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English only

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**Tenth session****Vienna, 12-16 October 2020**

Item 2 (d) of the provisional agenda\*

**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****Comments of States on the outcome of the seventh meeting of the Working Group on Firearms (Vienna, 16–17 July 2020)****Note by the Secretariat****I. Introduction**

1. The seventh meeting of the Working Group on Firearms was held on 16 and 17 July 2020. At this meeting, the two substantive agenda items were: “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” and “Investigative and prosecutorial approaches in countering illicit firearms trafficking and related forms of crime within and across jurisdictions”.
2. The meeting was held in a so-called hybrid/Chair format in view of the COVID-19 pandemic. Due to this format, with all delegates connected remotely via an interpretation platform and limited meeting times, it was not possible to follow established practice of fully negotiating the draft recommendations line-by-line during the Working Group and to adopt them as part of the final report. Some States also faced difficulties to fully attend the meetings of the Working Group due to technical issues of connectivity.
3. Instead, the draft recommendations were entitled discussion points for future consideration, were presented to the Working Group for initial comments, and became a part of the Chair’s summary of the deliberations of the Working Group. They were included in the final report of the meeting (CTOC/COP/WG.6/2020/4) which was published in September 2020 and is available on the relevant webpage of the Working Group. As per established practice, the report, including the Chair’s summary, has also been submitted to the Conference as part of the official documentation.

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\* CTOC/COP/2020/1.



4. In order to facilitate the further consideration of the discussion points before the tenth session of the Conference, the extended Bureau approved by silence procedure on 31 July 2020, a process which had been negotiated by Member States in informal consultations under the guidance of the President of the ninth session of the Conference of the Parties. This process foresaw a so called “reflection period” in which the Secretariat, on behalf of the Chair of the Working Group, circulated the draft recommendations in the form of a non-paper to the Permanent Missions of Member States which did register to participate in the Working Group, as well as to all the registered delegates, before the reports were published; and set a deadline (16 September 2020) for the submission of comments on the text of the discussion points.

5. Within the aforementioned deadline, the Secretariat to the Working Group on Firearms received comments from Canada, France, Morocco, Peru, Saudi Arabia, Tunisia, Ukraine and the United States. These comments are reflected below. Submissions received in other language than English were translated unofficially through the use of internal resources.

## II. Comments of States parties on the discussion points of the seventh meeting of the Working Group on Firearms

Stemming from the meeting, discussion points for future consideration were identified by the Chair. Some delegations expressed the wish to be able to make comments at a subsequent stage on these discussion points for future consideration, which were as follows:

### General discussion points

#### *Discussion point 1*

Recognizing that the full and effective implementation of the United Nations Convention against Transnational Organized Crime and its supplementary Firearms Protocol provide a meaningful basis to set in place a regulatory regime that helps States address threats related to technological developments and changing modus operandi with regard to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to investigate and prosecute these crimes, States ~~that have not yet done so should~~ in a position to do so are encouraged to (US) consider becoming party to the Firearms Protocol, with the aim of achieving the universalization and full implementation of these two instruments.

#### *Discussion point 2*

Member States, as well as the secretariats of relevant bodies, are encouraged to should (US) continue to foster synergies between the various international and regional instruments governing firearms such as the Arms Trade Treaty, the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the Firearms Protocol, including by adopting national legal frameworks that take full advantage of the provisions of the different instruments to which a country is party, enhancing the mutual understanding of how firearms-related challenges are addressed in the different forums, and convening expert meetings for Member States and (US) relevant international bodies to facilitate the corresponding dialogue and further contribute to accomplishing target 16.4 of the Sustainable Development Goals.

#### *Discussion point 3*

~~The United Nations Office on Drugs and Crime (UNODC) is requested to assist States in identifying technical assistance needs and supporting implementation of the measures described below. (US: delete, since it was not discussed during the WG)~~

*Discussion point 4*

States, UNODC and other relevant stakeholders are encouraged to further analyse and disseminate information on the impacts of firearms (Canada) trafficking as an international illicit market and its relation to violence and crime, ~~and to address concerns about the links between firearms (Canada: recommends use of the term “firearms” instead of “arms”) trafficking and violence against women and hate crimes, as well as new trends posed by the COVID-19 pandemic in this regard. (US: delete, since it was not discussed during the WG)~~

## **Agenda item 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**

*Discussion point 5*

With a view to fostering harmonized responses to threats related to technical developments and changing modi operandi related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, ~~the Conference requests UNODC to develop legislative and operational tools that help countries counter the threats identified and better regulate related activities, as appropriate, taking into account and building synergies with the ongoing discussions held in the context of the International Tracing Instrument (US: delete, since it was not discussed in the WG – the work on the ITI in terms of alleged “new and emerging threats” is on hold until at least next year. So there are no ongoing consultations on ITI; Canada: delete “legislative tools” since only states can develop and implement legislation; moreover, of the examples listed further in the paragraph, none suggest even model legislation).~~ These may include, among other tools, (a) a glossary of ~~terms relevant terms not defined by the protocol or relating to (France) for the discussion of~~ new and emerging threats related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, (b) relevant issue papers, and (c) common technical guidelines on the issues of manufacturing of convertible weapons (US: Suggest revising the paragraph to reflect that a discussion was held on convertible weapons), irreversible deactivation of firearms, and the manufacture and marking of polymer firearms and modular weapons.

**Discussion points on legislative measures***Discussion point 6*

Acknowledging that illicit (US) trafficking in firearms is a transnational threat often linked to organized crime and that there are emerging technologies to manufacture firearms, their parts and components ~~and ammunition (US: delete, since there was no discussion of emerging technologies in ammunition-manufacturing)~~ and new modalities of illicit trafficking, States ~~should be encouraged to (US)~~ revise their domestic legal frameworks and regulations to counter these threats, ~~including by adopting relevant legal regimes, (Canada: repetitive)~~ including, where appropriate, through criminalization provisions, so as to also include readily convertible weapons, polymer firearms, modular weapons, the transfer of 3D-printable files and other emerging aspects.

*Discussion point 7*

States are encouraged to conduct a comparative legislative analysis to identify trends and good practices in the responsiveness of national, regional and international legal frameworks to new technologies and changing modi operandi in relation to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. ~~In this context, the Conference requests UNODC to conduct such~~

~~comparative analysis and to facilitate such analysis and exchange among countries. (US: delete since this request did not come up in the Working Group and the Secretariat is overstepping its bounds in relation to the Protocol with this request)~~

*Discussion point 8*

In order to efficiently prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, States ~~shouldare encouraged to (US)~~ adopt and enforce, consistent with domestic legislation, (US) comprehensive legal and regulatory regimes, including integrated (US: If “integrated” means integrated with national record-keeping systems, the US cannot support the formulation) record-keeping systems, that address the entire life cycle of firearms, ~~their parts and components and ammunition, (US: delete since it exceeds the scope of the Firearms Protocol, which only requires recordkeeping for firearms in Article 7)~~ including those aspects that are in the licit realm. ~~In this regard, States should also encourage the issuance of licences for firearms possession and conduct end user verifications. (US: delete since the Firearms Protocol only addresses licenses for transactions such as imports and exports and not for possession, hence the formulation is outside the scope of the Firearms Protocol and accordingly should not be included. Furthermore, this was not discussed during the Working Group. Also the reference to end-use/r-verifications goes beyond the scope of the Protocol since Article 10 only makes reference to the verification of the authenticity of export licenses and documentation.)~~

*Discussion point 9*

Acknowledging that the deactivation of firearms is different from the destruction of firearms, and with a view to preventing their illicit reactivation, Member States ~~parties shouldare encouraged to (US)~~ consider adopting national deactivation standards in a manner consistent with the Firearms Protocol that render the weapon permanently inoperable and are equivalent to the destruction of its frame or receiver.

*Discussion point 10*

With a view to filling legislative gaps with regard to 3D-printed weapons, States ~~shouldare encouraged to (US)~~ consider regulating the blueprints required —as equipment that can only be held by authorized professionals (France) for these weapons and their parts and components and establishing as a criminal offence the illicit possession, uploading and downloading of such blueprints and the illicit printing of these items.

(Canada: Item is already addressed in Discussion point 6. It would be preferable to reduce duplication)

*Discussion point 11*

Acknowledging that 3D printers could be considered dual-use items, States should be encouraged to cooperate with industry with a view to developing legislation requiring companies that manufacture these items to adopt ~~technical limits in the machines~~ measures to mark the parts produced during making (France; Canada: very prescriptive and may not be the most appropriate approach in all situations and for all Member States. We recommend more flexible wording, which could include legislation mandating technical limits as one possible approach to addressing this issue with industry) that prevent the 3D printing of parts and components of firearms.

(US: delete entire discussion point 11 for the following reasons: (1) This discussion point exceeds the Firearms Protocol. (2) This proposition would fail in the U.S. and produce considerable legal and policy problems. (3) Technically such machines can produce both firearms components and non-firearms components, and it is unrealistic to attempt to inhibit the development of such machines, which are already widely in use.)

*Discussion point 12*

To improve transfer controls over firearms, their parts and components and ammunition, States parties are encouraged to establish appropriate export, import and transit control systems as ~~required~~provided (US) by the Firearms Protocol ~~and to implement into their national legislation the measures encompassed in other relevant international and regional instruments, such as the Arms Trade Treaty, including human rights criteria and mandatory end user certificates for firearm transfers (US: delete, one instrument should not be used for backdoor adherence by States to other instruments, so the ATT reference is not appropriate).~~

*Discussion point 13*

Recognizing the central role that parts and components play in threats related to technological developments and changing modi operandi, including 3D-printed firearms, converted firearms and trafficking through postal services, ~~States parties should address as a matter of priority the regulation of parts and components, taking into account the definition of those contained in article 3 of the Firearms Protocol, (US: delete for the following reasons: 1) This exceeds the scope of the Firearms Protocol. 2) This was not discussed during the Working Group. 3) UNODC's discussion paper should not serve as the blueprint for the non-paper)~~ with a view to harmonizing legal regimes and avoiding legal loopholes and discrepancies among legal regimes across jurisdictions. In that same context, States ~~should are encouraged to~~ develop systems to identify patterns and coincidences in illicit postal service shipments of these items and ~~to encourage and enable law enforcement to make the investigation of seized parts and components in all possible circumstances mandatory (Canada: wording could be seen to interfere with law enforcement independence over their investigations which is a principle in many jurisdictions, notably Canada. Moreover, where there is little or no evidence to investigate, it makes little sense to mandate investigations. Key barriers to implementing this recommendation are a) articulating the priority, and b) resources).~~ ~~(US: delete last sentence entirely since this was not discussed in the Working Group)~~

**Discussion points on preventive, security and regulatory measures***Discussion point 14*

To enhance the traceability of firearms and their essential components ~~and ammunition (US: delete since firearms ammunition is difficult to trace, and in other fora marking of ammunition is a U.S. redline. Furthermore, there's no corresponding action in the second half of the sentence)~~, States ~~should are encouraged to (US)~~ ensure that all firearms and essential components are marked in a uniquely identifiable manner.

~~(Morocco: Discussion point 14 is difficult to implement in the case of firearms that are already in use, in particular with regards to the marking of identical serial numbers on the barrel, the frame and parts and components. Therefore, the discussion point should apply for manufacturers only, without retroactive effect.)~~

*Discussion point 15*

~~States parties should also consider revising the marking provisions under the Firearms Protocol to extend the requirement for marking at the time of manufacture or import to their essential components as well. (US: delete since the Working Group was about challenges to implementation of the Firearms Protocol, not a pretext to alter it. It should not be reopened since States are already having a hard enough time implementing its provisions)~~

*Discussion point 16*

With a view to preventing and combating trafficking in firearms and their parts and components through postal and courier services, States ~~should are encouraged to (US)~~

establish permanent communication channels with relevant service providers to raise awareness of this ~~increasing (US)~~ phenomenon and enhance detection of trafficked items by exchanging information on known trafficking routes.

*Discussion point 17*

Recognizing the challenges that States face in addressing technological developments and changing modi operandi in relation to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, ~~it was discussed that (US) States could should (US)~~ also explore the use of technology as an important tool to enhance responses to these phenomena, including by ~~using artificial intelligence to improve and standardize the contents of advanced firearms registries record-keeping (US: The Firearms Protocol does not require such registries and U.S. law and policy strictly prohibit it to the extent this is a reference to centralized registries)~~ or using blockchain technology for marking and import control, among others.

*Discussion point 18*

Taking into account that firearms tracing relies on proper marking and record-keeping, States ~~should are encouraged to (US)~~ identify difficulties they face in acquiring access to existing marking and record-keeping tools; making use of the International Criminal Police Organization (INTERPOL) Firearms Reference Table, which provides detailed information on and photographs of firearms used around the world; utilizing existing national, regional, or international tracing systems; and marking all firearms at the time of import and adequately recording and securing these items.

**Discussion points on law enforcement and criminal justice**

*Discussion point 19*

~~Acknowledging the increasing threat of the additive manufacture of firearms, also referred to as 3D printed firearms, States should develop and use appropriate tools and equipment that help detect such weapons, such as investigations into online and dark web platforms and the more robust monitoring of postal packages. (US: Such firearms ostensibly are already firearms subject to Firearms Protocol provisions. Therefore, this is redundant with the Firearms Protocol and Discussion point 20, and appears to be an attempt to criminalize additive manufacturing, as specifically stated)~~

*Discussion point 20*

States should ~~consider~~ increase (Canada) the capacities and resources of criminal justice teams and units dealing with cybercrime in the area of combating illicit trafficking in firearms, their parts and components and ammunition through the Internet, including the darknet. ~~(US: rephrase entire discussion point as below)~~

~~The Working Group on Firearms considered the illicit trafficking in firearms, their parts and components and ammunition through the Internet, including the darknet and noted that increased capacity of criminal justice entities dealing with cybercrime could help address illicit firearms trafficking through the internet. (US proposal)~~

*Discussion point 21*

Acknowledging the occurrence in some countries of trafficking in ammunition, which demonstrates the proliferation and use of firearms, and the challenges of intercepting and tracing that ammunition, States ~~should are encouraged to (US)~~ develop strategies and measures, and strengthen capacities, consistent with the provisions of the Firearms Protocol (US) to detect, prevent and combat this phenomenon, especially at land borders.

### **Discussion points on international cooperation and information exchange**

#### *Discussion point 22*

States are encouraged to periodically exchange information at the regional and subregional levels, consistent with the Firearms Protocol, (US) on emerging threats related to illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, with a view to detecting and identifying those threats at an early stage, ~~adopting timely necessary legislative amendments (US)~~ and raising awareness in other countries that might, owing to their geographic proximity, face similar issues.

### **Discussion points on data collection and monitoring illicit arms flows**

#### *Discussion point 23*

States are urged, consistent with domestic legislation, provisions of the Firearms Protocol, and existing control and enforcement infrastructure, (US) to generate and collect more accurate data on firearms, their parts and components and ammunition, from manufacture to destruction, to be recorded in comprehensive (US: clarification of the meaning and scope of “comprehensive” required) records in order to better identify illicit firearms trafficking (US) flows and generate knowledge on trends and modi operandi, and to develop better intelligence and preventive measures.

#### *Discussion point 24*

States are also urged to, as appropriate, (US) increase their related data collection and analytical capacities and exchange the findings with one another in order to identify transnational issues that call for a coordinated response. ~~To this end, the Conference requests UNODC to further enhance its capacity to support and promote global data collection and analysis efforts as well as the exchange of information in this field. (US: delete, since it is outside of UNODC’s mandate)~~

## **Agenda item 3**

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

#### **Discussion points on legislative measures**

##### *Discussion point 25*

States parties are called upon to further enhance their commitment to harmonize domestic legal frameworks on firearms in line with the Firearms Protocol and to fully exploit the synergies between the Protocol and its parent Convention with the aim of strengthening transnational investigations, international law enforcement and judicial cooperation against illicit firearms trafficking.

##### *Discussion point 26*

States ~~should~~ are encouraged to (US) provide the appropriate legislative frameworks that are in line with international instruments to allow law enforcement authorities to apply special investigative techniques and facilitate international cooperation.

##### *Discussion point 27*

States are urged to take a comprehensive victim-centred approach in their criminal justice system when addressing the issue of illicit firearms trafficking.

## Discussion points on preventive, security and regulatory measures

### Discussion point 28

States ~~should~~ are encouraged to (US) consider establishing, consistent with the Firearms Protocol, (US) comprehensive (US: delete since to the extent this implicates centralized registries and/or exceeds the current state of recordkeeping in the Firearms Protocol, this is outside the scope of the Firearms Protocol. If centralized registries is what this is referring to, this entire point should be struck as it is outside of the scope of the Firearms Protocol.) registries that contain information from the manufacturing industry, as well as export, import and transfer information related to firearms, ~~and consider extending the retention period for such records (US: delete since it is outside of the Firearms Protocol).~~

(Saudi Arabia: delete entire discussion point 28 since it is outside of the Firearms Protocol and was not discussed in the Working Group on Firearms)

## Discussion points on law enforcement and criminal justice

### Discussion point 29

States ~~should~~ are invited to (Canada) consider adopting the use of tracing requests as a form of crime notice that triggers the initiation of an investigation in the requesting country, where appropriate (Canada).

(US: delete discussion point 29 entirely)

### Discussion point 30

Law enforcement authorities and prosecutorial services are encouraged to initiate parallel investigations of crimes related to the illicit manufacturing of and trafficking in firearms, to create joint investigative teams and to make use of the special investigative techniques set forth in the Organized Crime Convention and the Firearms Protocol, ~~such as controlled deliveries, electronic or other forms of surveillance and undercover operations, (US: delete since these are not set forth in the Firearms Protocol)~~ and to consider the supporting role that can be played by international and regional organizations engaged in the fight against transnational organized crime.

### Discussion point 31

Where consistent with fundamental principles of domestic law, States are invited to consider establishingAs regards (Canada) joint investigative teams, States should consider establishing such teams (Canada) as standing bodies in border regions, that share information and intelligence on an ongoing basis and are working jointly in the border corridor, in a manner that respects all human rights obligations, including privacy and due process rights, of affected persons (Canada: Such a move raises important sovereignty considerations as well as legal jurisdictional considerations. Such initiatives and entities may not be possible under constitutional principles of some states, or may require certain operational constraints to respect the human rights of affected persons. These issues are significant, thus, we think this recommendation should be worded no more strongly than “are invited to consider”. Human rights and other impacts on affected persons need to be explicitly mentioned.)

### Discussion point 32

States are encouraged to enhance inter-agency cooperation and to participate in cross-border coordination of proactive intelligence-led investigations and cooperation between law enforcement and judicial authorities within and across regions, in order to identify firearms trafficking trends and patterns, as well as challenges, lessons learned and best practices.

*Discussion point 33*

To systematically track the movement of ~~illicit~~ firearms involved in illicit activity (US) from manufacturer to purchaser as a part of a trace (US), States are urged, when necessary, (France) to continue to trace recovered firearms bilaterally or through international and regional mechanisms, in cooperation with States believed to be the source of manufacture.

*Discussion point 34*

States ~~shouldare encouraged to (US)~~ create and strengthen national firearms focal points ~~(delete since it depends on the respective national organisation, France), which are responsible for administrative firearms controls.~~ Such focal point should have access to national databases, be in charge of collecting and analysing national information and data on firearms, act as a focal point for the tracing of firearms at the national and international levels, serve as a liaison with other States, and foster the subregional, regional and international cooperation among them.

*Discussion point 35*

States ~~shouldare encouraged to (US)~~ consider creating and strengthening specialized units within law enforcement and prosecution services to streamline and strengthen the investigation and prosecution of firearms trafficking offences, including specialized tracing units. Such tracing units could either be part of or closely cooperate with the national firearms focal point.

*Discussion point 36*

~~States are urged to take broad approaches in investigating and prosecuting cases involving investigations of illicit firearms, the individuals involved and their illicit assets, with a view to significantly reducing illicit financial and arms flows, in line with target 16.4 of the Sustainable Development Goals. (delete discussion point 36, France)~~

*Discussion point 37*

States are encouraged to combine investigations of firearms-related crimes with investigations of illicit assets and of money-laundering tackling ~~illicit enrichment proceeds of crime (Canada: "illicit enrichment" has a very particular meaning as defined under the UNCAC; alternatively it got be replaced by "ill-gotten gains")~~, in order to dismantle the trafficking networks behind illicit arms transfers and gather intelligence on suspicious transactions, as three interchangeable entry points ~~to for~~ (US) initiating investigations on illicit firearms trafficking. To that end, States ~~shouldare encouraged to (US)~~ also develop related national standing operating procedures for frontline officers (US: What are frontline officers in this reference?).

*Discussion point 38*

States ~~shouldare encouraged to (US)~~ enhance, where required, cooperation between customs and law enforcement agencies to strengthen efforts against illicit trafficking in firearms, their parts and components and ammunition.

*Discussion point 39*

In order to improve the collection of firearms evidence and to bring perpetrators to justice, States ~~shouldare encouraged to (US); are urged to/should consider (Canada)~~ develop and adopt systematic recovery protocols to be applied following the recovery of each firearm, making use of national record-keeping systems and international databases, such as the INTERPOL Ballistic Information Network (IBIN), while promoting a common format for the exchange of ballistic data between systems using different technologies, in order to ensure more relevant cooperation, (France) and the INTERPOL Illicit Arms Records and Tracing Management System (iARMS).

## Discussion points on international cooperation and information exchange

### *Discussion point 40*

With a view to facilitating and making the best use of international cooperation mechanisms, States are urged to maintain, consistent with domestic legislation, (US) a cooperative and reliable relationship with foreign investigative bodies, including through police attachés; share information on illicit firearms trafficking sources; use spontaneous information transmission mechanisms; request parallel investigations of the origin of seized firearms in the source country; and develop awareness of the variety of actors that may need to be involved in investigating and prosecuting cases, such as police, military and judicial services.

### *Discussion point 41*

Acknowledging the importance of the spontaneous transmission (US: What does spontaneous transmission of information mean?) of information to initiate and foster investigations of illicit firearms trafficking cases, States ~~should~~ are encouraged to (US: Canada) ensure that enable (Canada) their national legal framework to allow (Canada) the admittance of such information as evidence in court, in line with domestic legislation (US); where substantive and procedural requirements are met (Canada: Such information could infringe upon the rights of the accused and may need safeguards).

### *Discussion point 42*

States are invited to, consistent with domestic legislation, provisions of the Firearms Protocol, and existing control and enforcement infrastructure, (US) strengthen information exchange and the collection of data on seized firearms, including in relation to related judicial cases, and to increase the capacities of national authorities in beneficiary countries to collect, register and analyse data on seized firearms and illicit firearms trafficking, building on the methodology of the UNODC illicit arms flows questionnaire (France: The UNODC questionnaire is too complex to be answered and was not designed with national experts who could have guided the structure of the questionnaire in a more realistic and practical direction).

### *Discussion point 43*

Building on the UNODC Monitoring Illicit Arms Flows initiative, States ~~should~~ are encouraged to (US) also consider promoting regional and cross-regional projects and studies aimed at increasing the capacity of ~~national- (US)~~ authorities to effectively prevent, detect, investigate and prosecute illicit firearms trafficking and related offences, conduct risk and threat assessments and support closer cross-border coordination and cooperation between law enforcement and judicial authorities within and among the beneficiary countries.

## Discussion points on monitoring illicit firearms (Canada) flows

### *Discussion point 44*

To enhance the understanding of the scope and dynamics of illicit firearms markets, States ~~should~~ are encouraged to (US) continue to enhance their national systems for recording and tracing seized firearms, their parts and components ~~and ammunition (US: or rephrase as follows: “States are encouraged to enhance the understanding of the scope and dynamics of illicit firearms markets”)~~ and to analyse the information.

### III. General comments on the discussion points as well as comments in the form of narrative information on national legislation and practices in the field of firearms-control

#### Peru

The Permanent Mission of Peru forwarded a letter of Peru's National Commission against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Explosives (CONATIAF) with the following content:

The representatives of the National Commission against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Explosives (CONATIAF) agree with the draft discussion points prepared by the Chair of the Working Group on Firearms, stemming from its 7th meeting, held on 16 and 17 July 2020.

The report of the Working Group contains the priority areas identified by Peru for the effective implementation of the Firearms Protocol, as well as those relevant issues, which the competent national authorities have been working on in order to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition.

Taking into account the increase in this scourge and the high level of crime involving the use of firearms, in particular in border-regions, it is important that States review and update their legislation on the subject; acquire new systems and technology for the registration of arms users, the issuance of use and possession licenses, as well as for the authorization of international transfers (import, export and transit, etc.); and strengthen the capacities of those responsible for the control of firearms and their ammunition.

States can also prioritise the adoption of measures relating to the marking, registration and tracing of arms to prevent and reduce the diversion of arms into illegal flows. Similarly, it is important to promote the establishment of cooperation mechanisms between States, especially cross-border cooperation, in order to share information, collect data on seized weapons and organized gangs engaged in arms trafficking, carry out coordinated bilateral operations, and develop training activities and the exchange of good practices and experiences, among other actions.

The development of these activities would contribute to the reduction of transnational organized crime and the achievement of Goal 16, in particular Target 16.4, of the Sustainable Development Goals.

#### Tunisia

Tunisia compiled a list of seven points that have been discussed during the seventh meeting of the Working Group on Firearms:

1. Advocating for the achievement of legislative balance among states between the requirements of combating the phenomenon of trafficking in firearms and supporting measures to prevent transnational organized crime.
2. Urging States to strengthen their legislation and harmonize it in a manner consistent with international instruments in order to increase the efficiency of their work in combating organized crime and the illicit trafficking in firearms.
3. Adequate legislative approaches to facilitate the work of the judicial authorities in combating new and emerging threats related to the crimes of possession and use of and the trafficking in firearms.
4. Establishing systems to control the export and import of firearms and their routes of transit (including post offices and parcel transport).
5. Inviting UNODC to develop studies on organized crime and the illicit proliferation of firearms at the disposal of Member States.

6. Inviting competent national authorities to increase coordination internally and with other countries, especially with regard to the exchange of information on organized crime and the illicit trafficking in firearms.
7. Emphasizing that the crime of trafficking in firearms is connected to terrorism and drug trafficking.

Tunisia further explained to have no reservations with regards to these points and further recommends, in accordance with the above:

1. Enhancing cooperation with UNODC, especially in providing logistical support and technical assistance, in order to increase the efficiency of the control of land, air and sea borders of countries.
2. Requesting UNODC to provide equipment and logistical support to Tunisia in order to assist the country in intensifying control over its southern and western borders with Libya and Algeria, as it represents one of the main routes for arms and drug trafficking.
3. Requesting UNODC to work on the adoption of UN resolutions, obliging Member States to cooperate and coordinate with each other, especially with regard to border control and the exchange of information.

### Ukraine

Ukraine explained that they have no comments or suggestions.

### United States

There are many helpful discussion points that could be valuable additions were they to be adopted at the COP as recommendations. In particular, we highlight in paragraphs 18, 20, 22, 26, 30, 31, 32, 35, 38, 39 and 40 that State parties are encouraged to employ the useful marking, tracing, and recordkeeping tools currently available, as well as taking advantage of the information sharing platforms and opportunities to exchange data and share expertise on firearms investigations and prosecutions. The enhancement of cooperation among law enforcement officials, as the Protocol reinforces time and again, is critical to effective international partnership in combating the illicit trafficking in firearms, their parts and components, and ammunition. Also important in this effort is working with relevant members of the firearms industry who often have the applicable technical expertise in assisting the security sector in complying with Members States Firearms Protocol obligations, especially in the areas of marking.

There remain several paragraphs of the non-paper that, if we are interpreting the language correctly, either widely expand the scope of the Protocol's obligations or would require perhaps a new Protocol altogether to implement. For example, in paragraph 13 there appears to be a proposal to develop regulations of parts and components beyond those already contained by Articles 7, 8 (with parts and components defined under Article 3). In that same paragraph, there is a call to mandate investigation of seized parts and components, which, of course, remains the discretion of individual States based upon their domestic laws, constitution, resources and priorities. Paragraph 15 also seems to suggest that essential components (presumably those beyond the frame or receiver which are already required to be marked) should also be marked at manufacture or import. The definition and possible marking of component parts consumed a great deal of time and attention by the drafters of the Protocol and the determination was made that the frame or receiver was the most feasible and useful element to be marked and recorded. Given that the vast majority of States even today fail to mark firearms (or their frame or receivers) at import suggests that our efforts are best targeted to comply with our existing obligations before discussing new ones.

We recognize the risks that new technologies pose to State parties committed to combatting the illicit trafficking firearms and their parts and components. In fact, the

United States has endured litigation over the risks posed by additive manufacturing (or 3D printing) and we have had to adapt our administrative and regulatory scheme to address this issue. However, in our view the Protocol obligations in regulating the manufacture and marking of firearms apply equally to those made by 3D printers. Accordingly, there is no need to restate the obligations for additive manufacturing. In paragraphs 6, 10, 11 and 13, however, there is discussion that would criminalize or prohibit or further regulate the manufacture of parts and components by 3D printers, either as a technical fix or through legislation. In our view, this not only expands the reach of the Protocol but is inconsistent with the lawful exchange of ideas and information. 3D files, after all, are not firearms themselves just as the schematics of a cast for a rifle is not a firearm. The industrial machinery is not regulated by the Protocol; it is the unlicensed or unauthorized acts of firearms manufacture that falls within the purview of the Protocol. We would recommend that these discussion points be revised to reflect these concerns. We would be happy to provide language as appropriate.

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