Some speakers expressed appreciation of the opportunity provided by the constructive dialogue and considered the process a fruitful platform for exchanging expertise at the local, regional, and international level.

### **IV. Spotlight on the topics of the 10th meeting of the Working Group on Firearms**

10. Under agenda item 3, the Chair briefed participants on the developments and outcomes of the tenth meeting of the Working Group on Firearms, that was held on 3 and 4 May 2023 ([CTOC/COP/WG.6/2023/5](#)).

11. The agenda item offered non-governmental stakeholders the opportunity to share inputs and suggestions on ways to improve the implementation of the Firearms Protocol, with a specific focus on the topics that were discussed by the tenth meeting of the Working Group on Firearms. Namely, these were the (a) implementation of articles 3 (use of terms) and 4 (scope of application) of the Firearms Protocol as well as (b) international and inter-agency cooperation and coordination mechanisms in accordance with the Firearms Protocol and UNTOC. The discussion under the agenda item was facilitated by two introductory presentations delivered by the representatives of two academic civil society organizations, Flemish Peace

Institute and Small Arms Survey, followed by a panel discussion with representatives of six non-governmental organizations.

12. The representatives of the Flemish Peace Institute and of Small Arms Survey addressed some of the issues discussed by the Working Group, in particular related to the implementation of definitions included in article 3 of the Firearms Protocol. The representative of Flemish Peace Institute gave an overview of the regulatory framework of the European Union related to firearms, with a specific focus on recent legislative developments to prevent the conversion of alarm and signal weapons and the reactivation of deactivated weapons as well as to establish stricter conditions for online acquisition. She provided examples, how diverging purchase limits for ammunition as well as inconsistent regulatory regimes on firearms parts and components across different jurisdictions can create loopholes. According to the panelist, criminals could exploit these loopholes to stockpile large amounts of ammunition or assemble fully functional firearms with unregulated parts legally purchased in different jurisdictions. She concluded that sufficiently strict regulation is key in preventing the exploitation of loopholes.

13. The representative of Small Arms Survey referred to the importance of periodically reviewing the implementation and interpretation of the definitions set forth in article 3 of the Firearms Protocol to ensure that they remain fit for purpose and aligning national legislation with these terms. According to the panellist, this is of particular relevance in light of the recent challenges posed by new and evolving technology, such as convertible firearms and 3D-printed guns. The panellist further focussed on the term of “illicit manufacture” in the Protocol, and expressed his view that the missing distinction between industrial and craft-produced firearms in the Protocol as well as in relevant regional instruments causes vagueness in national implementing legislation. He particularly referred to West Africa and South Asia, where unlicensed craft production is prevalent, while applicable instruments are tailored to standards of industrial manufacturers. In turn, the administrative and technical levels would be difficult to achieve for craft producers or gunsmiths, pushing them further into illegality. The panellist underscored that the UNTOC review mechanism provides the international community with an opportunity to clarify certain definitions and to ensure that the implementation of these terms in the domestic law is appropriately addressed. The representative concluded by highlighting the crucial role that civil society organizations and academia may play in providing insights on these issues and recommended the Working Group to take up the issue of illicit firearms manufacturing in a future meeting.

14. Following the introductory presentations, a panel discussion with six representatives of other civil society organizations, Global Action on Gun Violence, Institute for Security Studies South Africa, KENNIS, CROSS, México Unido Contra la Delincuencia and Observatorio Ciudadano de Seguridad, Justicia y Legalidad, further addressed the constructive dialogue. In groups of two panellists, respectively, they focussed their interventions on specific topics outlined by the Chair.

15. The first group focused on gaps and good practices in the implementation of the Firearms Protocol in relation to the definitions and classification of firearms, their parts and components and ammunition. The representative of the Institute for Security Studies South Africa highlighted the importance of clear definitions and lines of authorities in national firearms acts. Without clarity on which national authority is competent to issue firearms licenses and which types of firearms require a license, criminals could easily exploit loopholes and ambiguity. The panellists also drew attention to the proliferation of highly sophisticated firearms on the south African subcontinent that are obtained as sport-shooting or hunting firearms, requiring further legal harmonization and reinforcement. The

second panellist of Global Action on Gun violence focused on the impact of ghost guns, often assembled from “buy, built, shoot” kits, on armed violence. According to the panellist, such kits permit to circumvent firearms regulation and background checks, with the effect that in some states with comparably strict firearms legislation, 25 to 55 per cent of recovered crime guns are ghost guns. He recommended closing legislative gaps by revising and clarifying the definitions of firearms components to ensure that semi-finished firearm parts or so called “80% receivers” as well as “buy, build, shoot”-kits fall under the definition of firearms or firearm parts. He further recommended to mark and register not only firearms but also their essential parts and components. The panellist shared examples of countries that have adopted laws that address these issues.

16. The second group addressed the scope and the specific role of the Firearms Protocol in the wider international and regional arms control framework. The representative of KENNIS highlighted the important role of the Firearms Protocol in reducing armed violence, mentioning as one of its unique features the criminalization of illicit manufacturing. The panellists put forward that the review process would provide for the opportunity to consider additional impact indicators to determine the role and contribution of the Firearms Protocol. She further underscored the crucial role of researchers in illustrating the impact of firearms trafficking on violence and sustainable development and in providing insights into the effectiveness of national implementation of international and regional instruments. The second speaker of CROSS highlighted the synergies of the mutually reinforcing international arms control instruments, namely, the Firearms Protocol, the Arms Trade Treaty, the Programme of Action on Small Arms and the International Tracing Instrument. He specifically referred to the complementarities resulting from the different legal nature and scope of application of the instruments, overlapping commitments, as well as different reporting requirements and follow-up mechanisms. Finally, he welcomed the increasing consideration of the Working Group of synergies and complementarities between the instruments.

17. In the third group, representatives of Mexico Unido contra la Delincuencia and Observatorio Ciudadano de Seguridad, Justicia y Legalidad, shared their views on how civil society can support international cooperation and participate in inter-agency cooperation processes. The panellist of Mexico Unido contra la Delincuencia underscored that representatives of civil society and academia should be included in the design, implementation, oversight, and evaluation of national public policies regarding firearms control. He further drew attention to the importance of establishing specialized commissions or committees on firearms and armed violence as part of legislative bodies as well of centralized authorities to collect and analyse information on firearms. The representative of Observatorio Ciudadano de Seguridad, Justicia y Legalidad drew attention to the sophisticated firearms supply networks of organized criminal groups that procure their armoury through a combination of exploitation of legal loopholes and trafficking, making use of new and emerging manufacturing and trafficking modalities. To address this challenge, he underlined the importance of strong partnerships and networks of governmental actors, private sector, non-governmental organizations and academia to effectively fight and combat firearms trafficking networks.

18. Following the panellists’ presentations, several speakers addressed questions to the panellists and shared their views, including on the responsiveness of the Firearms Protocol to new and emerging manufacturing and trafficking modalities, data gaps related to firearms and the role of civil society in the implementation of the Firearms Protocol.

19. Various speakers and panellists mentioned the role of civil society organizations in the implementation of the Firearms Protocol by providing

expertise and oversight and act as a bridge between civil society and governments, both domestically and across borders.

20. With regards to new and emerging technologies, some panellists and speakers mentioned that the Protocol's provisions require further detailing and interpretation through regional instruments, national legislation, implementing protocols and technical guidelines. Several panellists and representatives of Member States addressed potential areas of ambiguity of the Firearms Protocol related to specific trafficking and manufacturing modalities that could be addressed in an update of the Legislative Guide on the Implementation of the Firearms Protocol and the Model Law Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. One panellist encouraged UNODC to develop a typology of illicit manufacturing modalities, which could also provide clarity to both industrial and craft producers. Some speakers reaffirmed the work of the Working Group on Firearms in adopting recommendations on areas that have not been foreseen in the Firearms Protocol but require political guidance.

21. To address challenges emerging from new technologies, several participants underscored the importance of partnerships and active engagement with the private sector, including manufacturers and arms dealers. One panellist gave the example of past settlements between firearms manufacturers and federal and local governments, which included self-commitments related to sales and distribution practices.

22. One speaker stressed that target 16.4 of the Sustainable Development Goals and its accompanying indicator require to collect and analyse information on illicit arms flow but that national reporting to date remains incomplete and that reporting discipline decreases. She further drew attention to the research work of civil society organizations and academia that could play a crucial role in closing data and knowledge gaps and encouraged states to complement national data collection with such initiatives. Various speakers mentioned that this research could cover a broad array of thematic fields, including monitoring firearms trafficking routes, links between firearms trafficking and other forms of crime, impact of illicit firearms on armed violence, and documenting and analysing corrupt firearms diversion to developing a common typology for this phenomenon.

23. One speaker expressed the view that firearms control is particularly difficult, where licit and illicit firearms markets are intertwined, for instance in cases of corrupt diversion facilitated by governmental officials that rent or sell state-owned, seized or confiscated firearms to criminal actors and local militias. He advocated for stronger cooperation between governments and civil society to ensure oversight and prevent and counter firearms diversion. One panellist argued that, in Africa, increased investigative pressure on corrupt officials has shifted diversion modalities from previously mainly corrupt diversion to looting and theft of stockpiles. He stated that some countries were able to effectively curb some forms of diversion, including by tightening import criteria for private security companies.

24. Several speakers addressed the multi-level international and regional framework on small arms control and called for holistic approaches in their implementation, acknowledging the synergies between the instruments. One panellist proposed to include standing agenda items in the respective intergovernmental fora of these instruments for briefings and updates on the outcomes of other relevant processes, in order to cross-fertilize the implementation of these instruments. Another speaker pointed out that synergies exist not only between these instruments but also between Vienna-based crime prevention and criminal justice fora, including the Working Group on Firearms, the Commission on Crime Prevention and Criminal

Justice, and the Crime Congress, and that the topic of firearms should also be duly addressed in these processes.

25. With respect to the Review Mechanism, one speaker reiterated the importance of “pilot initiatives” to support multi-stakeholder engagement in the UNTOC review mechanism, through which the Government of Mexico facilitated inputs from non-governmental organizations, experts, and academia. The aforementioned was cited as a good practice, which governments were invited to emulate.

## **V. Collection of inputs and suggestions from participants and provision of information on relevant activities, including those related to meeting technical assistance needs**

26. Under agenda item 4, participants had the opportunity to share inputs and suggestions on their contributions to improve the implementation of the of the United Nations Convention against Transnational Organized Crime and the Firearms Protocol, including on their activities and technical assistance needs. The Chair steered the discussions using three guiding questions related to (a) the role of non-governmental stakeholders in the universalization and implementation of the Firearms Protocol; (b) assistance needs of non-governmental stakeholders and their possibilities for engagement and participation; and (c) gender, human rights and victim-centred approaches.

27. Various speakers praised the new format of the constructive dialogue, consisting of a preparatory day and a full day for the actual constructive dialogue. They welcomed the extended time of this year’s meeting, following a recommendation raised at last year’s constructive dialogue, allowing for more substantive and fruitful discussions. While emphasising the value of the new format, other speakers expressed concern that small local civil society organizations will face difficulties in participating in the constructive dialogue and that, complementarily, UNODC should try to engage with these organizations on a regular basis through other formats. Some speakers also shared examples of national and regional initiatives bringing together relevant civil society organizations and government officials in order to include the organization’s perspectives into policy processes. It was reported that this cooperation can take the form of regular meetings, networks or alliances.

### *The role of non-governmental stakeholders in the universalization and implementation of the Firearms Protocol*

28. Several speakers mentioned the importance of promoting the universality of the Protocol, particularly among countries where firearms manufacturing takes place. The review mechanism would have the potential to accelerate the universalization process and to strengthen the ratification and implementation of the Firearms Protocol.

29. Some speakers referred to the importance of robust and comprehensive data on firearms trafficking and armed violence to assess the impact of the implementation of the Protocol on armed violence and illicit markets. Many participants highlighted the crucial role that non-governmental stakeholders, including the private sector and academia, could play in addressing the data knowledge gap on the implementation of the Firearms Protocol, including in the context of the Review Mechanism.

30. One speaker mentioned the crucial role of parliamentarians in strengthening the implementation of and in promoting the universalization

of the Firearms Protocol and called upon States to consider involving parliamentarians in reviewing the implementation of the Convention and the Protocols thereto.

*Assistance needs of non-governmental stakeholders and their possibilities for engagement and participation*

31. Several speakers highlighted the monitoring role of civil society in identifying if the provisions of the Firearms Protocol and other relevant instruments have been effectively implemented into national law and regulations. It was also underscored that civil society organizations can engage through outreach and advocacy campaigns, in order to strengthen the prevention component of the Firearms Protocol, by making society and local communities aware of the challenges posed by illicit firearms trafficking and armed violence.

32. One speaker highlighted the role of non-governmental stakeholders, including the private sector and academia, in providing intergovernmental processes, including the Working Group on Firearms, with data on illicit arms flows, firearms possession and the number of firearms in circulation to better understand transnational networks. In this regard by way of example, one speaker shared his experience that civil society could participate in policy processes in a particularly meaningful manner, where organizations are able to establish partnerships with national delegations and United Nations entities in order to elevate their contributions into intergovernmental processes.

33. One speaker informed about the work of a non-governmental organization that transforms seized firearms from collection and surrender campaigns into peaceful goods, to promote disarmament, gender equality, and ensure human security. At the same time the work would support article 6 of the Firearms Protocol that prioritizes the destruction of seized and confiscated firearms. She explained that the income generated from the sales of the products is reinvested into the local communities affected by armed violence, to work on the root causes of violence, and provide independency to survivors.

34. One representative of a Member State shared examples of how governments and local municipalities closely collaborated with a civil society organization to collect data on seized firearms, enhance national record keeping practices, and support the tracing of firearms.

*Gender, human rights and victim-centred approaches*

35. The vital contribution of civil society organisations related to cross-cutting issues was stressed, such as victim-centred approaches, gender-mainstreaming and the protection of human rights.

36. Taking into account the connections between gun violence, gender-based violence, and human security, several speakers emphasized the need to mainstream gender dimensions in policy making processes regarding armed violence and firearms trafficking, including in the context of the Review Mechanism. The disproportionate impact of armed violence on women as well as toxic masculinities of perpetrators of armed violence was mentioned, as well as the impact of illicit firearms on gender-based violence and femicides. Various speakers criticised that representatives of youth, women and the LGBTIQI+ community are underrepresented in international fora and called for their meaningful participation, in line with the Women Peace and Security Agenda. Furthermore, survivors of gun violence would often be excluded from the discussion on disarmament, firearms trafficking and armed violence more broadly. Many speakers mentioned the role of civil

society organizations in bringing the perspectives of victims and survivors of armed violence into such international fora.

37. One speaker reported on the implementation of the import, export and transit provisions of the Firearms Protocol in the European Union through a series of legislative amendments, seeking to create harmonized rules for international transfers of civilian firearms. He further mentioned a draft proposal for a directive that would encourage European corporations of a certain size to adopt responsible and sustainable business practices by identifying, and where necessary, preventing, mitigating or ending harmful impacts of their business dealings on human rights and the environment, which could have the potential to promote human rights due diligence from production to end-use of firearms. In this vein, another speaker underscored the issue of unregulated sale of weapons as a threat to global peace and human rights, expressed dismay of reckless production and stockpiling of firearms, in some cases, and of access of civilians to fully automatic rifles.

*Other topics*

38. Some speakers recognized that illicit trafficking in firearms is not an isolated illicit market and emphasised existing linkages with various forms of organized crime, such as drug trafficking and corruption. They stressed the need to conduct further research on these linkages and the root causes of organized crime and to consider this research in policymaking to build stronger responses against organized crime. To this end, one participant proposed the establishment of a joint constructive dialogue meeting, which would provide the possibility to address the linkages between all forms of organized crime.

39. Reference was made to the role of youth and academia in strengthening the implementation of the Protocol and in awareness-raising efforts on global challenges, and the importance of including youth in international forums – not only as victims of gun violence but also as experts.

40. Some speakers provided examples of their constructive engagement with governments and called for increased mutual trust between governments and non-governmental stakeholders. A representative of a Member State reported the challenge encountered in mapping and identifying all relevant stakeholders that could have an interest in participating in national consultation efforts on reviewing the implementation of relevant legal instruments. Other speakers of a Member State and of civil society reported on good practices related to the participation of non-governmental stakeholders in the UNTOC review mechanism and mentioned UNODC's support in implementing the "pilot initiative" on the UNTOC review mechanism, through which they facilitated inputs from non-governmental organizations, experts and academia. Representatives of three Member States shared their experience in engaging non-governmental stakeholders in national consultations to collect information and data relevant to reviewing the implementation of the Protocol and encouraged other Parties to engage in similar consultations to facilitate the inclusion of different perspectives. Another speaker mentioned that his organization amended the self-assessment questionnaire of the review process for civil society organizations to permit civil society to provide inputs during the review process.

41. The Chair thanked participants for their invaluable inputs and for the enriching exchange of views. The Chair also called for a continued broad participation of non-governmental stakeholders in the constructive dialogues and emphasized their key role in contributing to reviewing the implementation of the Firearms Protocol.

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