



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

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Working Group on Firearms

Vienna, 17 and 18 March 2020

Annotated provisional agenda

Provisional agenda

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 - (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.

Annotations

1. Organizational matters

(a) Opening of the meeting

The meeting of the Working Group on Firearms will be opened on Tuesday, 17 March 2020 at 10 a.m.

(b) Adoption of the agenda and organization of work

In its resolution 5/4, entitled “Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the United Nations Convention against Transnational Organized Crime, and rule 2, paragraph 2, of the rules of procedure for the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.



Also in that resolution, the Conference 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.

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 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.

Furthermore, in its resolution 9/2, the Conference requested the Secretariat to inform the Working Group on Firearms about: (a) the activities of the United Nations Office on Drugs and Crime to assist the Conference in promoting and supporting the implementation of the Firearms Protocol; (b) coordination with other relevant international and regional organizations; (c) best practices in the areas of training and capacity-building; and (d) awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition; and also requested the Secretariat to continue supporting the Working Group in the performance of its functions.

The extended Bureau of the Conference of the Parties agreed on the dates for the seventh meeting of the Working Group on Firearms, to be held in Vienna on 17 and 18 March 2020. On 12 November 2019, the Secretariat submitted proposed agenda items to the extended Bureau for adoption by silence procedure. While agenda item 2 was adopted, Member States provided comments, including some counterproposals, on agenda item 3. Following informal consultations convened on 17 December 2019 by the Chair of the Conference, agreement was also reached on agenda item 3 and it was subsequently adopted by the extended Bureau by silence procedure.

The proposed organization of work, contained in the annex to the present document, was prepared in order to enable the Working Group to perform its mandated functions within the time and according to the conference services available to it. The resources available to the Working Group will permit the holding of four plenary meetings over two days, with interpretation in the six official languages of the United Nations.

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

Over the past two decades, new firearms design and production methods, as well as changing *modi operandi* in transferring and illicitly trafficking in firearms, their parts and components and ammunition have emerged as important challenges to criminal justice systems in developing efficient policy and strategic approaches and in detecting, investigating and prosecuting crimes involving firearms, their parts and components and ammunition. In response, increased attention has been given to these new and emerging threats in security threat assessments and law enforcement strategies and operations, as well as in national firearms control regimes, across the globe.

More recently, greater emphasis has been placed on new and emerging threats relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition at the international and regional levels.

The Conference, in its resolution 9/2, expressed its conviction that States parties needed to ensure that their legal frameworks and relevant measures eliminated loopholes and adequately addressed the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, with a view to reducing their illicit trafficking.

The Working Group on Firearms, at its sixth meeting, recommended that Member States should revise and strengthen their national firearms legislation in order to identify legislative gaps and potential loopholes that could facilitate the access of criminal or terrorist groups to firearms and their diversion into the illegal market, taking into account emerging threats and technological developments, by reinforcing, inter alia, their provisions on manufacturing, deactivation and conversion, and strengthening national transfer and licensing controls.¹

Moreover, Workshop 4 of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, which is to be held in April 2020, is to address current crime trends, recent developments, and emerging solutions, in particular new technologies as means for and tools against crime, and is to examine trafficking in firearms on the dark web, among other issues.²

As the Firearms Protocol takes a comprehensive approach to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition by providing for concrete firearms control measures related to the marking and record-keeping of firearms, by instituting a firearms transfer control regime and by providing for measures relevant to the criminal justice system, among other measures, it is crucial to discuss the impact that new and emerging threats are having on the effective implementation of the Firearms Protocol. Building on and taking into account the findings of discussions held on similar topics, also in the framework of other arms control instruments, such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects; the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons; and the Arms Trade Treaty, inter alia, may prove to be useful.

The background paper prepared by the Secretariat (CTOC/COP/WG.6/2020/2) addresses the following new and emerging threats relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition: (a) conversion of weapons; (b) reactivation of deactivated firearms; (c) modification of firearms; (d) polymer firearms; (e) modular firearms; (f) additive manufacturing of firearms; (g) contracting on the dark web; (h) use of postal and courier services; and (i) use of drones for shipping. The paper further explores how and to what extent the Firearms Protocol can guide national lawmakers in responding to such threats, and provides examples of transposition into national legislation of provisions of the Firearms Protocol that are relevant to these topics. The report concludes with a series of recommendations for States parties to strengthen their domestic legal frameworks in that regard.

Documentation

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)

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

Effective measures related to the investigation and prosecution of illicit firearms trafficking offences constitute, together with the implementation of comprehensive

¹ CTOC/COP/WG.6/2018/4, recommendation 6.

² A/CONF.234/PM.1, paragraph 173.

firearms control regimes, the core of efforts to combat illicit firearms flows and bring perpetrators to justice.

Over the past several years, the Conference and the Working Group on Firearms have addressed challenges in the investigation and prosecution of firearms-related offences, and have integrated mandates and recommendations for various criminal justice measures into their various reports.

For example, in its resolution 9/2, the Conference called on States parties to use tracing results to conduct in-depth criminal investigations on illicit trafficking in firearms, and urged them to consider entering into effective international cooperation arrangements for investigations and prosecutions, including through joint investigative teams, and making use of the good practices adopted by some countries.

At its eighth session, the Conference adopted resolution 8/3, in which it encouraged States parties to provide one another the broadest possible cooperation in tracing firearms and in investigating and prosecuting their illicit manufacturing and trafficking, including by responding in a timely and effective manner to international cooperation requests relating to tracing and criminal investigations, and in that regard, to consider making use of existing tracing or facilitation mechanisms, including, as appropriate, the Organized Crime Convention and its Firearms Protocol, and the International Criminal Police Organization (INTERPOL) Illicit Arms Records and Tracing Management System, among others.

Moreover, at its sixth meeting, held in Vienna on 2 and 3 May 2018, the Working Group on Firearms adopted several recommendations on this topic, including on establishing multidisciplinary pools of prosecutors in charge of cases involving organized crime, terrorism and trafficking in firearms (recommendation 9); providing adequate capacity-building and training for law enforcement and judicial officials, including prosecutors and judges, in order to deal with complex crimes involving multiple offences, including illicit trafficking in firearms (recommendation 10); strengthening law enforcement and judicial cooperation in cases involving illicit trafficking in firearms, for the purpose of gathering and exchanging information and evidence that can support criminal investigations in court (recommendation 14); establishing joint investigative teams to conduct international investigations in order to counter the transnational phenomenon of trafficking in firearms, including when such trafficking is linked to other forms of organized crime and terrorism (recommendation 15); and establishing a national focal point, within existing legislation and within a competent national authority, in charge of conducting and coordinating relevant actions and initiatives related to firearms control, such as supporting or conducting investigations in cases involving illicit firearms, and to facilitate cooperation and information exchange with other countries and relevant organizations, and where applicable, to act as a liaison for the implementation of the Firearms Protocol (recommendation 18) (see [CTOC/COP/WG.6/2018/4](#)).

Member States continue to face serious difficulties in detecting and investigating illicit firearms trafficking flows, owing to their rather hidden and invisible nature. Very often, illicitly trafficked firearms come to light only when they are used in the context of other serious crimes, including transnational organized crime, drug trafficking, terrorism or other violent crimes, by criminals involved in those primary offences. Yet, not many investigations are subsequently initiated to disclose the illicit origin and the broader context of the predicate offence (the diversion or illicit trafficking of the firearms), with a view to disclosing and disrupting illicit trafficking networks and bringing the perpetrators of such crimes to justice.

Unless the firearms are seized at borders while in the process of being trafficked, it is very difficult for investigators to backtrack through the evidence chain to prove the actual trafficking activity. Often, when illicit firearms are seized in the context of other crimes, the suspects do not manifest strong ties to the precedent trafficking activity itself, making it very difficult for investigators to identify investigative leads to initiate a trafficking investigation, beyond or in parallel to the immediate charges of illicit possession.

Investigating firearms trafficking offences may require specific investigative approaches and prosecutorial strategies, specialized tools and timely and effective cooperation mechanisms in order to overcome the many challenges and pitfalls that investigators face on a daily basis. Recognizing that the range of measures available to criminal justice practitioners depends on the national legal frameworks in each country, the Working Group may wish to exchange views on investigative approaches and prosecutorial strategies that have proven successful in some countries, and that can support the ongoing efforts of practitioners at the national and international levels.

The background paper prepared for consideration of item 3 addresses the importance of proactive and intelligence-led investigative approaches, and of institutional settings and operational measures and tools contained in the Firearms Protocol and the Organized Crime Convention that can help to strengthen criminal justice responses to firearms trafficking offences.

The Working Group may therefore wish to consider the scope of measures available to Member States to investigate and prosecute illicit firearms trafficking offences, and to exchange and discuss good practices in efficiently implementing such measures within and across jurisdictions.

Documentation

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)

4. Other matters

As no issues to be raised under item 4 have come to the attention of the Secretariat, no documentation regarding this item is currently foreseen.

5. Adoption of the report

The Working Group will adopt a report on its meeting, the draft of which will be prepared by the Secretariat.

Annex

Proposed organization of work

<i>Date and time</i>	<i>Agenda item</i>	<i>Title or description</i>
Tuesday, 17 March		
10 a.m.–1 p.m.	1 (a)	Opening of the meeting
	1 (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
3–6 p.m.	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 (<i>continued</i>)
Wednesday, 18 March		
10 a.m.–1 p.m.	3	Investigative and prosecutorial approaches in countering illicit firearms trafficking and related forms of crime within and across jurisdictions
3–6 p.m.	3	Investigative and prosecutorial approaches in countering illicit firearms trafficking and related forms of crime within and across jurisdictions (<i>continued</i>)
	4	Other matters
	5	Adoption of the report