



UNITED NATIONS
Office on Drugs and Crime

26 June 2006

**Statement by Ms. Catherine Volz,
Chief, Treaty and Legal Affairs Branch
Division for Treaty Affairs
United Nations Office on Drugs and Crime (UNODC)**

At the

**United Nations Conference to
Review Progress Made in the Implementation of the
Programme of Action to Prevent, Combat and Eradicate
the Illicit Trade in Small Arms and Light Weapons in
All Its Aspects**

26 June-7 July 2006
United Nations Headquarters, New York

Mr. President,
Distinguished delegates,
Ladies and gentlemen,

It is a special pleasure and a privilege for me to address you today on the occasion of the United Nations Review Conference. I would like to express my sincere thanks and that of the United Nations Office on Drugs and Crime (UNODC), to you, Mr. President, and to Mr. Nobuaki Tanaka, Under-Secretary-General for Disarmament Affairs, for his kind invitation and for the opportunity to address this important gathering.

I welcome this opportunity to provide some insight into a fully functional treaty regime on small arms. This instrument is the first small arms treaty of global application, provides for a comprehensive regulatory framework on firearms and ammunition, and most importantly had not only entered into force (on 3 July 2005) but had steadily attracted more adherents in the past year.

I am speaking, of course, 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, or known more commonly as "the Firearms Protocol". UNODC has served as the broker and custodian of the Firearms Protocol. The Firearms Protocol has not only become a global standard in the area of action against TOC, but also a crucial instrument which complements and reinforces the implementation of both the Programme of Action and the newly-adopted Tracing Instrument.

In the presence of so many renowned experts on small arms, I will not dwell on outlining the extent and typology of the problem of firearms trafficking nor the obligations under the Firearms Protocol. Instead, I would like to focus on correcting some common misperceptions about the Firearms Protocol.

The Firearms Protocol can be applied in cases where there is transnationality or involvement of an organized criminal group, according to the carefully negotiated relevant provision on the scope of its application. However, due to an equally carefully crafted provision on the way that countries should take domestic legislative action, the

Protocol can be utilized as the impulse and framework for domestic action to prevent and combat the illicit manufacturing of, and trafficking in, firearms, their parts and components, and ammunition regardless of transnationality or the involvement of an organized criminal group.¹

Beyond criminalization, the Protocol contains a number of control measures, such as marking, record-keeping, licensing or authorization system, confiscation, deactivation and brokering.

The Protocol recognizes that, in order to prevent illicit trafficking and manufacturing, a State must establish a legal regime with broad application. Essentially, to identify illicit transactions, all transactions must be ~~subject to~~ scrutiny to determine which are legitimate and which are not. For this reason, the Protocol's control measures are to be applied as widely as possible.

The broad application of the Firearms Protocol's control measures will allow greater synergies with the implementation of the Tracing Instrument, which provides for control measures of similar or almost identical nature, in particular marking and record-keeping.

Review Mechanism of the Firearms Protocol – Opportunities and Challenges

Both opportunities and challenges lie ahead as the review mechanism of the Firearms Protocol, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, will embark on the substantive review of the implementation of the Firearms Protocol at its third session, to be held from 9 to 18 October 2006. UNODC, as the substantive secretariat of the Conference of the Parties, is now collecting information from both States parties and non State parties using a questionnaire developed for that purpose under the guidance of the Conference of the Parties.

¹ Article 4
Scope of application

1. This Protocol shall apply, except as otherwise stated herein, to the prevention of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to the investigation and prosecution of offences established in accordance with article 5 of this Protocol where those offences are transnational in nature and involve an organized criminal group.

2. This Protocol shall not apply to state to state transactions or to state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

It has become apparent, however, that there are considerable obstacles to the timely submission of the completed questionnaire. To date, the rate of response to the questionnaire is rather low (34% of the States parties)².

Failure to provide the Conference of the Parties with sufficient information on the implementation of the Firearms Protocol would inevitably weaken not only the whole review process, but also the ability of the Conference to discharge its mandate on technical assistance.

UNODC activities — Promotion of the Firearms Protocol and the UN Standards and Norms

Before I conclude, let me briefly outline the UNODC activities I deem relevant to the Review Conference.

Since the adoption of the United Nations Convention against Transnational Organized Crime and its Protocols by the General Assembly, promoting ratification of those instruments and providing assistance to States seeking to ratify and implement them has been a top priority of UNODC.

Our immediate goal was to support the speedy entry of the instruments into force. Upon the entry into force of the instruments, the objective of UNODC's activities has shifted to focus on universal adherence to the Convention and its Protocols.

With the aim of facilitating its assistance activities to States in the ratification and implementation process, UNODC has developed the Legislative Guide for the Firearms Protocol, which identifies legislative requirements, issues arising from those requirements and options available to States in developing the necessary legislation³. Moreover, the UNODC regional and field offices in Brazil, Colombia and Senegal initiated or are in process of preparing assistance activities on small arms in close cooperation with partner organizations, such as UN-LiREC, UNDP and ECOWAS.

² As at 20 June 2006, UNODC has received in total 32 responses from States parties, signatories and non-signatories.

³ Available at: http://www.unodc.org/unodc/en/organized_crime_convention_legislative_guides.html

I would not wish to conclude, without placing the strongest possible emphasis on the importance of ensuring the full compatibility of fight against transnational organized crime with the respect for human rights and rule of law. To that end, UNODC has long promoted a number of internationally recognized principles in such areas as independence of the judiciary, protection of victims, alternatives to imprisonment, treatment of prisoners, and police use of force. Allow me to take this opportunity to appeal for further use and application of these UN Standards and Norms in Crime Prevention and Criminal Justice, in particular the Code of Conduct for Law Enforcement Officials, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

The Way Ahead

Mr. President,

The entry into force of the Firearms Protocol within the five years since its adoption confirms the commitment of the international community to the global fight against the illicit trade in small arms and light weapons. The Review Conference is a very good opportunity to make this first UN treaty on small arms more universal by calling for ratifications and to make it stronger by emphasising greater synergies with the Programme of Action and the Tracing Instrument. The United Nations Office on Drugs and Crime stands ready to cooperate in the fight against illicit trade in small arms and light weapons to the best of its ability.

Thank you very much for your kind attention.
