



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

Distr.: Limited  
4 August 2020

Original: English

## Report on the meeting of the Working Group on Firearms held in Vienna on 16 and 17 July 2020

### 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, 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. 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.

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 8/3, 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 acknowledged that the Working Group on Firearms served as a useful network of experts and competent authorities in order to improve international cooperation, exchange of information and good practices related to illicit firearms trafficking.



## II. Future considerations

5. At the meeting of the Working Group on Firearms held in Vienna on 16 and 17 July 2020, in line with the decisions taken by other working groups of the Conference that held meetings under similar conditions, in a hybrid format, the Working Group decided not to adopt recommendations for consideration by the Conference. The Working Group agreed instead to put the recommendations on hold until States parties had an opportunity to meet with the President of the Conference and reach a consensus on the organization of work of the working groups in view of the restrictions set in response to the coronavirus disease (COVID-19) pandemic. In this meeting, it was agreed that permanent missions of Member States that had registered to participate in the meeting of the Working Group on Firearms, as well as registered delegates, could comment on the draft recommendations, contained in the summary of the Chair. All comments received by the secretariat by the deadline for their submission would be made available to all Member States and a compilation of the comments would be submitted to the Conference of the Parties in the form of a conference room paper, together with the report of the Working Group. Those arrangements were approved by the extended Bureau by the silence procedure.

6. The Chair of the Working Group, in consultation with the secretariat, prepared the following list of discussion points, stemming from the Working Group's meeting, for future consideration. The list of discussion points was prepared and submitted to the Working Group and discussed at its 4th meeting, on 17 July, with the indication that these points were not subject to line-by-line negotiations and final adoption.

### A. General discussion points

#### *Discussion point 1*

Recognizing that the full and effective implementation of the United Nations Convention against Transnational Organized Crime and its supplementary Firearms Protocol provide a meaningful basis to set in place a regulatory regime that helps States address threats related to technological developments and changing modus operandi with regard to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to investigate and prosecute these crimes, States that have not yet done so should consider becoming party to the Firearms Protocol, with the aim of achieving the universalization and full implementation of these two instruments.

#### *Discussion point 2*

Member States, as well as the secretariats of relevant bodies, should continue to foster synergies between the various international and regional instruments governing firearms such as the Arms Trade Treaty, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the Firearms Protocol, including by adopting national legal frameworks that take full advantage of the provisions of the different instruments to which a country is party, enhancing the mutual understanding of how firearms-related challenges are addressed in the different forums, and convening expert meetings for relevant international bodies to facilitate the corresponding dialogue and further contribute to accomplishing target 16.4 of the Sustainable Development Goals.

#### *Discussion point 3*

The United Nations Office on Drugs and Crime (UNODC) is requested to assist States in identifying technical assistance needs and supporting implementation of the measures described below.

*Discussion point 4*

States, UNODC and other relevant stakeholders are encouraged to further analyse and disseminate information on the impacts of arms trafficking as an international illicit market and its relation to violence and crime, and to address concerns about the links between arms trafficking and violence against women and hate crimes, as well as new trends posed by the COVID-19 pandemic in this regard.

## **B. Responsiveness of the Firearms Protocol and national legislation to new and emerging threats relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition**

*Discussion point 5*

With a view to fostering harmonized responses to threats related to technical developments and changing *modi operandi* related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, the Conference requests UNODC to develop legislative and operational tools that help countries counter the threats identified and better regulate related activities, as appropriate, taking into account and building synergies with the ongoing discussions held in the context of the International Tracing Instrument. These may include, among other tools, (a) a glossary of terms relevant for the discussion of new and emerging threats related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, (b) relevant issue papers, and (c) common technical guidelines on the issues of manufacturing of convertible weapons, irreversible deactivation of firearms, and the manufacture and marking of polymer firearms and modular weapons.

### **1. Discussion points on legislative measures**

*Discussion point 6*

Acknowledging that trafficking in firearms is a transnational threat often linked to organized crime and that there are emerging technologies to manufacture firearms, their parts and components and ammunition and new modalities of illicit trafficking, States should revise their domestic legal frameworks and regulations to counter these threats, including by adopting relevant legal regimes, including, where appropriate, through criminalization provisions, so as to also include readily convertible weapons, polymer firearms, modular weapons, the transfer of 3D-printable files and other emerging aspects.

*Discussion point 7*

States are encouraged to conduct a comparative legislative analysis to identify trends and good practices in the responsiveness of national, regional and international legal frameworks to new technologies and changing *modi operandi* in relation to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. In this context, the Conference requests UNODC to conduct such comparative analysis and to facilitate such analysis and exchange among countries.

*Discussion point 8*

In order to efficiently prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, States should adopt and enforce comprehensive legal and regulatory regimes, including integrated record-keeping systems, that address the entire life cycle of firearms, their parts and components and ammunition, including those aspects that are in the licit realm. In this regard, States should also encourage the issuance of licences for firearms possession and conduct end-user verifications.

*Discussion point 9*

Acknowledging that the deactivation of firearms is different from the destruction of firearms, and with a view to preventing their illicit reactivation, States parties should consider adopting national deactivation standards in a manner consistent with the Firearms Protocol that render the weapon permanently inoperable and are equivalent to the destruction of its frame or receiver.

*Discussion point 10*

With a view to filling legislative gaps with regard to 3D-printed weapons, States should consider regulating the blueprints required for these weapons and their parts and components and establishing as a criminal offence the illicit possession, uploading and downloading of such blueprints and the illicit printing of these items.

*Discussion point 11*

Acknowledging that 3D printers could be considered dual-use items, States should be encouraged to cooperate with industry with a view to developing legislation requiring companies that manufacture these items to adopt technical limits in the machines that prevent the 3D printing of parts and components of firearms.

*Discussion point 12*

To improve transfer controls over firearms, their parts and components and ammunition, States parties are encouraged to establish appropriate export, import and transit control systems as required by the Firearms Protocol and to implement into their national legislation the measures encompassed in other relevant international and regional instruments, such as the Arms Trade Treaty, including human rights criteria and mandatory end-user certificates for firearm transfers.

*Discussion point 13*

Recognizing the central role that parts and components play in threats related to technological developments and changing *modi operandi*, including 3D-printed firearms, converted firearms and trafficking through postal services, States parties should address as a matter of priority the regulation of parts and components, taking into account the definition of those contained in article 3 of the Firearms Protocol, with a view to harmonizing legal regimes and avoiding legal loopholes and discrepancies among legal regimes across jurisdictions. In that same context, States should develop systems to identify patterns and coincidences in illicit postal service shipments of these items and make the investigation of seized parts and components mandatory.

**2. Discussion points on preventive, security and regulatory measures***Discussion point 14*

To enhance the traceability of firearms and their essential components and ammunition, States should ensure that all firearms and essential components are marked in a uniquely identifiable manner.

*Discussion point 15*

States parties should also consider revising the marking provisions under the Firearms Protocol to extend the requirement for marking at the time of manufacture or import to their essential components as well.

*Discussion point 16*

With a view to preventing and combating trafficking in firearms and their parts and components through postal and courier services, States should establish permanent communication channels with relevant service providers to raise awareness of this

increasing phenomenon and enhance detection of trafficked items by exchanging information on known trafficking routes.

*Discussion point 17*

Recognizing the challenges that States face in addressing technological developments and changing *modi operandi* in relation to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, States should also explore the use of technology as an important tool to enhance responses to these phenomena, including by using artificial intelligence to improve and standardize the contents of advanced firearms registries or using blockchain technology for marking and import control, among others.

*Discussion point 18*

Taking into account that firearms tracing relies on proper marking and record-keeping, States should identify difficulties they face in acquiring access to existing marking and record-keeping tools; making use of the International Criminal Police Organization (INTERPOL) Firearms Reference Table, which provides detailed information on and photographs of firearms used around the world; utilizing existing national, regional, or international tracing systems; and marking all firearms at the time of import and adequately recording and securing these items.

### **3. Discussion points on law enforcement and criminal justice**

*Discussion point 19*

Acknowledging the increasing threat of the additive manufacture of firearms, also referred to as 3D-printed firearms, States should develop and use appropriate tools and equipment that help detect such weapons, such as investigations into online and dark web platforms and the more robust monitoring of postal packages.

*Discussion point 20*

States should increase the capacities and resources of criminal justice teams and units dealing with cybercrime in the area of combating illicit trafficking in firearms, their parts and components and ammunition through the Internet, including the darknet.

*Discussion point 21*

Acknowledging the occurrence in some countries of trafficking in ammunition, which demonstrates the proliferation and use of firearms, and the challenges of intercepting and tracing that ammunition, States should develop strategies and measures, and strengthen capacities, to detect, prevent and combat this phenomenon, especially at land borders.

### **4. Discussion points on international cooperation and information exchange**

*Discussion point 22*

States are encouraged to periodically exchange information at the regional and subregional levels on emerging threats related to illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, with a view to detecting and identifying those threats at an early stage, adopting timely necessary legislative amendments and raising awareness in other countries that might, owing to their geographic proximity, face similar issues.

### **5. Discussion points on data collection and monitoring illicit arms flows**

*Discussion point 23*

States are urged to generate and collect more accurate data on firearms, their parts and components and ammunition, from manufacture to destruction, to be recorded in comprehensive records in order to better identify illicit firearms flows and generate

knowledge on trends and *modi operandi*, and to develop better intelligence and preventive measures.

*Discussion point 24*

States are also urged to increase their related data collection and analytical capacities and exchange the findings with one another in order to identify transnational issues that call for a coordinated response. To this end, the Conference requests UNODC to further enhance its capacity to support and promote global data collection and analysis efforts as well as the exchange of information in this field.

## **C. Investigative and prosecutorial approaches in countering illicit firearms trafficking and related forms of crime within and across jurisdictions**

### **1. Discussion points on legislative measures**

*Discussion point 25*

States parties are called upon to further enhance their commitment to harmonize domestic legal frameworks on firearms in line with the Firearms Protocol and to fully exploit the synergies between the Protocol and its parent Convention with the aim of strengthening transnational investigations, international law enforcement and judicial cooperation against illicit firearms trafficking.

*Discussion point 26*

States should provide the appropriate legislative frameworks that are in line with international instruments to allow law enforcement authorities to apply special investigative techniques and facilitate international cooperation.

*Discussion point 27*

States are urged to take a comprehensive victim-centred approach in their criminal justice system when addressing the issue of illicit firearms trafficking.

### **2. Discussion points on preventive, security and regulatory measures**

*Discussion point 28*

States should consider establishing comprehensive registries that contain information from the manufacturing industry, as well as export, import and transfer information related to firearms, and consider extending the retention period for such records.

### **3. Discussion points on law enforcement and criminal justice**

*Discussion point 29*

States should consider adopting the use of tracing requests as a form of crime notice that triggers the initiation of an investigation in the requesting country.

*Discussion point 30*

Law enforcement authorities and prosecutorial services are encouraged to initiate parallel investigations of crimes related to the illicit manufacturing of and trafficking in firearms, to create joint investigative teams and to make use of the special investigative techniques set forth in the Organized Crime Convention and the Firearms Protocol, such as controlled deliveries, electronic or other forms of surveillance and undercover operations, and to consider the supporting role that can be played by international and regional organizations engaged in the fight against transnational organized crime.

*Discussion point 31*

As regards joint investigative teams, States should consider establishing such teams as standing bodies in border regions that share information and intelligence on an ongoing basis and are working jointly in the border corridor.

*Discussion point 32*

States are encouraged to enhance inter-agency cooperation and to participate in cross-border coordination of proactive intelligence-led investigations and cooperation between law enforcement and judicial authorities within and across regions, in order to identify firearms trafficking trends and patterns, as well as challenges, lessons learned and best practices.

*Discussion point 33*

To systematically track the movement of illicit firearms from manufacturer to purchaser, States are urged to continue to trace recovered firearms bilaterally or through international and regional mechanisms, in cooperation with States believed to be the source of manufacture.

*Discussion point 34*

States should create and strengthen national firearms focal points, which are responsible for administrative firearms controls. Such focal point should have access to national databases, be in charge of collecting and analysing national information and data on firearms, act as a focal point for the tracing of firearms at the national and international levels, serve as a liaison with other States, and foster the subregional, regional and international cooperation among them.

*Discussion point 35*

States should consider creating and strengthening specialized units within law enforcement and prosecution services to streamline and strengthen the investigation and prosecution of firearms trafficking offences, including specialized tracing units. Such tracing units could either be part of or closely cooperate with the national firearms focal point.

*Discussion point 36*

States are urged to take broad approaches in investigating and prosecuting cases involving investigations of illicit firearms, the individuals involved and their illicit assets, with a view to significantly reducing illicit financial and arms flows, in line with target 16.4 of the Sustainable Development Goals.

*Discussion point 37*

States are encouraged to combine investigations of firearms-related crimes with investigations of illicit assets and of money-laundering tackling illicit enrichment, in order to dismantle the trafficking networks behind illicit arms transfers and gather intelligence on suspicious transactions, as three interchangeable entry points for initiating investigations on illicit firearms trafficking. To that end, States should also develop related national standing operating procedures for frontline officers.

*Discussion point 38*

States should enhance, where required, cooperation between customs and law enforcement agencies to strengthen efforts against illicit trafficking in firearms, their parts and components and ammunition.

*Discussion point 39*

In order to improve the collection of firearms evidence and to bring perpetrators to justice, States should develop and adopt systematic recovery protocols to be applied following the recovery of each firearm, making use of national record-keeping systems and international databases, such as the INTERPOL Ballistic Information Network (IBIN) and the INTERPOL Illicit Arms Records and Tracing Management System (iARMS).

**4. Discussion points on international cooperation and information exchange***Discussion point 40*

With a view to facilitating and making the best use of international cooperation mechanisms, States are urged to maintain a cooperative and reliable relationship with foreign investigative bodies, including through police attachés; share information on illicit firearms trafficking sources; use spontaneous information transmission mechanisms; request parallel investigations of the origin of seized firearms in the source country; and develop awareness of the variety of actors that may need to be involved in investigating and prosecuting cases, such as police, military and judicial services.

*Discussion point 41*

Acknowledging the importance of the spontaneous transmission of information to initiate and foster investigations of illicit firearms trafficking cases, States should ensure that their national legal framework allows the admittance of such information as evidence in court.

*Discussion point 42*

States are invited to strengthen information exchange and the collection of data on seized firearms, including in relation to related judicial cases, and to increase the capacities of national authorities in beneficiary countries to collect, register and analyse data on seized firearms and illicit firearms trafficking, building on the methodology of the UNODC illicit arms flows questionnaire.

*Discussion point 43*

Building on the UNODC Monitoring Illicit Arms Flows initiative, States should also consider promoting regional and cross-regional projects and studies aimed at increasing the capacity of national authorities to effectively prevent, detect, investigate and prosecute illicit firearms trafficking and related offences, conduct risk and threat assessments and support closer cross-border coordination and cooperation between law enforcement and judicial authorities within and among the beneficiary countries.

**5. Discussion points on monitoring illicit arms flows***Discussion point 44*

To enhance the understanding of the scope and dynamics of illicit firearms markets, States should continue to enhance their national systems for recording and tracing seized firearms, their parts and components and ammunition and to analyse the information.

**III. Summary of deliberations of the Chair**

7. The following summary of deliberations stemming from the meeting was prepared by the secretariat in close coordination with the Chair. The following summary of deliberations was not subject to negotiations and adoption during the meeting and was instead prepared as a summary by the Chair.

**A. Responsiveness of the Firearms Protocol and national legislation to new and emerging threats relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition**

8. At its 1st and 2nd meetings, on 16 July 2020, the Working Group considered its agenda item 2, entitled “Responsiveness of the Firearms Protocol and national legislation to new and emerging threats relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”.

9. The discussion under agenda item 2 was facilitated by Emmanuel Vallens, Policy Officer of the Directorate-General for Migration and Home Affairs of the European Commission, on behalf of the European Union, and Isaac Morales Tenorio, Multidimensional Security Coordinator of the Ministry of Foreign Affairs of Mexico, on behalf of the Group of Latin American and Caribbean States.

10. The representative of the European Union underlined that the European Union attached great importance to the issue of illicit firearms manufacturing and trafficking and announced the recent launch of its new European Union action plan on firearms trafficking for the period 2020–2025. The panellist described specific threats related to the illicit manufacturing of and trafficking in firearms faced by States members of the European Union, including the reactivation of firearms, trade and trafficking in low-calibre firearms such as the so-called “Flobert” firearms, converted alarm and signal weapons and hand-made, modified and 3D-printed firearms, which were often produced with parts and components available on the legal market. The panellist introduced the legislative and regulatory developments undertaken by the European Union to help prevent and address illicit activities related to these type of weapons, in particular the amendment, which entered into force in 2018, of its earlier firearms directive of 2008; the amendment introduced stiffer controls over firearms and other weapons. The panellist highlighted the importance of harmonizing legislative responses within the region so as to close gaps and avoid loopholes created through the different treatment of the issue by different Member States. Among the relevant measures adopted to counter emerging crime modalities, he referred to the requirement for Member States to make the deactivation of firearms permanent; the issuance of a certificate for deactivated firearms and the application of common and standardized marking on such weapons; and the adoption of common technical specifications for alarm and signal weapons that fall under the relevant European Union directive. He further mentioned the law enforcement efforts undertaken to address those threats, in particular through the firearms priority of the European multidisciplinary platform against criminal threats (EMPACT) of the European Union Agency for Law Enforcement Cooperation (Europol) as additional measures that complemented the European Union’s efforts to tackle these new and emerging threats.

11. The representative of the Group of Latin American and Caribbean States provided an account of the situation with firearms, indicating that 75 per cent of the 1 billion firearms estimated to exist across the globe were in the hands of civilians and that annually, more than 1,000 person died every day through the use of firearms. Referring to his region, he noted that approximately 75 per cent of registered homicides were committed with a firearm, increasing the levels of violence, including against women and other vulnerable groups, and that in his country, Mexico, it was estimated that more than 200,000 weapons entered the country every year, mostly through the northern border, including an increasing number of high-calibre weapons that were used by organized criminal groups as a source of power. The panellist referred to the national strategy adopted by his country to face that growing threat to security, justice and development. He highlighted in that context the importance of multilateralism and international cooperation to find more comprehensive and broader responses to illicit firearms trafficking, which constituted a global market. The panellist noted that investigative actions often focused only on the crimes committed with a firearm and not on their origin and ballistic identification, and that including in cases of Internet-enabled purchases, investigations focused on

establishing the legal or illegal nature of the sale and on the virtual money involved and not on the actual product that was traded. In that context, he noted that while technological developments brought several challenges in countering illicit firearms trafficking, technology was also an important tool to trigger responses to the phenomenon, for example, the use of artificial intelligence and blockchain technology for better and more standardized registries and improved marking and tracing capabilities. The panellist further elaborated on several good practices and recommendations for consideration by the Working Group, such as the universalization and comprehensive implementation of the Firearms Protocol; the need to generate and collect more precise information on firearms, parts and components and ammunition throughout their life cycle; the creation by national stakeholders and the international community of enhanced synergies between the different legal instruments on firearms that exist at the regional and international levels; the need to enhance the focus of the criminal justice responses on the origin and illicit trafficking offences, including through the adoption of victim-friendly approaches that enhanced the role of victims in the criminal justice system; the development and maintenance of a catalogue with characteristics of non-industrially manufactured firearms; and the establishment and strengthening of specialized units to investigate firearms trafficking which should also cooperate and exchange information at the regional and international levels.

12. Afterwards, the floor was opened for an exchange of additional information with the panellists and the participating delegates in response to several questions and comments. Several countries acknowledged the threat posed by technological developments in relation to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition but also noted that several of those threats had existed for several years in their regions. The speedy identification of new and emerging threats was highlighted as a key element in giving adequate time for legislative amendments, for example, by establishing regional expert groups on firearms that regularly exchanged information.

13. Among the main issues raised during the discussion were the modalities to build synergies between the different international and regional instruments addressing firearms, which would be needed at the level of national authorities and of the international community, as well as ways to better harness new technologies to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. Supporting the importance of the universalization and implementation of international instruments on firearms, several countries also highlighted the importance of maintaining control over weapons throughout their entire life cycle and of continuing efforts to harmonize legal frameworks and standardize terms, in particular in relation to parts and components of firearms.

14. One speaker highlighted the challenges in his country posed by the high volumes of seized firearms in legal custody, and enquired about practices in harmonizing and enforcing judicial deadlines in relation to seized items that still served as evidence.

## **B. Investigative and prosecutorial approaches in countering illicit firearms trafficking and related forms of crime within and across jurisdictions**

15. Following the closure of agenda item 2, the Working Group considered agenda item 3, entitled “Investigative and prosecutorial approaches in countering illicit firearms trafficking and related forms of crime within and across jurisdictions”.

16. The discussion under agenda item 3 was facilitated by Hendrik Odendaal, Lieutenant Colonel of the National Priority Violent Crime Bureau, Directorate for Priority Crime Investigation, of South Africa, on behalf of the Group of African States; Professor Christian Ponti of the University of Milan, Italy, on behalf of the Group of Western European and other States; José Romero Morgaz, Lieutenant Colonel of the Guardia Civil of Spain, Head of Unit of the Central Division for

Firearms and Explosives of the Ministry of Interior of Spain and Driver of the firearms priority area of EMPACT, also on behalf of the Group of Western European and other States; and Marcus Vinicius da Silva Dantas, Federal Police Commissioner of Brazil, Division for the Repression of Crimes against Property and Trafficking in Firearms, on behalf of the Group of Latin American and Caribbean States.

17. The representative of the Group of African States provided an overview of the different institutions and tools in place in South Africa to prevent and address illicit firearms trafficking, including the National Priority Violent Crimes Bureau, an enhanced border control system that keeps track of firearms imports and exports, the Central Firearm Control Register and the Forensic Science Laboratory. The panellist noted that investigations within his country are intelligence-led and proactive, and he provided an example of a recent controlled delivery carried out in the area of firearms trafficking between the United States of America and South Africa. He also emphasized the importance of tracing and highlighted that his country had initiated over 500 tracing requests and uploaded over 235,000 stolen and lost arms in the INTERPOL iArms database to assist other countries in tracing. He further emphasized the importance of calling expert witnesses to testify in firearms trafficking cases to ensure that there was sufficient evidence to adjudicate offenders. Moreover, the delegate emphasized the importance of capacity-building, international cooperation and information exchange and explained the country's engagement in the real-time sharing of intelligence, bilateral and multilateral operations, and maintaining international liaison, in particular within the Southern African Development Community.

18. The first representative of the Group of Western European and other States, highlighting the often instrumental role that illicit firearms play in sustaining and aggravating other forms of organized crime, noted that investigative plans often target the leaders of mafia-type organizations but often do not address the origin of the weapons used. This would confirm one of the conclusions of the UNODC *Global Study on Firearms Trafficking 2020* that illicit firearms trafficking is often a hidden crime. The panellist emphasized the need to continue efforts to harmonize legislative regimes and described several good practices and recommendations for consideration by the Working Group, such as the adoption of shared classification criteria for firearms; common strict standards on the control of the acquisition, possession, circulation and even the ban of certain firearms with a view to preventing the leakage of licit firearms into the illicit market; increased synergies among international instruments governing firearms, such as the Firearms Protocol and the Arms Trade Treaty, especially with the purpose of introducing human rights criteria for transfers of small arms and light weapons, and end-user certificates into national legislations regulating arms trade; enhanced promotion of regional and cross-regional projects focused on strengthening information exchange and data collection, coupled with increased opportunities for capacity-building to collect, register and analyse relevant information; and enhanced international cooperation. With respect to the classification criteria, the panellist invited States not members of the European Union to also consider using as legislative guidance Council Directive 91/477/EEC on control of the acquisition and possession of weapons, as amended by Directive (EU) 2017/853.

19. The second representative of the Group of Western European and other States highlighted the importance of implementing a comprehensive control framework for firearms as such a system would reduce efforts by national authorities required to combat illicit firearms trafficking and related forms of crime. He emphasized the importance of ensuring the full traceability of all seized firearms which should be carried out by specialized units, and recommended integrating those units into the structure of the national institution, ministry, office or agency with the competence of the legal control of firearms and the technical knowledge and competence to collect data from all relevant institutions. He further explained that in his country, Spain, those units were integrated in the national firearms focal point, established by the Guardia Civil, which combined those administrative competences with the collection,

analysis and sharing of firearms data and the tracing of seized firearms, to support investigative actions as well as the UNODC Monitoring Illicit Arms Flows initiative. Underscoring that financial profit is the main driver that sustains organized crime, he then focused on the importance of adopting a broad concept of tracing, which should include economic investigations of firearms-related transactions by individuals and companies, and the importance of adopting in general comprehensive approaches to investigate illicit firearms trafficking that also include economic investigations. The panellist stressed that every investigation of firearms should focus on three aspects: the weapon, the individuals involved and the money. As the financial profit was the main driving force to sustain illicit firearms trafficking, it was important to take into account the interlinked concepts of illicit enrichment, assets derived from crime and money-laundering in each investigation of the phenomenon. The panellist also provided a concrete example in which the conspicuous accumulation of assets of a licensed firearms vendor led to the dismantling of an illicit firearm trafficking scheme operated by that individual. He explained that Spain had adopted an investigative protocol to guide structured investigations into illicit assets in the context of firearms trafficking cases.

20. The representative of the Group of Latin American and Caribbean States emphasized the need of having adequate legislation harmonized with the international standards to enable the use of special investigative techniques, as well as of enhancing understanding of the national illicit firearms markets through a comprehensive and integrated record keeping system and tracing all seized firearms, with a view to effectively investigating and prosecuting firearms trafficking cases. Subsequently, the panellist highlighted two recently identified patterns, namely an increase in trafficking in parts and components and the use of the Internet for the commerce. In this respect, the panellist highlighted the links between illicit firearms trafficking and drugs trafficking, money-laundering and other economic crimes. The panellist further shared best practices and recommendations based on the experience of the Federal Police of Brazil for consideration of the Working Group, such as enhancing cooperation and reliable relationships with foreign investigative bodies, and in that regard, he welcomed initiatives such as the UNODC meetings organized in cooperation with Mexico in 2019 to build bridges of cooperation in investigating processes; promoting information exchange on illicit firearms trafficking sources; engaging firearm source countries to promote fast responses at the time of each seizure; considering tracing requests such as a crime notice, in order to establish an obligation to open a parallel investigation in the firearm source country; promoting the use of spontaneous information transmission mechanisms, and strengthening the cooperation with police attachés of relevant countries to enable effective investigations that lead to the dismantlement of firearms trafficking organizations; the development of a cross-check business intelligence system; closely working with financial intelligence units to produce evidence for financial crimes; building capacities among practitioners for conducting field investigations and tracing the trafficking method used. Highlighting the challenges of countering the trafficking in parts and components, the panellist also recommended revising the Firearms Protocol and other international legislation to provide for the record-keeping and marking at the time of manufacture and import of parts and components.

21. The representatives of INTERPOL and Spain delivered short presentations from the floor.

22. At its 3rd meeting, on 17 July 2020, the Working Group began its deliberations under agenda item 3. Following their presentations, the panellists exchanged additional information with the participating delegates in response to several questions and comments.

23. The main area of discussion among the experts was on tracing firearms to their illicit origin. This involved an exchange on the notion of tracing itself and the extent to which it effectively fostered investigations on illicit firearms trafficking. Speakers shared information on the sustainability of tracing mechanisms. One country shared its view on emerging challenges posed by overloaded tracing systems and the

approaches they had adopted. The importance of tracing mechanisms not only for single cases but also to identify routes and patterns was highlighted. One speaker explained that his country had started to trace in 2006 and established a dedicated tracing centre in 2019, enabling the successful tracing of over 23,000 firearms. He explained that this had allowed them to establish a profile of the illicit market, establish contacts with source countries and better understand how the arms entered the illegal market. This had helped them disrupt several organized criminal groups operating for many years. They also discovered that legally exported arms returned to the country illegally, which prompted them to strengthen their national registries. Finally, the speaker explained that in terms of investigative approaches, going after the origin of illicit firearms was important since many investigations of violent crimes were subject to strict time limitations which could make it difficult to properly investigate the illicit trafficking offence. Another speaker stressed the importance of understanding the illegal market and the trends in trafficking through the tracing analysis. One speaker drew attention to the necessity of tracing seized weapons before destroying them. Information on techniques for tracing firearms with removed/altered markings was also shared.

## **IV. Organization of the meeting**

### **A. Opening of the meeting**

24. The seventh meeting of the Working Group on Firearms was held in Vienna on 16 and 17 July 2020. As agreed by the extended Bureau of the Conference of the Parties by approval using the silence procedure on 19 June 2020, the meeting was held in a hybrid format, with a very restricted number of participants (representatives of the Secretariat and the Chair) present in the meeting room and all other participants remotely connected using an interpretation platform used under contract with the United Nations.

25. The Working Group met on 16 and 17 July and held four meetings in total. The first meeting on each day was held from 12 noon to 2 p.m. and the second meeting from 4 p.m. to 6 p.m. Central European Summer Time. Upon consultation with the Chair of the Working Group, the above-mentioned schedule sought to accommodate the different time zones of the Chairs and participants of the Working Group, while also respecting and staying within the time frame usually set for the meetings. The relevant information about the new meeting times was made available on the respective web page of the Working Group.

26. The meeting of the Working Group was chaired by Gonzalo Fabián Medina Hernández, Head of Cabinet of the Minister of Foreign Affairs of Mexico. The Chair of the Working Group made an opening statement, providing an overview of the mandate of the Working Group, its objectives and the subjects under its consideration and explaining the new meeting etiquette.

27. In his introductory remarks, the Chair referred to the content of the letter of the Group 77 and China sent to the President of the Conference on 6 July, and the concerns expressed that there was not sufficient time for proper, inclusive and transparent consideration of recommendations during the virtual meetings, and that no consensus existed on whether the meeting should issue recommendations because of time constraints and because for many experts there was no possibility to participate in the meeting or fully attend the meeting due to technical issues of connectivity.

28. At the opening of the meeting, an introductory statement was made by a representative of the Secretariat followed by a presentation on activities of UNODC implemented since the preceding session of the Working Group to promote the ratification and implementation of the Firearms Protocol, pursuant to paragraph 35 (a) of Conference resolution 9/2 of 2018.

29. General statements at the opening of the meeting were made by representatives of the following States parties to the Firearms Protocol: Argentina, Guatemala, Honduras, India, Mexico, Paraguay and Turkey.

30. General statements were also made by representatives of the following signatory and observer States to the Firearms Protocol: China and Germany.

31. Moreover, statements at the opening of the meeting were made by representatives of following entities of the United Nations: Counter-Terrorism Committee Executive Directorate and Office of Counter-Terrorism.

## **B. Statements**

32. For the purposes of the meeting, the secretariat used the above-mentioned Interprety interpretation platform to facilitate the interpretation into all six official United Nations languages. The platform allowed 300 participants to be assigned a “speaking and listening role”, while all other participants had only a “listening role”. Delegations had been requested to notify the secretariat about the distribution of roles (speaking role or only listening role) in each delegation when requesting the registration of their delegates through a note verbale.

33. Representatives of the Secretariat provided introductory remarks under agenda items 2 and 3.

34. With the Chair presiding, the discussion under item 2 was led by the following panellists: Emmanuel Vallens (European Union) and Isaac Morales Tenorio (Mexico).

35. Under agenda item 2, statements were made by representatives of Spain, a State party to the Firearms Protocol, and the Organization of American States.

36. With the Chair presiding, the discussion under item 3 was led by the following panellists: Hendrik Odendaal (South Africa), José Romero Morgaz (Spain), Marcus Vinicius da Silva Dantas (Brazil) and Christian Ponti (Italy).

37. Under agenda item 3, statements were made by representatives of Spain, a State party to the Firearms Protocol, and INTERPOL.

## **C. Adoption of the agenda and organization of work**

38. At its 1st meeting, on 16 July 2020, the Working Group adopted by consensus the following agenda:

1. Organizational matters:
  - (a) Opening of the meeting;
  - (b) Adoption of the agenda and organization of work.
2. Responsiveness of the Firearms Protocol and national legislation to new and emerging threats relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.
3. Investigative and prosecutorial approaches in countering illicit firearms trafficking and related forms of crime within and across jurisdictions.
4. Other matters.
5. Adoption of the report.

## **D. Attendance**

39. The following 54 parties to the Firearms Protocol were represented at the meeting, connected remotely due to the specific format of the meeting adopted in response to the COVID-19 pandemic: Albania, Angola, Argentina, Armenia, Austria,

Azerbaijan, Belgium, Brazil, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Dominican Republic, Ecuador, El Salvador, Estonia, European Union, France, Greece, Guatemala, Honduras, India, Iraq, Italy, Kuwait, Latvia, Lebanon, Libya, Malawi, Mexico, Morocco, Nigeria, Norway, Oman, Paraguay, Peru, Poland, Portugal, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sudan, Sweden, Switzerland, Tunisia, Turkey, Ukraine, Uruguay and Venezuela (Bolivarian Republic of).

40. The following six States signatories to the Firearms Protocol were represented by observers connected remotely due to the specific format of the meeting adopted in response to the COVID-19 pandemic: Australia, Canada, China, Germany, Japan and United Kingdom of Great Britain and Northern Ireland.

41. The following 19 States that are not parties or signatories to the Firearms Protocol were represented by observers connected remotely due to the specific format of the meeting adopted in response to the COVID-19 pandemic: Bolivia (Plurinational State of), Colombia, Egypt, Indonesia, Iran (Islamic Republic of), Ireland, Jordan, Kyrgyzstan, Malaysia, Malta, Myanmar, Namibia, Nepal, New Zealand, Philippines, Russian Federation, United Arab Emirates, United States and Viet Nam.

42. The following intergovernmental organizations were represented by observers connected remotely due to the specific format of the meeting organized adopted in response to the COVID-19 pandemic: European Union Agency for Criminal Justice Cooperation (EUROJUST), Gulf Cooperation Council, INTERPOL, League of Arab States, Organization for Security and Cooperation in Europe, Organization of American States, Regional Arms Control Verification and Implementation Assistance Centre–Centre for Security Cooperation, South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons and Wassenaar Arrangement.

43. The following United Nations entities were represented by observers connected remotely due to the specific format of the meeting: United Nations Counter-Terrorism Centre of the Office of Counter-Terrorism and Counter-Terrorism Committee Executive Directorate.

44. A list of participants is contained in document [CTOC/COP/WG.6/2020/INF/1/Rev.1](#).

## **E. Documentation**

45. The Working Group, at its meeting on 16 and 17 July, had before it the following documents which had been prepared for the meeting of the Working Group originally scheduled for 17 and 18 March 2020:

(a) Annotated provisional agenda ([CTOC/COP/WG.6/2020/1](#));

(b) Background paper prepared by the Secretariat on the responsiveness of the Firearms Protocol and national legislation to new and emerging threats relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition ([CTOC/COP/WG.6/2020/2](#));

(c) Background paper prepared by the Secretariat on investigative and prosecutorial approaches in countering illicit firearms trafficking and related forms of crime within and across jurisdictions ([CTOC/COP/WG.6/2020/3](#)).

## **V. Adoption of the report**

46. On 17 July 2020, the Working Group adopted chapters I, II (except for the discussion points listed under sections A, B and C), IV and V of the present report on its fourth meeting.