



GLOBAL ACTION
ON GUN VIOLENCE

Panel submission by Jonathan Lowy, President, Global Action on Gun Violence

May 5, 2023

I have been asked to address how the definition and classification of firearms, their parts and components and ammunition are crucial for addressing “buy, build and shoot” kits.

These kits, that I will refer to as ghost guns, can greatly increase the danger of transnational organized crime. Ghost guns are parts kits which virtually anyone can obtain from the Internet, and from which people can easily assemble a fully-functioning gun with no serial number, registration, background check, or compliance with other firearm controls.

Because they can evade all controls, ghost guns are sought after by criminals, and are a growing threat around the world. In some states in the United States where gun laws are stronger, 25-50% of recovered guns are now ghost guns. Ghost guns have been found everywhere from Mexico to Spain to Jamaica to Canada and beyond. Organized crime could even create their own mini-factories by assembling unmarked guns with ghost gun kits purchased online. I have seen the dangers of ghost guns firsthand in lawsuits I have brought against ghost gun sellers on behalf of civilians and police who were shot with ghost guns which convicted felons assembled from kits ordered from the Internet.

While the Firearms Protocol definitions could be read to cover ghost guns, there are potential gaps, and the better practice in my view would be to make more clear in legislation that ghost gun kits should be treated as firearms.

Ghost gun kits might not be considered “firearms” under the Protocol definition since, when unassembled, they are not short barreled weapons, which is the starting basis of the definition.

Ghost gun kits should be encompassed by the Protocol’s definition of “parts and components,” as they are “specifically designed for a firearm and essential to its operation.” However there are potential gaps that could result in ghost guns evading the marking requirement and perhaps other controls.

Some gaps come from the fact that ghost guns are generally assembled, not manufactured. The definition of “illicit manufacturing” includes “assembly” as well as “manufacture” of firearms, but Article 8 only requires serial numbers for “manufacture” of firearms, which could be read as not requiring marking of assembled guns.

While the Model Law potentially closes this gap, it retains some uncertainty. Article 31, for example, uses the words manufacture and assembly in its first paragraph, but then states that marking is required at time of manufacture of a firearm, without mentioning assembly.

Another gap is exposed by companies that sell receivers that are 80% completed in order to evade gun laws that only apply to completed parts.

These potential gaps should be addressed in Legislation. Legislation should also attempt to anticipate what will likely be future attempts by clever gun companies to circumvent laws and controls. The Protocol (Article 7) and Legislative Guide (Para. 86) both anticipate this gap-filling.

We have three recommendations.

One, that legislation requires that the marking and recordkeeping requirements for firearms be required for necessary parts and components of firearms.

Two, that States revise or clarify the definition of “components” to include unfinished essential parts or components that can be readily converted and assembled into a firearm.

Three, that the definition of “firearm” be extended to include kits that can be readily assembled into firearms, whether components are unfinished or finished.

Germany and Switzerland offer good examples to follow. German law states that “essential components of guns ... shall be equivalent to the guns for which they are intended,” and “semi-finished components of guns .. shall also qualify as essential components when they can be finished with conventional tools.” (Weapons Act, Annex 1 (to Section 1(4)).

Switzerland helpfully treats as weapons “objects that can be converted into” firearms (Art. 4.1(a)), and requires that manufacturers of firearms and their essential components or accessories must mark these objects for identification and traceability (Art. 18a).

My organization, GAGV, looks forward to working on implementing these recommendations.

Thank you.