



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

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**Review of the implementation of the United Nations
Convention against Transnational Organized Crime
and the Protocols thereto: Protocol against the Illicit
Manufacturing of and Trafficking in Firearms,
Their Parts and Components and Ammunition**

Activities of the Working Group on Firearms

Report submitted by the Chair of the Working Group

I. Introduction

1. The present report has been prepared pursuant to resolution 5/4, adopted by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, in which the Conference decided to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the United Nations Convention against Transnational Organized Crime, and rule 2, paragraph 2, of the rules of procedure for the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. The Conference also decided that the Chair of the Working Group on Firearms should submit to the Conference, at its sixth session, the report of the Working Group on its activities.

2. In that resolution, the Conference further 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

* CTOC/COP/2012/1.



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. The Working Group on Firearms held a meeting in Vienna on 21 and 22 May 2012. The meeting was chaired by Simona Marin (Romania), Vice-President of the Conference at its fifth session. The report on that meeting is contained in document CTOC/COP/WG.6/2012/4.

II. Recommendations adopted by the Working Group on Firearms at its meeting held in Vienna on 21 and 22 May 2012

4. The recommendations adopted by the Working Group at its meeting held in Vienna on 21 and 22 May are provided below.

A. Promoting universal adherence to the Firearms Protocol

5. The Conference may wish to welcome the increased rate of ratifications of and accessions to the Firearms Protocol and should call upon States that have not yet done so to consider becoming parties to the Firearms Protocol.

B. How States parties to the Firearms Protocol can better implement its provisions

1. Legislative development

6. The Conference should call upon States parties that have not yet done so to adopt national legislation on firearms in a manner consistent with the Firearms Protocol and to consider making use of the United Nations Office on Drugs and Crime (UNODC) Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition in this respect.

2. Overall implementation of the Firearms Protocol

7. The Conference may wish to invite States parties to revise and adapt their national legislation in a manner consistent with the Firearms Protocol and to exchange information at the bilateral, subregional, regional and international levels on national approaches to the use of definitions and nomenclature in the area of firearms.

8. The Conference should urge States parties to adopt national and regional integrated approaches for the implementation of the Firearms Protocol, taking into account, where possible, economic and social factors having an impact upon firearms-related crime.

3. Preventive measures

Marking and record-keeping

9. The Conference should urge States parties that have not yet done so to implement the marking of firearms, in accordance with article 8 of the Firearms Protocol, including, where appropriate, their essential elements, for the purpose of identifying and tracing each firearm.
10. The Conference should urge States parties to implement the requirement in the Firearms Protocol of applying appropriate simple marking on each imported firearm so as to identify the country of import and, where possible, the year of import and, if required, to seek technical advice in that respect.
11. The Conference should urge States parties to consider ways to facilitate access to relevant equipment and knowledge on modern marking techniques and to share successful measures and experiences with regard to ensuring import markings and better control of firearms at their ports of entry.
12. The Conference should urge States parties to establish or strengthen their record-keeping measures, including the establishment of central registries where appropriate, for the purpose of preventing and detecting illicitly manufactured or trafficked firearms and, where appropriate and feasible, their parts and components and ammunition.
13. The Conference should invite States parties to ensure adequate maintenance of the necessary records, for the purpose of facilitating the traceability of firearms and international cooperation in the investigation and prosecution of criminal offences involving firearms, and to consider keeping their records for an adequate time, in the light of the long life cycle of firearms, of not less than 10 years.

Transfer controls

14. The Conference may wish to urge States parties that have not yet done so to implement an effective system of export and import licensing or authorization, as well as measures on transit and on the transfer of firearms, their parts and components and ammunition.
15. The Conference may wish to urge States parties to ensure the securing of licensing and authorization of firearms by adopting biometric or magnetic licences in order to combat counterfeit documents.
16. The Conference may wish to invite States parties to conduct regular risk assessments of possible points on land, at sea and in the air from which firearms may be diverted during the import, export and transit process, including trans-shipment.
17. The Conference may wish to invite States parties, with a view to increasing the effectiveness of import, export and transfer controls, to consider possibilities for increased exchange of information on tracing diversions at the national, regional and international levels and to allow access to this information, in an appropriate format, to export licensing authorities in order to prevent diversion.

Identification, seizure, confiscation, destruction and deactivation

18. The Conference may wish to urge States parties to adopt measures and standard procedures within their domestic legal systems for the identification, seizure, confiscation and destruction of illicitly manufactured and trafficked firearms, their parts and components and ammunition, including appropriate record-keeping of seized, confiscated, destroyed or deactivated firearms.

Control measures

19. The Conference may wish to invite States parties to adopt an integrated approach to preventing and combating cross-border criminality and trafficking flows, in particular related to firearms, their parts and components and ammunition, and to share good practices and results obtained.

Criminalization

20. The Conference should urge States parties that have not yet done so to review and strengthen their criminal legislation and to establish as criminal offences the acts covered by the Firearms Protocol, including by introducing sanctions commensurate with the nature and gravity of the offence.

21. The Conference may wish to urge States parties to ensure that production of firearms, including handcrafted firearms, their parts and components and ammunition is in accordance with the proper licensing, authorization and marking requirements, including through the use of appropriate criminalization provisions.

Criminal investigation and analysis

22. The Conference should call upon States parties to strengthen the capacity of all relevant Government and state authorities, including law enforcement, customs, prosecution and judiciary authorities to effectively detect, prevent and combat firearms-related offences.

23. The Conference should encourage States parties to ensure the full implementation of firearms legislation by, inter alia, placing priority on the investigation, prosecution and adjudication of firearms-related criminal cases.

24. The Conference may wish to urge States parties to identify and share good practices with regard to the investigation and prosecution of firearms-related offences and links to organized crime.

Information exchange

25. The Conference may wish to urge States parties to exchange relevant information, including tracing information, that would enable them to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

26. The Conference may also wish to urge States parties to create mechanisms for the exchange of information on the registration of firearms and databases on seizures of firearms, as well as the exchange of information on trends and emerging modalities of organized crime related to trafficking in firearms, their parts, and components and ammunition.

C. International cooperation

27. The Conference may wish to encourage States to reinforce cooperation at the bilateral, subregional, regional and international levels to prevent and combat transregional trafficking in firearms, their parts and components and ammunition, and other forms of trafficking, including through mutual legal assistance and extradition.

D. How the Working Group on Firearms can better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition in the area of supporting and promoting the implementation of the Firearms Protocol

28. The Conference may wish to request UNODC to continue coordination and cooperation with relevant international and regional organizations, including the International Criminal Police Organization (INTERPOL) and the World Customs Organization, so as to promote the ratification and implementation of the Firearms Protocol and to improve the delivery of technical assistance.

29. The Conference may wish to request UNODC to enhance coordination with relevant entities in the United Nations system, including the Office for Disarmament Affairs of the Secretariat, taking into account their mandates and comparative advantages, for the purposes of promoting a harmonized approach among complementary instruments and initiatives, including the Firearms Protocol and the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

30. The Conference may wish to request UNODC to facilitate cooperation and coordination within the United Nations system on issues related to organized crime and trafficking in firearms, including, where appropriate, through the United Nations system task force on transnational organized crime and drug trafficking.

E. Provision of technical assistance

31. UNODC should consider promoting greater awareness and knowledge of the Firearms Protocol among national stakeholders, including Governments, the private sector and civil society, through its network of field offices and through its country, regional and thematic programmes.

32. UNODC should provide to States, on request, pre-ratification support and legislative assistance to enable them to ratify the Firearms Protocol. UNODC should provide such support and assistance through, inter alia, the organization of regional and national pre-ratification workshops, with the aims of addressing challenges to ratification that may be encountered and promoting universal adherence to the Firearms Protocol.

33. UNODC should publish and disseminate the Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and

Ammunition in all the official languages of the United Nations, as a tool to facilitate the delivery of legislative assistance.

34. UNODC should develop and disseminate, in all official languages of the United Nations, a ratification kit illustrating the features of the Firearms Protocol, including information on the relationship between the Firearms Protocol and other regional instruments and global frameworks, to support and facilitate the ratification process.

35. Within the framework of its technical assistance programme, UNODC should support the process of identifying country-specific technical assistance needs and should play a central role in delivering such assistance and facilitating the provision of available resources.

36. UNODC should continue to assist requesting States in assessing and strengthening national legislation, including through gap analysis and regional comparative analysis, with a view to promoting legislative harmonization.

37. UNODC should develop guidance on the proper application of the marking requirements under the Firearms Protocol, with a particular emphasis on import marking, with a view to identifying good practices and possibilities for accessing technical assistance in that regard.

38. UNODC should intensify its efforts to provide support in response to the growing number of requests for technical assistance in the development and maintenance of systems for keeping comprehensive records on firearms and their transfers, the marking of firearms and the strengthening of import, export and transit controls of firearms, their parts and components and ammunition.

39. UNODC should also provide technical assistance to requesting States to improve border control measures, including customs infrastructure, to prevent and combat cross-border criminality and trafficking flows, in particular in relation to firearms, their parts and components and ammunition.

40. The Conference may wish to welcome the technical assistance activities carried out by UNODC, including the global project on firearms and other initiatives and studies, and may consider requesting UNODC to explore ways and means of expanding such activities to different regions, through both legislative and operational measures regarding the functioning of the Firearms Protocol.

41. The Conference may wish to invite States to make available to UNODC extrabudgetary resources to support the delivery of legislative and technical assistance to States, at their request, as well as to develop relevant technical assistance tools to support the ratification and implementation of the Firearms Protocol.

F. Future work of the Working Group

42. The Working Group encourages States to continue to use the Group to exchange views and comments on the Firearms Protocol, including on challenges to the ratification and implementation of the Protocol, as well as its strengths and good practices and successes in its implementation, with a view to reinforcing

cooperation to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

43. The Conference may wish to urge States that are not parties to the Firearms Protocol to present their views and comments on the Firearms Protocol, addressing both its strengths and challenges, with a view to reinforcing cooperation to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and to present such views to any future meeting of the Working Group.
