



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

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Report on the meeting of the Working Group on Firearms held in Vienna from 8 to 10 May 2017

I. Introduction

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

2. In that resolution, the Conference also decided that the working group should perform the following functions: (a) facilitate implementation of the Firearms Protocol through the exchange of experience and practices among experts and practitioners; (b) make recommendations to the Conference on how States parties could 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; and (d) make recommendations to the Conference on how the working group could better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the area of supporting and promoting the implementation of the Firearms Protocol.

3. In its resolution 7/1, entitled “Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, the Conference decided that the Working Group on Firearms would be a constant element of the Conference of the Parties, forwarding its reports and recommendations to the Conference, and encouraged the Working Group to consider meeting on an annual basis, as needed.

4. In its resolution 8/2, entitled “Mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, the Conference decided to continue the process of establishing the mechanism for the review of the implementation of the Convention and the Protocols thereto based on the recommendations contained in the report on the open-ended intergovernmental meeting to explore all options regarding an



appropriate and effective review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto, held in Vienna on 6 and 7 June 2016. In the same resolution, the Conference also decided to elaborate specific procedures and rules for the functioning of the review mechanism for consideration and adoption by the Conference at its ninth session, which was to be guided by the principles and characteristics set out in Conference resolution 5/5.

5. Furthermore, in resolution 8/2, the Conference decided that the review mechanism would progressively address all the articles of the Convention and the Protocols thereto for each of the instruments that States parties were parties to, grouped in thematic clusters in accordance with the content of their provisions, and that, in order to review each thematic cluster of articles, the relevant working group would define, in the following two years, with the assistance of the Secretariat, a short, precise and focused self-assessment questionnaire.

6. In its resolution 8/3, entitled “Strengthening the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime”, the Conference welcomed the commitment made by Member States in the 2030 Agenda for Sustainable Development to significantly reduce illicit arms flows in their efforts to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

II. Recommendations

7. At its meeting held in Vienna from 8 to 10 May 2017, the Working Group on Firearms adopted the recommendations presented below.

A. General recommendations

Recommendation 1

The Conference may wish to acknowledge that the Firearms Protocol is one of the main global legal instruments to combat trafficking in firearms. The Conference may also wish to recognize the complementarity of the Arms Trade Treaty as well as of relevant regional instrument and political commitments, such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons, which are fundamental and adequate instruments to prevent and combat the illicit manufacturing of and trafficking in firearms and are mutually reinforcing, and whose effective and complete implementation contributes to the achievement of target 16.4 of the 2030 Agenda for Sustainable Development.

Recommendation 2

The Conference may wish to call on Member States to adopt a holistic approach to eradicating the illicit manufacturing of, trafficking in and diversion of firearms, their parts and components and ammunition, that takes into account the socioeconomic development of Member States and addresses the fight against the root causes of those phenomena, where appropriate.

B. Recommendations on specific topics

1. Recommendations on the contribution of the Firearms Protocol in supporting the achievement of target 16.4 of the Sustainable Development Goals

(a) Recommendations on the follow-up to the recommendations adopted previously by the Working Group and the Conference

Recommendation 3

The Conference may wish to consider requesting the Working Group to include in its agenda, at future meetings, a discussion on the follow-up actions taken and the challenges faced by Member States and the United Nations Office on Drugs and Crime (UNODC) with regard to the implementation of its recommendations.

Recommendation 4

The Conference may wish to request UNODC to promote, in close cooperation with Member States, periodic regional and cross-regional exchanges to follow up on the status and challenges faced in implementing the recommendations adopted by the Working Group and the Conference.

(b) Recommendations on promoting universal adherence to and implementation of the Firearms Protocol

Recommendation 5

Considering the key role of the Firearms Protocol in supporting the achievement of the Sustainable Development Goals, the Conference may wish to urge Member States that have not yet done so to adhere to the Firearms Protocol, to implement the Protocol in a complete and effective manner and to redouble their efforts to fight against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition at the national, international, regional and subregional levels, including through South-South cooperation.

Recommendation 6

The Conference may wish to encourage States parties and signatories that are currently in the process of transposing the Firearms Protocol to give due consideration to other international and regional instruments to which they are a party so as to ensure coherent and harmonized legislation. To that end the Conference may wish to request UNODC to continue providing, upon request, legal and technical assistance to States parties and signatories in the adoption and implementation of the Firearms Protocol.

Recommendation 7

The Conference may wish to emphasize the importance of offering, where appropriate, adequate capacity-building to institutions that implement measures to contribute to the achievement of, in particular, target 16.4 of the 2030 Agenda for Sustainable Development.

(c) Recommendations on preventive and security measures

Recommendation 8

The Conference may wish to request the Working Group to continue to bolster preventive and security measures and to foster the exchange of experience and good practices among Member States, in particular in relation to the marking and record-keeping measures for firearms whenever those measures are required under international instruments, and to that end consider requesting UNODC to work with competent international and regional organizations to develop or make available a catalogue or compendium of various marking methods, and to promote the exchange

of information on the classification of firearms as a reference for focal points designated under the Firearms Protocol.

Recommendation 9

The Conference may wish to urge Member States to strengthen the regimes on marking, record-keeping and tracing with a view to better identifying firearms, supporting criminal investigations and increasing the accountability of manufacturers, dealers, importers, exporters, brokers and commercial carriers and other licence holders. To that end the Conference may wish to request Member States within the same region to foster the harmonization of marking and record-keeping standards with a view to facilitating tracing and exchanging related information and, where such standards do not exist, to establish minimum marking and record-keeping standards.

Recommendation 10

The Conference may wish to request UNODC to continue to provide technical assistance for the marking, record-keeping, tracing and destruction of firearms, their parts and components and ammunition, and to promote the harmonization of standards.

Recommendation 11

The Conference may wish to encourage States parties to consider how new technologies can impact the implementation of the marking provisions of the Firearms Protocol and how such technologies could, where feasible, assist in the marking of ammunition and its packaging to aid criminal investigations.

Recommendation 12

The Conference may wish to call on importing Member States to urge manufacturers in exporting States to mark upon manufacture weapons destined for export in accordance with international and regional standards and the national standards of the importing country.

Recommendation 13

The Conference may wish to urge Member States to address and strengthen policies and efforts in countering the illicit artisanal production of firearms, their parts and components and ammunition.

(d) Recommendations on transfers and border controls

Recommendation 14

The Conference may wish to call on Member States or their customs unions to enforce strict import and export control regimes, for example by undertaking comprehensive export risk assessments consistent with the requirements of article 10 of the Firearms Protocol, and request UNODC to provide technical assistance and training to requesting Member States focusing in particular on issues such as transfer controls and risk assessment.

Recommendation 15

The Conference may wish to consider the Working Group addressing the topic of strengthening alert, detection and control mechanisms for border control, including through strengthened cooperation between law enforcement authorities, customs authorities, firearms importers and exporters and other relevant sectors and, in that regard, invites relevant national experts to participate in the Working Group.

(e) Recommendations on strengthening investigation and prosecution*Recommendation 16*

The Conference may wish to encourage States parties to create the legislative conditions and to strengthen their capacities for investigating and prosecuting the offences of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and related offences, and to increase regional and international police and judicial cooperation to counter those phenomena.

Recommendation 17

The Working Group may wish to recommend that Member States, in addition to marking and tracing measures, consider making use of digital and other technology for fingerprint and ballistic information on firearms, and to establish a comprehensive database of such information to support criminal investigations in that area.

Recommendation 18

The Conference may wish to acknowledge the efforts of UNODC, through its Global Firearms Programme, to assist States in transposing the Firearms Protocol into national legislation and increase the capacities of law enforcement officers, judges and prosecutors to investigate and prosecute firearms trafficking and related offences.

Recommendation 19

The Conference may wish to welcome the technical and legislative assistance provided by UNODC and request it to continue those efforts and its capacity-building efforts relating to the investigation and prosecution of firearms trafficking and related offences.

(f) Recommendations on international cooperation and the international exchange of information*Recommendation 20*

The Conference may wish to request UNODC to promote, in close cooperation with Member States, at the regional, cross-regional and international levels, the periodic exchange of information, collection of data, and exchange of good practices and challenges, as well as periodic cooperation among national competent authorities and focal points on the tracing of firearms and other measures and challenges, and to facilitate international cooperation in countering the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including with a view to achieving, and monitoring the achievement of, target 16.4 of the 2030 Agenda for Sustainable Development.

Recommendation 21

The Conference may wish to request UNODC to collect and analyse relevant cases and good practices to investigate and prosecute firearms trafficking cases, including cases linked to terrorism and organized crime, and to produce a compendium of good practices and measures that helps States to efficiently prevent and address the trafficking in firearms, their parts and components and ammunition. In that context the Conference may further wish to request UNODC to facilitate the exchange of information, lessons learned and best practices regarding emerging threats and new forms of crimes, such as urban crime committed by gangs, arms trafficking through parcel services and the darknet, the assembly of firearms from spare parts, the *modi operandi* of traffickers, including in cases linked to terrorism and organized crime, and other emerging topics.

Recommendation 22

The Conference may wish to encourage Member States to enhance their subregional and international cooperation with regard to the prevention and control of firearms trafficking through the use of focal points, existing coordination mechanisms, networks and cooperation platforms, and available expertise.

(g) Synergies with other instruments and bodies, and cooperation with the public and private sectors and civil society

Recommendation 23

The Conference may wish to encourage States parties and the Secretariat to promote cooperation and coordination between the secretariats and equal bodies assigned to relevant international and regional instruments and mechanisms, taking into consideration the parties to those instruments and mechanisms.

Recommendation 24

The Conference may wish to encourage Member States to strengthen cooperation and the exchange of good practices with civil society, the public and private sectors, as appropriate, including with representatives of the manufacturing industry in combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including awareness-raising, and to that end invite Member States and international organizations to take into account the analytical work of civil society and academia on international trends and newly identified challenges in regard to the trafficking in firearms, their parts and components and ammunition.

2. Recommendations on the contribution of the Firearms Protocol in measuring the progress in enforcing control systems to enable States to effectively counter illicit trafficking in firearms

Recommendations on data collection and analysis*Recommendation 25*

The Conference may wish to reiterate the importance of data collection and analysis relating to seized and trafficked firearms and illicit arms flows as the basis for the development of national policies and approaches to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and in that context encourage Member States to develop national indicators that help to measure the impact of their efforts.

Recommendation 26

The Conference may wish to encourage Member States to participate in the efforts of UNODC to collect data on seized, found and surrendered firearms, their parts and components and ammunition, with a view to identifying and monitoring trafficking flows and reporting under indicator 16.4.2 of the 2030 Agenda for Sustainable Development, taking into consideration the need to develop a standardized methodology to address definitional and operational challenges in collecting key data.

III. Summary of deliberations

A. Contribution of the Firearms Protocol in supporting the achievement of target 16.4 of the Sustainable Development Goals and in measuring the progress in enforcing control systems to enable States to effectively counter illicit trafficking in firearms

8. At its 2nd meeting, on 8 May 2017, the Working Group considered agenda item 2, entitled “Contribution of the Firearms Protocol in supporting the

achievement of target 16.4 of the Sustainable Development Goals and in measuring the progress in enforcing control systems to enable States to effectively counter illicit trafficking in firearms”.

9. The discussion about agenda item 2 was facilitated by Cheibou Samna, Public Prosecutor of the Niger, on behalf of the African States; Emmanuel Vallens, Policy Officer at the Directorate-General for Migration and Home Affairs of the European Commission, on behalf of the European Union; and William Kullman, Senior Advisor for International Affairs at the Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice of the United States of America, on behalf of the Western European and other States.

10. The panellist for the African Group held a presentation about the nature and extent of trafficking in firearms, their parts and components and ammunition in the Niger and its neighbouring countries, and links to other forms of organized crime such as drug trafficking and terrorism. He highlighted the importance of strengthening the capacity of law enforcement officers to investigate and prosecute firearms trafficking and related offences, increasing preventive and security measures such as marking, record-keeping and stockpile management, and progressing in the areas of harmonizing firearms legislation and international judiciary cooperation.

11. The panellist for the European Union gave a presentation about the role of the European Union in implementing the Firearms Protocol. He focused on the implementation of article 10 of the Protocol, which sets out general requirements for export, import and transit licensing and authorization systems known as the transfer control regime, and described how directives and regulations of the European Union transposed that regime. He also stated the experience of the European Union could inspire the work of other regional organizations.

12. The panellist for the Group of Western European and Other States highlighted three categories of measures under the Firearms Protocol, namely marking, record-keeping and cooperation, explained the fundamental importance of those elements in countering illicit firearms trafficking and highlighted their contribution in achieving target 16.4 of the 2030 Agenda for Sustainable Development. He explained various marking methods and described the objectives of marking, record-keeping and tracing, and referred to various international actors and tools that supported Member States in their efforts to counter firearms trafficking. The presentations were followed by a discussion on the presentations and the agenda item.

13. Speakers discussed how Member States falling under the export regime of the European Union verified the authenticity of import authorizations. Several speakers shared information on the feasibility of affixing unique marks on and tracing individual rounds and lots of ammunition, and possible methods for doing so. Speakers discussed challenges they faced and approaches they had adopted in effectively combating the trafficking in firearms, including the need to ensure a government monopoly on the control of weapons and to foster sustainable development as a solution to preventing conflicts. With reference to porous borders, among other things, several speakers highlighted the importance of cooperation and information exchange to efficiently counter trafficking in firearms. Some speakers elaborated on regional cooperative mechanisms that facilitated the exchange of information and the operational tackling of firearms trafficking. Several speakers stressed the importance of creating a legislative basis and harmonizing legislation within regions to efficiently counter firearms trafficking. Some speakers shared their views on emerging threats posed by technological developments such as 3D printing and the impact it had on marking requirements and methods. Several speakers shared their experience relating to the links between firearms trafficking and terrorism, referring to, among other things, the *modi operandi* of terrorists in procuring operational firearms. Views were also exchanged on the definition of the term “illicit arms flows” as used in target 16.4 of the 2030 Agenda for Sustainable

Development. In that regard several speakers held the view that the target referred to scenarios that might go beyond transnational arms trafficking.

B. Preparation of the questionnaire to review the implementation of the Firearms Protocol

14. At its 3rd and 4th meetings, on 9 May 2017, the Working Group considered agenda item 3, entitled “Preparation of the questionnaire to review the implementation of the Firearms Protocol”. Under the agenda item speakers expressed their appreciation to the Secretariat for its work in preparing the draft questionnaire. Several speakers stressed that the questionnaire needed to be a short, precise and focused self-assessment, in line with Conference resolution 8/2. Several speakers said that the questionnaire should be focused and precise, yet broad-ranging so as to provide opportunities to exchange views, ideas and good practices, as well as to identify technical assistance needs, in accordance with the mandate contained in Conference resolution 8/2. Various views were expressed regarding the length of the questionnaire, the cost of its translation and the burden its length could impose on practitioners who had to complete it. Views were exchanged on whether the questions should be limited to the scope of the Firearms Protocol or go beyond it. Some speakers stated that the questionnaire should strictly adhere to the language used in the Protocol. Many speakers suggested that States completing the questionnaire could choose which questions to answer, including on the basis of their specific legal contexts, or that experts could provide information beyond the scope of the Protocol under the section entitled “Other information”, along with any other information they considered relevant. Some speakers noted that national experts would need sufficient time to complete the questionnaire, inter alia, because there were many national entities dealing with matters relating to firearms.

15. The Chair and several speakers emphasized that States should continue to discuss and finalize the preparation of the questionnaire in the time leading up to the ninth session of the Conference, including at the meeting of the Working Group on Firearms to be held in 2018, and through informal consultations that could be held in advance of the sixth session of the Working Group. Some speakers noted that such an approach would make it possible to take into account the ongoing discussions in the context of the meeting for the purpose of defining the specific procedures and rules for the functioning of the review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

16. Other matters raised and points made by speakers included the following: whether to include a list of relevant regional and international legal instruments which States were parties to; that the draft questionnaire should use language from the 2005 questionnaire in order to reduce translation costs; that questions should make a clear distinction between military and civilian firearms; that, in order to streamline the questionnaire, States should not be required to elaborate on their responses where they replied in the negative; that the attachment of relevant laws and policies should not be requested in the questionnaire; and that links to information contained in the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC) could be provided. In response to queries from speakers, the Secretariat noted that the 2005 questionnaire covered the provisions of the Protocol only partially.

17. Speakers also exchanged views on whether the questionnaire should include all provisions of the Firearms Protocol or only those that were mandatory, and on whether questions that related to the mutatis mutandis application of provisions of the Convention should be retained in the current questionnaire or be included in the questionnaire for the Organized Crime Convention. In that regard, several speakers considered that no final decision could be made until the content and structure of the questionnaire on the Convention was defined. Speakers also exchanged views on the order of the questions and the structure of the questionnaire, and on whether

questions asking about cases, examples and statistical information needed to be included in the questionnaire. One speaker stated that the questionnaire should take into account the specificities of regional economic integration organizations.

IV. Organization of the meeting

A. Opening of the meeting

18. The fifth meeting of the Working Group on Firearms was held in Vienna from 8 to 10 May 2017.

19. The meeting was opened by Joel Hernández García (Mexico), Chair of the Working Group. He addressed the meeting and presented an overview of the mandate of the Working Group, its objectives and the subjects under its consideration.

20. At the opening of the meeting, a statement was made by the Bolivarian Republic of Venezuela on behalf of the Group of Latin American and Caribbean States.

21. Opening statements were also made by the following parties to the Firearms Protocol: European Union, Costa Rica, Cuba, Guatemala, Ecuador, Mexico, Belgium, Turkey, Senegal, Iraq, Algeria, Brazil, Oman, Democratic Republic of the Congo, Mauritania, Kuwait, Peru and Morocco.

22. A statement was also made by China, a signatory State.

23. Statements were also made by the observers for the Niger, Chad and the Lake Chad Basin Commission.

B. Statements

24. With the Chair presiding, the discussion under item 2 was led by the following panellists: William Kullman (United States), Emmanuel Vallens (European Union) and Cheibou Samna (Niger).

25. Under agenda item 2, statements were made by representatives of the following States parties to the Firearms Protocol: Algeria, Burkina Faso, Democratic Republic of the Congo, El Salvador, Mexico, Morocco, Senegal, Switzerland and Togo. Statements were also made by Canada, a signatory State, and by the observers for the United States and Sri Lanka.

26. Under agenda item 3, statements were made by the following parties to the Firearms Protocol: Costa Rica, Cuba, Ecuador, European Union, Italy, Kenya, Mauritania, Mexico, Morocco, Nigeria, Oman, Panama, Peru, Portugal, Senegal and Switzerland. Statements were also made by the signatory States Canada and the United Kingdom of Great Britain and Northern Ireland. Statements under the item were also made by the observers for France, the Niger and the United States, and by a representative of the Lake Chad Basin Commission.

C. Adoption of the agenda and organization of work

27. At its 1st meeting, on 8 May 2017, the Working Group adopted by consensus the following agenda, as orally amended:

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.

2. Contribution of the Firearms Protocol in supporting the achievement of target 16.4 of the Sustainable Development Goals and in measuring the progress in enforcing control systems to enable States to effectively counter illicit trafficking in firearms.
3. Preparation of the questionnaire to review the implementation of the Firearms Protocol.
4. Other matters.
5. Adoption of the report.

D. Attendance

28. The following parties to the Firearms Protocol were represented at the meeting: Algeria, Angola, Argentina, Armenia, Austria, Belgium, Brazil, Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Dominican Republic, Ecuador, El Salvador, European Union, Greece, Guatemala, Hungary, India, Iraq, Italy, Kenya, Kuwait, Lebanon, Mauritania, Mexico, Morocco, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Togo, Tunisia, Turkey, Uruguay and Venezuela (Bolivarian Republic of).

29. The following States signatories to the Firearms Protocol were represented by observers: Australia, Canada, China, Germany, Luxembourg and United Kingdom.

30. The following States that are not parties or signatories to the Firearms Protocol were represented by observers: Bolivia (Plurinational State of), Cameroon, Chad, Colombia, France, Indonesia, Iran (Islamic Republic of), Malta, Namibia, Niger, Pakistan, Philippines, Qatar, Russian Federation, San Marino, Sri Lanka, United Arab Emirates, United States and Yemen.

31. The following Secretariat units and programmes of the United Nations system were represented by observers: United Nations Office for Disarmament Affairs.

32. The following intergovernmental organizations were represented by observers: Lake Chad Basin Commission; Organization for Security and Cooperation in Europe; Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States; and Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

33. A list of participants is contained in document CTOC/COP/WG.6/2017/INF/1/Rev.1.

E. Documentation

34. The Working Group had before it the following:

(a) Annotated provisional agenda (CTOC/COP/WG.6/2017/1);

(b) Note by the Secretariat on a draft questionnaire for the review of the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition in accordance with resolution 8/2 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (CTOC/COP/WG.6/2017/2);

(c) Background paper prepared by the Secretariat on the contribution of the Firearms Protocol in supporting the achievement of target 16.4 of the Sustainable Development Goals and activities of the United Nations Office on Drugs and Crime to promote its ratification and implementation (CTOC/COP/WG.6/2017/3).

V. Adoption of the report

35. On 10 May 2017, the Working Group adopted the present report on its meeting.
