

6. UN Protocol

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The problem of illicit firearms trafficking was recognized by the G8 countries at the Halifax Summit in 1995 as a form of criminal activity requiring action. The subsequent 40 recommendations of the Senior Experts Group on Transnational Organized Crime (now the Lyon Group) included specific proposals on firearm regulation strategies and on illicit trafficking.

During 1996 the work of a special subgroup on firearms set up within the Lyon Group developed a number of practical measures designed to enhance international cooperation and assist law enforcement. These were principally, the marking of firearms; greater import/export and in-transit controls on commercial shipments; enhanced exchange of criminal intelligence information and the exchange of scientific and technological information.

A statement in the June 1997 Denver Summit communiqué suggested that states would consider "a new international instrument" to combat illicit firearms trafficking. This led to further discussions on the question of whether such an instrument should be legally binding. This proposal, made by Canada, for a legally binding instrument was ultimately accepted.

The legally binding instrument contemplated by the G8 Lyon Group firearms subgroup found a home in the UN when UN member states decided to support the 1998 Crime Commission resolution to begin negotiation of a Protocol on the Convention on Transnational Organized Crime (TOC), and a related protocol to deal with firearms trafficking.

The Firearms Protocol contains practical, tools-based measures designed to assist law enforcement communities by enhancing international cooperation and promoting greater transparency in legal transfers of firearms. The Firearms Protocol sets out comprehensive procedures for the import, export and transit of firearms, their parts and components, and ammunition. It is a reciprocal system requiring countries to provide authorizations to one another before permitting shipments of firearms to leave, arrive or transit across their territory and enables law enforcement to track the legal movement of shipments to prevent theft and diversion. Negotiation of the Firearms Protocol began in early 1999 and is ongoing.

The Department of Justice believes that the participation of NGO's is essential for the negotiation of the protocol. To be effective, any resolution requires, an internationally recognized system of marking weapons; a clear definition of scope (i.e. Should government-brokered weapons transfers be exempt?); and a guarantee that nations would be legally bound to the new 'international instrument'.

7. Next Steps, Follow-up

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