



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

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## Working Group on Firearms

### Third session

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Item 2 of the provisional agenda\*

**Consideration of the outcomes of the study of the  
transnational nature of and routes used in trafficking in  
firearms**

## **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\*\***

### **I. Introduction**

1. The present background paper was prepared pursuant to resolutions 5/4, 7/1 and 7/2 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.
2. In its resolution 5/4, entitled “Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”, the Conference established 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 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,

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\* CTOC/COP/WG.6/2015/1.

\*\* The present document has not been formally edited owing to the unavailability of conference resources and late submission by the substantive office.



supplementing the United Nations Convention against Transnational Organized Crime (Firearms Protocol).

3. 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 implementation of the Firearms Protocol.

4. 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, inter alia, that the Working Group on Firearms will be a constant element of the Conference. Furthermore, in resolution 7/2, entitled “Importance 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 decided, among other matters, that the Working Group on Firearms should continue to perform its functions set forth in Conference resolution 5/4, hold at least one intersessional meeting prior to the eighth session of the Conference, and invited the Working Group to consider practical proposals for implementing the recommendations formulated at its previous meeting held from 26 to 28 May 2014.

5. Also in its resolution 7/2, the Conference, inter alia, also noted with appreciation the activities carried out by the Global Firearms Programme (GFP), and requested UNODC to continue to assist requesting States in their efforts to ratify and implement the Organized Crime Convention and its Firearms Protocol, to support the working group in the performance of its functions, and to inform the Working Group about activities carried out by UNODC pursuant to its mandate, coordination with 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.

6. In addition, also in resolution 7/2, the Conference, inter alia, noted with appreciation the study of the transnational nature of and routes used in trafficking in firearms carried out by UNODC in accordance with the mandate given in Conference resolution 5/4, and requested the Office to finalize and disseminate the study, and to continue gathering information from States parties on illicit trafficking in firearms on a regular basis. The Conference also directed the Working Group on Firearms to consider the outcomes of the study, with a view to making recommendations to the Conference, at its eighth session, on the future of the study, including, but not limited to, whether the study should be repeated and/or updated and improved upon.

7. The present background paper provides information about UNODC's activities for the period 2014-2015 and was prepared to enable the Working Group to perform its functions.

## II. Relationship between the Arms Trade Treaty and the Firearms Protocol

8. On 24 December 2014, the Arms Trade Treaty (ATT) entered into force. With 130 signatories and 66 States parties, the ATT will hold its first Conference of State Parties at the end of August 2015 in Mexico. The ATT fills important gaps in international arms control, and builds upon other global legal instruments, including the Firearms Protocol (FP) and its parent Convention, the UNTOC.

9. The Firearms Protocol and the Arms Trade Treaty are global and legally binding instruments, with a partially overlapping scope,<sup>1</sup> and similar objectives and purposes. Both instruments address the challenge of unregulated trade and illicit trafficking of firearms/conventional weapons.<sup>2</sup>

10. The Firearms Protocol focuses on the problem of illicit manufacturing and trafficking in firearms, their parts and components and ammunition. It establishes a framework to control the manufacturing of firearms and ammunition and their legal transfers, with a view to prevent, control and combat their illicit manufacturing or trafficking. States parties are required to: criminalize illicit manufacturing, trafficking and falsifying or altering marking of a firearm (Art. 5 FP); confiscate, seize and dispose of illicit firearms and related components (Art. 6 FP); keep records (Art. 7 FP); mark firearms for purposes of their effective tracing and identification (Art. 8 FP); and prohibit or regulate deactivated firearms (Art. 9 FP). Moreover, as part of the strategy to prevent illicit transfers, States parties are also required to "establish or maintain an effective system of export and import licensing or authorization, as well as measures on international transit, for the transfer of firearms, their parts and components and ammunition" (Art. 10 FP); and to take security measures to prevent "theft, loss or diversion" of firearms (Art. 11 FP).

11. The ATT focuses on measures to regulate the licit trade in conventional arms, with a view to preventing and eradicating their illicit trade and diversion into the illicit market or for unauthorized end use, including the commission of terrorist acts (Preamble, paragraph 2). It establishes a framework for national export control authorities, to take measures to control arms export and to prevent and detect their diversion into the hands of organized crime or terrorist groups, on the basis of commonly identified criteria. States parties are required to undertake assessments in advance of any transfer covered by the treaty (Art. 7 ATT), and deny the transfer in

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<sup>1</sup> The ATT covers eight categories of conventional weapons including small arms and light weapons (SALW) whereas the Protocol covers only firearms. The overlap is only over firearms in the FP and SALW in the ATT. The FP excludes state-to-state transactions, whereas the ATT only excludes "the international movement of conventional arms by, or on behalf of, a State Party for its use provided that the conventional arms remain under that State Party's ownership" (Art 2 [3]). While the FP has defined the weapons covered and other related terms, the ATT refers only vaguely to most terms and weapon categories.

<sup>2</sup> See for more details "The Firearm Protocol and the ATT: Divergence or Complementarity?", UNODC Issue Paper, 2013, by Zeray Yihdego.

situations in which the treaty specifies (Art. 6 ATT). Among these assessment criteria there is specific reference to the risk that the arms could be used to commit or facilitate an act constituting an offence under international conventions or protocols relating to transnational organized crime to which the exporting State is a Party (art. 7 (3) ATT). States parties are also required to take measures to regulate transit, trans-shipment and brokering of conventional arms, as well as measures to prevent weapons diversion, such as alerting potentially affected States parties, examining diverted shipments of such conventional arms, and “taking follow-up measures through investigation and law enforcement.” (Art. 11 (4) ATT).

12. The Protocol complements the ATT through its provisions on marking, record-keeping, import, export, and transit control, whereas the import, export, transit regime introduced by the Protocol in Art. 10 FP is further enriched by the new ATT regime based on assessment criteria, in the presence of which the export shall be prohibited, and mandatory risk assessments. The absence of criminalization and enforcement provisions in the ATT is also noteworthy, which can in contrast be found in the Protocol. However, by referring to the offences established under UNTOC and its Protocols as provided for in Art 6 (2) and in Art 7 [IV] ATT, as grounds for the duty to assess risks of arms transactions, the ATT explicitly provides for the enforcement of these UNTOC and FP offences. This is where the synergies between the two instruments are the strongest, as it could imply that, if a given transfer risks a violation of Article 5 UNTOC or FP, a State must refrain from authorizing the export (ATT Arts. 7, 3).

13. Moreover, while all three instruments promote international cooperation and information exchange as primary means to implement the commitments established under each instrument,<sup>3</sup> only UNTOC provides a broad legal basis for international cooperation in criminal matters, which is also applicable to the Protocol offences, and to any other “a serious crime” as defined in Art. 2 UNTOC, when the offence is “transnational in nature and involves an organized crime group” (Arts. 3, 1 UNTOC). Such could be the case, for example, of a diversion or illicit trafficking in other conventional weapons.

14. The entry into force of the Arms Trade Treaty presents an opportunity for Member States to reinforce their arms control system, but also raises some questions of coordination and implementation of the obligations established in the ATT and the Protocol. The fact that the ATT provides for the enforcement of the Protocol through several of its provisions; that it defers to the Protocol for other aspects that are not fully covered; and that the ATT includes investigations and other law enforcement measures among the measures that States shall take, speak to the relevance of and interlinkage between the two instruments.

15. In light of the above, States parties to both instruments may wish to consider establishing synergies between these instruments. Moreover, the Secretariats and the

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<sup>3</sup> UNTOC aim to promote cooperation to prevent and combat transnational organized crime more effectively (Art. 1 UNTOC), the FP aims to prevent, control and combat the illicit manufacturing of and trafficking in firearms, parts and components and ammunition (Art. 2 FP); and the ATT aims at “promoting cooperation transparency and responsible action by States Parties in the international trade in conventional arms thereby building confidence among States Parties”(Art. 1).

governing bodies of the ATT and the FP may also wish to consider ways to coordinate their (future) efforts to implement and enforce the two instruments.

16. UNODC has been granted financial support from the United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR) to develop activities in 2015 aimed at addressing the synergies between the ATT and other global instruments, and develop concrete policy options for national legislators and policymakers.

### **III. Activities of the Global Firearms Programme to promote and support the ratification and implementation of the Firearms Protocol**

17. Established in 2011, the Global Firearms Programme (GFP) aims to raise awareness on, promote and assist Member States in the ratification and implementation of the Firearms Protocol and its parent Convention. The Programme is based on an integrated approach that involves national governments, members of parliaments, civil society organizations, academia and the private industry, and combines preventive and control measures, in the following areas of work:

- (a) Support to intergovernmental bodies and processes on firearms;
- (b) Policy development and legislative support;
- (c) Tools development;
- (d) Technical support in key areas of the Firearms Protocol;
- (e) Training and capacity-building;
- (f) International and regional cooperation and exchange of good practices;
- (g) Data collection and analysis on firearms trafficking.

18. The GFP has filled an important gap in the implementation of UNODC's mandate to promote and support the Firearms Protocol. Funded through contributions from the European Union, the GFP further expanded in 2013 thanks to the financial contributions of the governments of Japan and Denmark to the UNODC's new Sahel Programme,<sup>4</sup> which contains an important firearms component. In 2014, the GFP assisted and worked with 20 countries<sup>5</sup> from West

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<sup>4</sup> The UNODC Sahel Programme has been developed within the framework of the United Nations Regional Integrated Strategy for the Sahel 2013-2017, which the United Nations Secretary-General launched in June 2013. It revolves around three key objectives: making governance more inclusive and effective, building capacities to counter cross-border threats, and strengthening the resilience of the Sahelian people.

<sup>5</sup> They include, in West Africa and the Sahel region: Benin, Burkina Faso, Chad, Côte d'Ivoire, Gambia, Ghana, Mali, Mauritania, Niger, Senegal, Togo; and for Latin America: Argentina, Brazil, Bolivia (Plurinational State of), Chile, Colombia, Ecuador, Mexico, Paraguay, Peru, Uruguay.

Africa, the Sahel region and Latin America. The present report also provides a description of the work accomplished by the GFP.<sup>6</sup>

## **A. Support to intergovernmental bodies and processes on Firearms**

19. The Global Firearms Programme has played an important role in the fulfilment of UNODC's core mandate with regard to the Firearms Protocol and in supporting the related intergovernmental process. Briefings provided by the Secretariat to the Conference of the Parties to the Organized Crime Convention and the Commission on Crime Prevention and Criminal Justice (CCPCJ) contributed to a growing interest by Member States in the work of the GFP. The substantive recommendations of the Working Group and the resolutions of the Conference on firearms are an indicator of this increased engagement.

## **B. Tools Development**

20. UNODC has continued to use, disseminate and develop legal and technical tools in consultation with Member States, in order to facilitate the implementation of the Protocol.

### **Firearms Ratification Kit**

21. The UNODC Ratification Kit,<sup>7</sup> developed by UNODC in 2012 to assist States considering ratification or accession to the Protocol, contains an explanatory note on the requirements and notification obligations under the Protocol, and provides alternative template formats for the ratification/accession and deposit of the instruments. The Kit has been used in the provision of pre-ratification/accession support to several countries in Africa, among others.

### **Model Law against the Illicit Manufacturing of and Trafficking in Firearms**

22. The UNODC Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition,<sup>8</sup> was translated into all official United Nations languages and disseminated to all 20 beneficiary countries and to the wider public through UNODC's web page. The Model Law continues to be a relevant tool in guiding Member States in strengthening their legislative regimes on firearms in accordance with the Firearms Protocol, and has been used by UNODC in its legislative assistance work in Latin America and West Africa. Several countries reported having used the Model Law as a reference source for the review of their internal laws, such as Chile and Peru. A second revised edition of the Model Law has been published in English, Arabic and Russian. The remaining languages are expected by the end of the second quarter of 2015, subject to availability of financial resources.

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<sup>6</sup> Additional information on work carried out during the previous reporting cycle can be found in the report presented to the Conference at its seventh session (CTOC/COP/2014/5) on the Activities of UNODC to promote and support the implementation of the Firearms Protocol.

<sup>7</sup> United Nations publication, Sales No. V.12-56168-October 2012 - 400.

<sup>8</sup> United Nations publication, Sales No. E.14.V.8.

23. During the reporting period, GFP assisted five countries in their efforts to accede to the Protocol: Bolivia (Plurinational State of), Chad, Gambia, Ghana and Niger. This has entailed meetings with high-level officials and members of parliament, provision of legislative advice and preparation of legal opinions on the impact of the accession on the domestic legislation of the country. As a result, in January 2014, Ghana deposited its accession instrument. Work with the other aforementioned countries continues.

#### **Firearms Training Curriculum and Courses**

24. The firearms training curriculum developed by the GFP has formed the basis for the delivery of standardized training to Member States. Its more than 20 modules maintain a strong focus on the criminal justice response to firearms-related criminality and its links to organized crime, combining technical knowledge on firearms with broader investigative skills and related topics.

25. Based on the modules, GFP developed specialized training courses to allow for standardized delivery of training support. Each course contains a summary description of the objectives and the individual subjects included in the course, a detailed lesson plan, as well as hand-out materials and presentations.

*i. Training Course for Investigators and Prosecutors on Investigation and Prosecution of Illicit Firearms Trafficking and its Links to Organized Crime*

26. This specialized course targets specifically firearms control authorities, criminal justice practitioners, and is aimed at strengthening the investigative and prosecutorial skills to deal with firearms-related criminality, and their links to organized crime. The training provides a combination of general investigative skills and firearms-specific knowledge, through a mixture of classroom based lessons, case studies, plenary discussions and practical knowledge that facilitate learning in accordance with legislative requirements and in line with national and international standards. The course overview and lesson plan was reviewed and updated, after the course was first pilot tested in Ghana and Senegal in October 2013, and rolled out in 2014.

*ii. Training course on civil society on participation, cooperation and oversight in firearms control*

27. This two-day training course for civil society organizations was developed in cooperation with the Brazilian NGO Viva Rio, and is based on relevant modules of the comprehensive training curriculum. The course aims at strengthening civil society participation and oversight role in promoting and supporting the ratification and implementation of the Firearms Protocol. The course was pilot tested in a national setting in Montevideo, Uruguay, from 3-4 March 2015, and in a subregional setting in Lomé, Togo, from 25-26 February 2015.

*iii. Training Course for Legislators and Policymakers*

28. The course targets national legislators and policymakers, and aims at enhancing the understanding of the legislative implications and normative requirements, and the different policy options for States wishing to implement the

Firearms Protocol and related instruments. A detailed outline was developed, but its roll-out is subject to the availability of funding.

iv. *Training Course for Arms Transfer Control Authorities*

29. The fourth course targets control authorities and focuses on transfer controls and risk assessment. It is aimed at facilitating the implementation of the Firearms Protocol provisions relating to article 10 on import, export and transit control and related instruments. A detailed course outline has been developed; its roll-out is subject to the availability of financial resources.

**Thematic Issues Papers**

30. Following the Issue Paper developed in 2013 on the relationship between the Firearms Protocol and the Arms Trade Treaty, UNODC is developing a follow up Policy Paper on the synergies between the ATT and other global instruments, and legislative/policy options for national legislators and policymakers, expected to be finalized in the third quarter of 2015.

**SHERLOC knowledge management portal**

31. The SHERLOC (Sharing Electronic Resources and Laws on Crime) portal contains a case law database, and an electronic repository of laws, which are searchable by country and crime types. GFP has been contributing to the portal with firearms legislation and related material, and case law on organized crime and firearms trafficking. Currently, 20 cases on firearms and 45 pieces of legislation relating to firearms exist in the database; this content is expected to increase as the database grows.

32. SHERLOC also hosts the Online Directory of Competent National Authorities (CNA Directory), which continues to be updated periodically. The Directory includes the contact details of the national body or single point of contact established under article 13, 2 FP. At present, there are 61 competent authorities for firearms in the CNA Directory.

**C. Policy Development and Legislative Support**

**Awareness-raising and promotion of the Firearms Protocol**

33. Since the last meeting of the Working Group on Firearms held in May 2014, the number of parties to the Firearms Protocol has continued to grow, from 109 to 113, as at April 2015.<sup>9</sup>

34. GFP continued to raise awareness on the firearms issue and its international legal responses through ad hoc briefings, side events held in the margins of intergovernmental meetings, and by participating in regional and international events. During the seventh session of the Conference of the Parties, three side events on firearms were held: (a) a briefing on the work and achievements of the joint EU/UNODC Programme; (b) a presentation of the preliminary findings of the Firearms Trafficking Study; and (c) a panel discussion on public-private partnership

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<sup>9</sup> The latest countries acceding to the Protocol were Angola, Barbados, Denmark and Sierra Leone.

in arms control. The copious attendance of the events confirmed the interest of Member States in the subject matter.

35. During the Thirteenth United Nations Crime Congress, held in Doha from 12 to 19 April 2015, GFP set up a booth to disseminate information and materials. A side event on “Private-public partnership in the prevention and control of illicit manufacturing of and trafficking in firearms”, jointly with the Italian National Association of Manufacturers of Sporting and Civilian Firearms and Ammunition (ANPAM), co-sponsored by the Italian government, was also held on 17 April. Its aim was to explore the practical implementation of article 13 FP and to initiate discussions on ways to enhance this partnership, and the promotion of the rule of law and effective crime prevention.

36. UNODC attended several events organized by international and regional organizations and civil society, advocating for the Firearms Protocol and highlighting the relationship to other instruments, including: a meeting of the NGO Alliance Control Arms, in January 2014 in Geneva, Switzerland, on the Arms Trade Treaty; the annual meeting of the Confederation of the Parliamentarians of the Americas (COPA), held in November 2014 in Brasilia; the informal preparatory meeting for the First Conference of State Parties to the ATT, held in Vienna from 20-21 April 2015. Information on UNODC’s work was also disseminated through media from different regions.

#### **Legislative assistance and legal drafting support**

37. The legislative assistance provided under the GFP is a result of a three-phase approach which includes (i) development of a national self-assessments by the beneficiary countries; (ii) country visits and accompanying legislative desk reviews and gap analysis by UNODC’s legal experts, and preparation of a comprehensive assessment report with tailored recommendations for enhancement of domestic legislation; and, (iii) depending on the needs and requests, provision of tailored legislative advice, drafting support, and support for the final validation and submission of the new legislation to competent bodies.

38. GFP conducted assessment missions to all 20 project countries and produced individual reports with gap analyses and final recommendations for most of them. 2014 saw the conclusion of many reports for West Africa, while some new ones, such as for Chad, Niger, and Mali, are still under preparation. During this phase, GFP has also facilitated the dialogue with national legislative bodies and other stakeholders, with a view to raising awareness on the need for legislative enhancements. Several of these countries received also follow up legislative assistance.

39. GFP worked closely with National Commissions on Small Arms and Light Weapons and with legal drafting committees established by them in Benin, Burkina Faso, Mauritania, Senegal and Togo. GFP provided written comments on draft bills developed by Benin, Ghana and Mauritania. In Senegal, GFP supported the work of the drafting committee and facilitated a broad based consultation with national stakeholders to validate the draft law. Stakeholders meetings were also held in Benin, Burkina Faso and Togo.

40. In South America: (a) GFP’s legislative assistance to Bolivia (Plurinational State of) had contributed to the adoption of a new firearms law in September 2013.

Further inputs were provided during the past reporting period for the adoption of the regulation, which was adopted in November 2014. Bolivia (Plurinational State of) has requested additional legislative support to GFP to streamline the regulatory framework and to prepare the ground for the development of a new arms registry and the implementation of a firearms collection campaign. (b) In Uruguay, one of the major recommendations of the national authorities was the need to criminalize illicit firearms trafficking, and to adopt a comprehensive firearms law. GFP maintained an open dialogue with national authorities, parliamentarians, and civil society, and provided advice and inputs on the alignment of the draft to the Protocol definition of firearms trafficking. In September 2014, Uruguay introduced the offence of illicit firearms trafficking, as well as the new offence of “internal” trafficking in firearms. (c) Chile, Ecuador and Peru, also revised and passed new laws during the past reporting period, in line with the Firearms Protocol.

41. During the reporting period, a total of (5) countries (Bolivia (Plurinational State of), Chile, Ecuador, Peru, and Uruguay) passed new firearms laws in line with the Protocol, (3) developed new draft legislation ready for their final approval (Benin, Senegal, and Togo).

#### **Regional cross-analysis**

42. GFP developed a cross-regional analysis of the status of implementation of the Firearms Protocol in West Africa and South America, with a view to supporting and promoting regional harmonization efforts. Such comparative cross-analysis has proven to be a helpful tool to assess the level of regional harmonization and the existence of possible discrepancies or conflicting norms between countries of the same region, and address them accordingly.

### **D. Technical support for the implementation of the Firearms Protocol**

43. Beyond its normative work, the GFP provided technical support to Member States to facilitate the implementation of Protocol requirements in the areas of marking, record-keeping, deactivation, collection and destruction of firearms. Thanks to these activities, several countries have been able to strengthen their marking and record-keeping regimes, and developed measures to enhance the internal coordination mechanisms to collect firearms and to gather and process data on seized firearms and illicit firearms trafficking.

#### **Marking of firearms**

44. Marking support has been identified as a priority area for assistance by most countries in West Africa. With a view to avoiding duplication of efforts and maximizing the assistance provided to the region, UNODC coordinated the purchase of marking machines with other United Nations organizations. Through common procurement procedures and streamlined administrative processes, UNODC and the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC) were able to deliver the same machines and promote greater harmonization in the region.

45. During the reporting period, 13 marking machines were delivered to five countries: (2) marking machines to Benin, (3) to Burkina Faso, (1) to Mali, (2)

to Niger (2), and (3) to Senegal. UNREC delivered additional machines to Niger, Burkina Faso and Liberia. In situ training was also jointly conducted, with the support of the National Commission on SALW from Côte d'Ivoire, which provided trainers for these activities free of charge.

### **Record-Keeping**

46. The GFP has provided technical advice to several countries on ways to strengthen/develop their national arms registries. The issue of registries has a high priority in most project countries, and was included as an agenda item in most of the national and regional meetings and training events organized by the GFP throughout the reporting period. It was also a prominent topic for discussion and exchange at the regional meeting held on 16-18 December 2014 in Quito, Ecuador, and at the cross-regional meeting held in Vienna, Austria, on 23-26 March 2015. Through these exchanges, countries identified good practices to strengthen national record-keeping systems. GFP promoted and facilitated also direct South-South cooperation within the region.

47. At the Working Group, and through the GFP, several countries requested UNODC to support and facilitate the development and dissemination of a common nomenclature for firearms, currently under discussion within MERCOSUR countries, and to disseminate it more broadly beyond the region. Such table of equivalences, or nomenclature, would serve the purpose of reducing mistakes in the identification and registration of firearms, and enhance recording and information exchange. GFP is seeking additional funding to support the development of such a table of equivalences.

### **Security and storage of seized and collected firearms**

48. Many project countries have difficulties with the storage and management of seized and confiscated firearms, thefts and leakages from their storages, as well as with securing the chain of continuity that is required in order to produce valid evidence in court. This poses challenges for effective investigations and recording.

49. GFP is currently assisting authorities in Burkina Faso, Niger and Senegal in the refurbishment of deposits for seized firearms. GFP conducted several assessment missions in March 2014 and in January 2014 to Senegal and Niger, to oversee the development of plans for the identification and refurbishment of suitable deposits. Operational plans with timelines and costs are currently being developed in both countries.

### **Collection, management and destruction of firearms**

50. Several countries in both regions have expressed the interest and the need to develop and implement arms collection and destruction activities, in order to reduce the number of arms in circulation among civilians and prevent the risk of theft and diversion from arsenals. Such activities have not only a disarmament but also a crime prevention dimension.

51. GFP has facilitated the exchange of experiences and lessons learned among South American countries on national arms collection and destruction campaigns, and is advising Ecuador on the design and implementation of national arms collection campaigns, in the framework of its national security strategy; Bolivia

(Plurinational State of) has also requested assistance for the implementation of national arms registration, collection and destruction campaigns. GFP is also supporting the National Commissions in Niger and Senegal in the design and implementation of arms collection campaigns and related operating procedures for the management of seized and confiscated firearms.

## **E. Training and capacity-building**

52. In its resolution 7/2, the Conference recognized the importance of continued training and capacity-building to effectively prevent and combat the illicit manufacturing of and trafficking in firearms, and invited States to begin or to continue training for law enforcement, judicial and customs authorities on the identification and tracking of firearms.

53. During the reporting period, the GFP has continued to support training and capacity-building activities, and has also been a driving force behind the promotion of south-to-south cooperation, for the delivery of training activities, providing specialized expertise and experience, trainers and know-how. In West Africa, experts from Côte d'Ivoire have participated in the training on the use of marking machines held in Benin and Burkina Faso. In South America, trainers from Argentina and Brazil have participated in several training courses delivered throughout the year.

### **Training courses on investigation and prosecution of firearms trafficking and its links to organized crime**

54. In 2014, UNODC rolled out its training course on "Investigation and prosecution of firearms trafficking and its links to organized crime" and delivered 7 additional courses targeting approximately 280 firearms control authorities and criminal justice practitioners from 8 countries.<sup>10</sup> The training courses focused, with different nuances, on the investigation and prosecution of firearms trafficking and related organized crime offences. Designed for criminal justice practitioners and firearms control authorities, the courses combined general investigative skills with specialized firearms specific knowledge, through a combination of classroom based lessons, case studies, plenary discussions and practical exercises, in line with national and international standards:

(a) A five-day course was held on 24-28 March 2014 in La Paz, Bolivia (Plurinational State of), targeting 40 practitioners from the ministries of Foreign Affairs, Defence, Interior, Public Prosecution, Judiciary, Financial Investigation Units, the National Police, and representatives from the National Country Bureau (NCB) of INTERPOL. Experts from Argentina, Brazil Colombia and from the UNHCHR participated as trainers. Representatives from the civil society attended as well;

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<sup>10</sup> In 2014, the following training courses were held: Bolivia (Plurinational State of) (24-28 March), Burkina Faso (8-11 July); Paraguay (15-18 July); a bi-national course for authorities from Benin and Togo (22-25 July); Argentina (22 August), a tri-national Training Course in Ciudad de l'Este, at the Triple border with Argentina, Brazil and Paraguay (2-4 September), and Chile (17-20 November).

(b) On 8-11 July 2014, a national training course was held in Ouagadougou, Burkina Faso and attended by 24 national practitioners from different ministries in charge of firearms control, investigation and prosecution, plus two representatives from the civil society;

(c) A third course was held on 15-18 July 2014, in Asuncion, Paraguay, in the premises of the General Prosecution Service, for 32 anti-organized crime and drug trafficking prosecutors, Supreme Court judges, and representatives from the ministries of Foreign Affairs, Interior and Defence the Directorate for war materials — DIMABEL. Trainers included experts from Argentina, Brazil, Colombia and Paraguay, and the UNHCR Office in Asuncion;

(d) A bi-national training course for 40 practitioners from the two border countries Benin and Togo was held from 22-25 July 2014, in Porto-Novo, Benin, focusing on border control and information exchange matters, investigative skills and strategies, and firearms evidence;

(e) A one-day intensive course was jointly with the Argentinian Federal Prosecution Service, the Argentinian National Arms Registry (RENAR) and the Ministry for National Security, in Buenos Aires, Argentina on 22 August 2014, for 42 prosecutors from provinces with particular firearms problems;

(f) A Tri-national training course was organized in Ciudad del Este, Paraguay, at the triple border with Argentina, Brazil and Paraguay, from 2-4 September 2014, for 32 officials from law enforcement, border control prosecution and judicial authorities, active in the border regions of the three countries. Trainers included experts from the three countries, UNHCHR and UNODC;

(g) A training was held from 17-20 November 2014, in Santiago, Chile, for 62 Carabinieri from different regions of the country, with firearms control functions.

#### **Training on marking and record-keeping**

55. With the delivery of marking machines, GFP organized specialized in situ courses on the use of such machines and on the identification, marking and recording of seized firearms. During the reporting period, five training courses on marking and record keeping were delivered in Burkina Faso and Niger (September 2014), Mali and Senegal (October 2014), and in Benin (March 2015), targeting approximately 100 practitioners.

#### **Training for civil society organizations**

56. On 26-27 February 2015, a regional training course on civil society participation and oversight in firearms control was held in Lomé, Togo. The training gathered approximately 18 participants from different NGOs from 8 countries,<sup>11</sup> and was aimed at strengthening knowledge and skills of CSO from West Africa on firearms control issues and their international responses. A similar course was also delivered on 3-4 March 2015, in Montevideo, Uruguay, for 20 members from 10 NGOs. For both, GFP drew on the expertise of Brazilian NGO Viva Rio.

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<sup>11</sup> Benin, Burkina Faso, Côte d'Ivoire, Ghana, Niger, Nigeria, Senegal and Togo.

## **F. International and regional cooperation and exchange of good practices among firearms practitioners**

57. Promoting international and regional cooperation and exchange of good practices is a major objective of the GFP, and is pursued through several means.

### **International cooperation in criminal matters and information exchange**

58. In 2014/2015, GFP organized three regional workshops and one cross-regional meeting for a total of 120 practitioners, to promote and facilitate the sharing of experiences and good practices and foster direct cooperation and information exchange among authorities in charge of firearms control, and criminal justice practitioners.

59. On 25-27 February 2014, UNODC organized a regional meeting in Dakar, Senegal, in the framework of Strategy for countries in West Africa and the Sahel region, which was attended by representatives from eleven Member States.<sup>12</sup> The seminar was aimed at promoting and facilitating operational as well as strategic exchanges between representatives of the National Commissions on Small Arms and Light Weapons, and criminal justice experts.

60. A second regional workshop was held on 2-4 July 2014 in Ouagadougou, Burkina Faso, focusing on international cooperation and exchange of good practices in the investigation and prosecution of firearms trafficking and its links to organized crime. Participants included governmental experts from 10 countries from West Africa and the Sahel region<sup>13</sup> for a total of 25 participants.

61. A third seminar was held in Quito, Ecuador on 16-18 December 2014, for firearms control authorities, police, prosecutors, customs officers, and the foreign services from 9 countries in South America,<sup>14</sup> for a total of 55 participants. The objective was to facilitate the direct contact between competent authorities and foster an interactive dialogue and exchange of good practices with specific regard to firearms trafficking cases.

62. Finally, a cross-regional meeting between South American and Sahel-Saharan countries took place on 23-26 March 2015 in Vienna, Austria. The meeting was jointly supported by the European Union and the Sahel Programme and brought together 32 representatives from firearms control authorities and criminal justice practitioners from 19 countries.<sup>15</sup> The objective of the meeting was to facilitate the exchange of good practices and experiences on firearms control, and the investigation and prosecution of firearms related criminality, and to draw conclusions and lessons learned from the Global Firearms Programme in the two

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<sup>12</sup> Benin, Burkina Faso, Chad, Gambia, Ghana, Guinea, Mali, Mauritania, Niger, Nigeria, Senegal and Togo.

<sup>13</sup> Experts came from Benin, Burkina Faso, Chad, Gambia, Ghana, Guinea, Mali, Mauritania, Niger, Nigeria, Senegal and Togo, representing the Gendarmerie, Ministries of Interior, Ministries of Justice, the Prosecutor General's Office, the Judiciary and the National Commissions on SALW.

<sup>14</sup> Argentina, Brazil, Chile, Colombia, Ecuador, México, Paraguay, Peru and Uruguay.

<sup>15</sup> Argentina, Benin, Bolivia (Plurinational State of), Brazil, Burkina Faso, Chad, Chile, Colombia, Côte d'Ivoire, Ecuador, Gambia, Ghana, Mali, Niger, Paraguay, Peru, Senegal, Togo and Uruguay.

regions, and its future perspectives. The feedback received was overwhelmingly positive and encouraging.

#### **Fostering ongoing dialogue and cooperation**

63. One recurrent element that emerged from national and regional activities and encounters was the limited number of transnational cases of illicit firearms trafficking that were brought to justice, and the need to foster a common language and the technical skills among practitioners in this particular field. In this regard, practitioners appreciated in particular the opportunity of facilitating exchanges among control authorities and investigators and prosecutors, both at national, regional and cross-regional level.

64. In all regions, practitioners discussed the need for a specific mechanism to foster case-based exchanges of good practices and lessons learned, with particular regard to transnational cases of firearms trafficking and complex criminal investigations involving firearms. The issue was further addressed during the last cross-regional meeting held in Vienna, in March 2015, during which practitioners favourably considered the possibility of establishing a group of firearms experts and criminal justice practitioners in charge of illicit trafficking and related crimes, and requested UNODC to seek donors support to facilitate the establishment of such a group and to hold at least one meeting per year in one of the participating regions.

65. UNODC is seeking ways to support the establishment of such a platform, subject to the availability of funding.

## **IV. Data Collection and Analysis: UNODC Study on Firearms**

### **Background of the Study**

66. Illicit trafficking in firearms represents a major concern for the international community, in the realm of firearms policy, believed by many observers to be strongly related to variations in violent crime and regional stability. It also is among the most controversial topics of firearms policy.

67. There does not exist an international system for standardized reporting on the scale, technologies, patterns, routes and methods of illicit firearms trafficking. This is a major barrier to more effective international cooperation. Reliable data on firearms trafficking are scarce and difficult to obtain. Many states are still beginning to develop the capacity to monitor international and domestic firearms trafficking, the first step toward effective policymaking.

68. With this in mind, UNODC was mandated by Conference of the Parties “to conduct a study on the transnational nature of and routes used in trafficking in firearms, based on the analysis of information provided by States on confiscated weapons and ammunition”, in close collaboration with national authorities and to base it on official information provided by States on seized firearms, their parts and components, and ammunition (Conference resolution 5/4). The aim of the study is to contribute to a greater understanding on illicit firearms trafficking, its transnational nature, routes and modus operandi, and to the possible interconnectedness with other serious crimes.

69. This study is the first of its kind and is directed at all Member States. It is intended to lay the foundations for more global research on trafficking in firearms.<sup>16</sup>

#### **Development and structure of the study**

70. The study was developed using sound data and official sources, as well as on an agreed upon, transparent and simple methodology, which draws from empirical information provided and validated by States. Information was collected through annual or individual seizure questionnaires developed by UNODC and made available through a password protected web page designed for this purpose.<sup>17</sup>

71. Due to late submissions and validation of the data it was not possible to conclude and publish the study before the Conference's seventh session. Preliminary findings were however presented at a side event of the Conference, widely attended by delegations. In the following weeks, GFP concluded the data collection and analysis, and the drafting work. The study was concluded and peer reviewed during the first quarter of 2015, both by internal and external experts.

72. The study shows the informative value of information related to firearm and ammunition seizures, and its use towards a better understanding of the transnational nature of and routes used in trafficking in firearms, and beyond. It maintains a focus on individual country results, rather than on totals, with the aim of better reflecting the participation and efforts of all responding countries, while still providing some space for meaningful comparisons.

73. The study is divided in five chapters: Chapter 1 frames the issue of firearms and their illicit trade, with basic concepts on firearms classifications and types, and a short introduction to the global firearms market. Chapter 2 discusses the methodology employed for the collection of data and the sources utilized and offers an overview of the responses received through the Annual Seizure Questionnaires. Chapter 3 presents seizure results, and provides an overview of firearms, their parts and components, and ammunition seizures as reported by countries' authorities, including an analysis of national seizure levels. This also includes the analysis of global indicators, seizure rates across countries, as well as the types of firearms seized by responding authorities. Chapter 4 discusses the trafficking indicators used in the Seizure Questionnaires, and provides an overview of the quantitative and qualitative information provided by authorities, including trafficking trends, modus operandi, and trafficker profiles. Chapter 5 sets out the main challenges identified by States in the monitoring of illicit firearms trafficking while presenting the wealth of international responses to the firearms trafficking problem.

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<sup>16</sup> The background paper entitled "Challenges and good practices in countering the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and measures to facilitate the implementation of the Firearms Protocol" (CTOC/COP/WG.6/2014/2) provides further information on the relevance of monitoring illicit trafficking flows, the objectives and methodological aspects of the study, the challenges and good practices encountered to facilitate States' participation in the study, as well as UNODC's progress on the development of the study.

<sup>17</sup> The two questionnaires were also disseminated as Conference Room Papers at the past Working Group on Firearms, held in Vienna from 26-28 May 2014. See Annual seizure report questionnaire (CTOC/COP/WG.6/2014/CRP.1) and Significant seizure report questionnaire (CTOC/COP/WG.6/2014/CRP.2).

74. The study is further complemented by a separate annex with a country-by-country review of national seizure and trafficking data, and by two regional studies for selected regions.

### Findings

75. Participation in the study was not mandatory. Forty-seven countries provided information to UNODC related to firearms seizures or trafficking. Of these, 41 were State parties, 1 (Germany) signatory and 5 non-State parties to the Firearms Protocol (Colombia, France, Niger, the Russian Federation and Zimbabwe). Additional information on countries was obtained through other official sources. However, not all data were equally comparable for analytical purposes, and could not be utilized in the same way in the study. Comparable data on firearms seizures were collected for 36 countries, and on firearms trafficking for 30 countries.

76. Latin America and Europe were the most represented regions, followed by West Africa. The lack of geographical balance among responding countries had to be taken into account when analysing the data. The study, therefore, does not contain comparisons or general conclusions regarding the overall seizure and firearms trafficking situation.

77. Data on aggregated reported national seizures compiled by the police were provided by 38 countries, and by customs by 2 countries:

(a) State responses show large differences in the levels of reported seizures;

(b) Annual levels of over ten thousand firearms were reported per year by Brazil, Colombia, Iraq and Mexico. Germany also reported 43,543 seizures over a four year period. Conversely, fewer than 100 firearm seizures per year were reported by authorities from Greece, Latvia and Romania. Many States reported a large year-on-year variation in seizures;

(c) Three responding countries with the highest number of reported seizures are from the same region: Brazil, Colombia and Mexico;

(d) Annual seizure totals appear to be greatly affected by changes in law and law enforcement practices, as well as major seizure events;

(e) Among the 36 responding States, the most commonly types of firearms reported seized were handguns with 53 per cent of reported seizures. Rifles made up 25 per cent and shotguns 12 per cent of reported seizures;

(f) Rudimentary firearms, crude guns made by artisans, were in most States that reported data absent or a small proportion (less than 5 per cent) of reported firearms seizures. Nevertheless, they were much more frequently found amongst reported seizures in several states, including Ghana, Faso, Ecuador, Peru and Trinidad and Tobago (13 per cent).

78. The information provided by the governments on trafficking indicators are revealing about the processes involved in the traffic. Quantitative and qualitative information on trafficking was collected through the following indicators: (i) domestic and international tracing; (ii) trafficking routes; (iii) modus operandi and modes of transportation; (iv) nationality of identified traffickers, (v) offences associated with reported seizures:

(a) Among the responding countries, the majority of trafficking is localized and involves neighbouring states or trafficking within a region;

(b) The study reveals a limited tracing practice, both at national and international level, among responding countries. A total of 12 countries submitted some information on international cooperation in tracing in response to the Annual Seizure Questionnaire;

(c) The most commonly reported trafficking route was between two countries that shared a border. Trafficking between two or more countries in the same region (that nevertheless do not share a border) was also frequently reported;

(d) Land was the most frequently mentioned means of transport;

(e) In 75 per cent of the 18 reported cases, apprehended traffickers tend to be nationals of the reporting state. In most remaining cases, traffickers tended to come from neighbouring States;

(f) Information from 24 countries on most frequent offences associated with seized firearms. A large proportion of the offenses were related to drug trafficking, smuggling or participation in an organized criminal group. In addition, offences related to the illicit carrying, possession or manufacturing of firearms were listed by many States;

(g) The association of seized firearms with other forms of criminal activity suggests that in many of the countries that responded to this study the illicit acquisition of firearms is limited to criminal groups rather than being widespread in the general population;

(h) Differences in States' legal and regulatory systems on firearms, as well as differing law enforcement practices, complicate international comparisons of seizure and trafficking data.

### **Conclusions and Future of the Study**

79. Almost fifteen years after the adoption of the Firearms Protocol, the international community still lacks sufficient tools to find out what policies to prevent firearms trafficking actually work, and where is trafficking getting worse or lessening. A data-focused approach, as pioneered by this Study, offers the only comprehensive way to assess the efficacy of policies and identify where more attention needs to be directed.

80. As a pioneering effort at international level, the UNODC Study on Firearms has, first and foremost, confirmed the need for its existence and for research and future efforts on this subject.

81. As this study confirms, usually the largest flows of firearms come from a large number of small incidents. They do not get many headlines, but over time they

account for significant quantities of illicit trafficking. The collection of data and subsequent analysis is the only way to reliably and consistently establish the patterns and trends of firearms being trafficked in and out of States, around regions and across the globe.

82. Difficulties were encountered by some countries — both developed and developing — in collecting, collating and analysing data related to firearms trafficking. This is often due to poor record-keeping systems, lack of technical skills and effective internal coordination, and poor operating procedures. In order to produce wider results on the transnational trafficking, it is necessary to reduce and eventually fill the wide gaps in the data which currently exist. The present study provides a basis for establishing or strengthening firearm record-keeping systems, and reporting practices.

## V. Conclusions and recommendations

83. The Global Firearms Programme has accomplished an important work in promoting the Firearms Protocol and assisting Member States in its implementation. The combination of normative work, technical support, capacity-building, research and analysis, and the strong focus on international cooperation, has been highly appreciated by beneficiary countries. The Programme is severely understaffed and underfunded, and requires additional financial and human resources in order to continue beyond 2015.

84. The UNODC Study on Firearms has laid the foundation for engaging in more systematic data analysis and collection. A future routine of governments annually reporting information on firearms trafficking to the UNODC would provide a solid basis by which this illicit trade could be better understood and countered.

85. The Working Group on Firearms may wish to recommend the Conference:

(a) Urge Member States to ratify and fully implement the Firearms Protocol and the ATT, and to establish synergies between the two instruments;

(b) Welcome the work of GFP, and request UNODC to continue to assist requesting States in different areas of work developed by GFP, to prevent and combat firearms criminality and organized crime; and urge Member States provide adequate financial and technical resources to the programme, including Associate Experts and specialized staff assigned to the Programme;

(c) Request UNODC to continue to promote and facilitate international cooperation and exchange of expertise, including through the establishment of a group of firearms experts, to detect, investigate and prosecute firearms trafficking cases;

(d) Welcome the UNODC Study on Firearms and request UNODC to continue collecting data on firearms, with a view to producing annual reports on firearms, and to consider this a core activity to be partially funded from regular resources;

(e) Urge Member States to systematically trace seized firearms and to continue to collect data on firearms trafficking and to submit them regularly for the study.