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


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. 32 non-governmental organizations and 11 other relevant stakeholders (seven from the Academia and four from the Private Sector) participated in the constructive dialogue. 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.html

4. The first constructive dialogue took place on 6 May, after the conclusion of the ninth session of the Working Group on Firearms. It was chaired by the Chair of the Working Group, Mr. Alejandro Celorio Alcántara, Legal Advisor to the Ministry of Foreign Affairs (Mexico).

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

II. Opening

6. The Chair delivered introductory remarks, expressing 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.

7. As part of the opening of the first constructive dialogue, the Director of the Division of Treaty Affairs also welcomed the participants. He noted

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1 Hereinafter: UNTOC review mechanism.
that the global challenge posed by organized crime in all its forms and manifestations, including new and emerging forms of crime, required the involvement of all stakeholders and reaffirmed the commitment of UNODC to promote and support partnerships and exchange of views in this regard.

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

8. 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 conference room paper (CTOC/COP/WG.6/2022/CRP.1). The overview also included information on the support provided by UNODC to States parties in the review process and to non-governmental stakeholders.

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

9. Under agenda item 3, the Chair opened the floor to the participants for the collection of inputs and suggestions, including their contributions on ways to improve the implementation of the Firearms Protocol, and the provision of information on relevant activities, including those related to meeting technical assistance needs. As this constructive dialogue was the first to be organized and in view of the advancement in the review process currently, no panel discussions were held.

10. Many speakers expressed their appreciation for the opportunity provided by the constructive dialogue and considered the process a fruitful platform for exchange of expertise at local, regional and international levels. They underscored their willingness to participate in the discussions on how to strengthen the prevention of and fight against transnational organized crime, including firearms trafficking, and in shaping evidence-based public policy through, inter alia, high-quality, empirical research and analysis of firearms trafficking and diversion.

11. The vital role of parliamentarians in strengthening the implementation of relevant international instruments was mentioned and it was recommended that this key group of stakeholders be further supported in taking a more active role in preventing illicit trafficking in firearms, their parts and components and ammunition.

12. Several speakers expressed concern about the objection that had been made against the participation of one non-governmental organization in the constructive dialogues, which had been previously approved to participate in the 10th Session of UNTOC-COP. In this regard speakers highlighted the importance of having an inclusive constructive dialogue, because they believe that inclusivity facilitates a broader exchange of expertise and knowledge building.

13. Some speakers provided examples of their constructive engagement with governments and called for increased mutual trust between governments and non-governmental stakeholders. An example of a “pilot initiative” on the UNTOC review mechanism, through which the Government of Mexico facilitated inputs from non-governmental organizations, experts and academia, was cited as a good practice, which governments were invited to emulate. The speaker exhorted other
governments to follow this example and tap into the rich expertise that non-governmental stakeholders could offer through an “open door policy” and the provision of funding for the work of non-governmental organizations.

14. Some speakers discussed the linkages between firearms trafficking and other forms of organized crime, youth crime, homicide and gender-based violence, as well as the linkages with instability and conflict, which were all aggravated by the use of firearms, as well as holistic view of the interconnected nature and dynamics of criminal markets. Other speakers highlighted the increase in domestic violence during the COVID-19 pandemic and the increased risks caused to the victims, in particular women, due to firearms. The nexus between poverty, gender inequality and gun violence was also highlighted, especially the specific and underreported risks posed to the LGBTQ+ community. More engagement and focus on the root causes of organized crime and the above-mentioned nexus, was considered essential.

15. The Latin American and Caribbean region and some of its countries, has been cited as the region most affected by illicit firearms trafficking, the related high homicide rates and organized crime, which undermines public institutions, democracy and security.

16. In this regard, the problem of “ghost guns” was mentioned (privately-made firearms, often assembled from so-called “buy build shoot” kits, without serial numbers) as well as the issue of modifications of handguns and rifles and conversion of weapons into fully functional firearms. Some speakers also stressed the importance to strengthen measures for record keeping of firearms to trace illicit firearms back to individual purchasers by governments.

17. Furthermore, attention was drawn to challenges posed by proliferation of small arms and light weapons in the Horn of Africa, as well as the lack of conclusive data, and limited access to information in the region were mentioned. Some speakers mentioned disarmament efforts in the African Great Lakes region and the necessity for compliance by all relevant stakeholders.

18. Some speakers highlighted the need for further research into organized crime networks, including the flow of illicit firearms from origin through transit to destination countries. Several speakers referred to the importance of the systematic use of data on firearms trafficking, considering civil society organizations’ robust data and knowledge. Such comprehensive documentation of cases and data, including at the local and subregional level, is essential to understanding the transnational networks and patterns.

19. Speakers emphasized the importance of a proactive role for civil society and the media against illicit trafficking in firearms, including the need for enhanced advocacy, outreach and information on how to strengthen responses against illicit firearms trafficking, to keep the wider audience and local societies informed and build confidence through transparent reporting, including, in the region of South-East Europe.

20. Furthermore, several speakers underlined the importance of adhering to the relevant international legal instruments and that information should be shared between all relevant multilateral mechanisms.

21. Several speakers proposed a longer time for the constructive dialogue, as short meeting times could limit exchange and discussion, and might therefore discourage participants to join. Structuring the agenda of the next constructive dialogues along the clusters of the review mechanism was also mentioned. Governments have been exhorted to keep the gender dimension of organized crime and firearms trafficking in mind concerning the implementation of UNTOC and the Protocols thereto, they were further advised consider gender-balance when nominating focal points and governmental experts for the UNTOC review mechanism.
22. The Chair thanked participants for their invaluable inputs and highlighted the importance of countering organized crime and trafficking in firearms through comprehensive and coherent strategies. He also underscored the importance of coherence of approach and maintaining the dialogue on effective strategies to countering transnational organized crime and building bridges among non-governmental stakeholders, governments and international organizations.

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