



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

Distr.: Limited
9 October 2020

Original: English

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

Mexico: draft resolution

Strengthening international cooperation against the 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,

Taking into account that 2020 marks the twentieth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime,¹ and that the Convention and the Protocols thereto² constitute a universal framework for international cooperation against transnational organized crime,

Recalling the functions assigned to it in article 32 of the Organized Crime Convention, and reaffirming its resolution 7/1 of 10 October 2014 and decision 4/6 of 17 October 2008,

Recalling also its resolutions 5/4 of 22 October 2010, entitled “Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition”, 7/2 of 10 October 2014, entitled “Importance 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”, 8/3 of 21 October 2016, entitled “Strengthening the implementation 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”, and 9/2 of 19 October 2018, entitled “Enhancing and ensuring effective implementation 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”,

* CTOC/COP/2020/1.

¹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

² *Ibid.*, vols. 2237, 2241 and 2326, No. 39574.



Inviting States parties to further advance the 2030 Agenda for Sustainable Development³ and their efforts to achieve its target 16.4, which includes, by 2030, significantly reducing illicit arms flows, in order to promote peaceful and inclusive societies for sustainable development,

Deeply concerned about the increasing harm caused by illicitly manufactured and trafficked firearms, their parts and components and ammunition and their negative impact on the levels of crime and violence in several regions, and about the access to such firearms that criminal organizations and, in some cases, terrorists have,

Recognizing the need to better address the human dimension of this challenge and the importance of considering the needs of the victims of firearms-related crime,

Noting that reducing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is one of the major components of the efforts to reduce the power of transnational organized criminal groups and the violence that accompanies their activities,

Reiterating the urgent need for States parties to adopt and further implement an integrated and comprehensive approach to address the root causes of transnational organized crime, including the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, acknowledging, where appropriate, economic and social factors that have an impact on firearms-related crime, as well as cross-border criminality and trafficking flows, in particular as related to firearms, and recognizing the urgent need for States parties to consider the gender dimension of such crime,

Remaining concerned about the negative impact of illicit trafficking in firearms on the lives of women, men, girls and boys, and recognizing that preventing, combating and eradicating illicit trafficking in firearms are crucial to combating gender-based violence,

Aware of recent challenges posed by the coronavirus disease (COVID-19) pandemic, including the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition,

Welcoming the continuous efforts undertaken at the multilateral, regional and subregional levels to strengthen the prevention of and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, while reaffirming that the Organized Crime Convention and, in particular, 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, are among the principal global legal instruments to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Noting the common themes, nature and complementary character of other relevant international legal instruments, as well as other relevant regional instruments and global frameworks, such as the Arms Trade Treaty,⁴ which provides a framework for its States parties to regulate the international trade in conventional arms, and political commitments such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects⁵ and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,⁶ which are aimed at preventing and combating the illicit manufacturing of and trafficking in firearms and reducing the risk of their theft and diversion,

³ General Assembly resolution 70/1.

⁴ See General Assembly resolution 67/234 B.

⁵ *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*, New York, 9–20 July 2001 (A/CONF.192/15), chap. IV, para. 24.

⁶ A/60/88 and Corr.2, annex; see also General Assembly decision 60/519.

Acknowledging the importance of the Working Group on Firearms as a substantive and useful network of experts and competent authorities to identify, address and propose responses to new challenges and trends, improve international cooperation and exchange information and best practices related to preventing and combating illicit trafficking in firearms, and taking note with appreciation of its work and the recommendations resulting therefrom,

Noting with appreciation the assistance provided in this regard to Member States, upon request, by the United Nations Office on Drugs and Crime, including through its Global Programme on Firearms, and the launch in July 2020 of the *Global Study on Firearms Trafficking 2020*,⁷

Acknowledging the valuable contributions of academia, the private sector and civil society in addressing the challenges posed by the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, by raising awareness, analysing trends and exchanging best practices regarding international cooperation in preventing and combating this crime and identifying technical assistance needs and providing such assistance,

Reaffirming that the Organized Crime Convention and the Protocols thereto are the principal worldwide legal instruments for preventing and combating the scourge of transnational organized crime, which affects individuals and societies in all countries, and reaffirming also the importance of those instruments as the main tools available to the international community for this purpose,

Recalling article 32 of the Convention, pursuant to which the Conference of the Parties to the United Nations Convention against Transnational Organized Crime was established to improve the capacity of States parties to combat transnational organized crime and promote and review the implementation of the Convention,

Recalling also that in article 32 of the Convention, it is stated that the Conference shall agree upon mechanisms for achieving, inter alia, the objective of periodically reviewing the implementation of the Convention,

Recalling further, in that regard, its resolutions 5/1 of 22 October 2010, 5/5 of 22 October 2010, 6/1 of 19 October 2012, 7/1 of 10 October 2014, and 8/2 of 21 October 2016,

Reaffirming its resolution 9/1 of 19 October 2018, in which it adopted the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto⁸ and decided to launch the preparatory phase of the review process,

Taking note of relevant General Assembly resolutions, in particular resolution 74/177 of 18 December 2019, entitled “Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity”, in which the Assembly welcomed the adoption of Conference resolution 9/1 and urged States parties to the Convention to implement and support the Mechanism,

1. *Welcomes with appreciation* the results of the Working Group on Firearms at its seventh meeting, held in Vienna on 16 and 17 July 2020, and invites States parties to take the appropriate measures to implement the recommendations and discussion points resulting from that meeting, in order to contribute to the strengthening of international cooperation against firearms-related crime;

2. *Reiterates its invitation* to States that have not yet done so to consider becoming parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United

⁷ United Nations publication, 2020.

⁸ Conference resolution 9/1, annex.

Nations Convention against Transnational Organized Crime, and to fully implement its provisions;

3. *Requests* the United Nations Office on Drugs and Crime, through its Global Programme on Firearms, to continue to assist requesting States in their efforts to ratify, accept, approve or accede to and implement the Firearms Protocol, and encourages those Member States in a position to do so to make available extrabudgetary resources to enable the Office to better implement its mandate in this regard;

4. *Calls upon* States parties to the Firearms Protocol to fully engage with the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and to respond comprehensively and in a timely manner to the self-assessment questionnaires, in particular those related to the implementation to the Firearms Protocol;

5. *Urges* States parties to the Firearms Protocol to harmonize their legislation with the Protocol, develop action plans, programmes or strategies to contribute to the full implementation of the Convention and the Protocol, and address any existing gaps in their legislative frameworks on points such as import and export licensing, marking, tracing and record-keeping, and preventing diversion, including online trade and the illicit reactivation of deactivated firearms;

6. *Acknowledges* that the full and effective implementation of the Organized Crime Convention and its supplementary Firearms Protocol provide a meaningful basis to put in place a regulatory regime that helps States to address threats related to technological developments and changing *modi operandi* with regard to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and investigate and prosecute these crimes;

7. *Calls upon* States parties to develop or strengthen their national capacity for the collection and analysis of data on illicit trafficking in firearms, with a view to identifying trends and patterns, fostering the exchange of information and enabling the global monitoring of progress on indicator 16.4.2 of the Sustainable Development Goals, and invites States parties to participate in and contribute to the upcoming data collection cycle of the United Nations Office on Drugs and Crime by providing quantitative and qualitative data and information;

8. *Encourages* States parties, the United Nations Office on Drugs and Crime and other relevant stakeholders to further analyse and disseminate information on the impacts of arms trafficking as an international illicit market and its relation to violence and crime, developing synergies among the distinct reporting obligations of States parties, facilitating, where appropriate, the production of standardized and comparable data, and addressing armed violence against women and hate crimes, as well as new trends posed by the COVID-19 pandemic;

9. *Urges* States parties to the Firearms Protocol that import and export parts and components of firearms to reinforce their control measures in line with the Protocol and other relevant international legal instruments to which they are party, with a view to preventing and reducing the risks of their diversion, illicit manufacturing and trafficking, and encourages them to strengthen their domestic marking and record-keeping regimes and systematically collect, record and analyse data, including tracing data on recovered, seized, confiscated, collected and found firearms suspected of being connected with an illicit activity, for the purpose, *inter alia*, of identifying and tracing them and, where possible, their parts and components and ammunition;

10. *Encourages* States parties to provide one another with 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 this regard, to consider making use of tracing or facilitation mechanisms, including, as appropriate, the International Criminal Police

Organization (INTERPOL) Illicit Arms Records and Tracing Management System, among others;

11. *Invites* States parties to the Firearms Protocol to ensure the comprehensive marking of all firearms, including weapons that have been collected, recovered or confiscated and officially authorized for disposal by means other than destruction, and to promote the exchange of best practices and experiences in measures aimed at preventing the falsification or illicit obliteration, removal or alteration of the markings on firearms and, where appropriate, their parts, ammunitions and components;

12. *Requests* the United Nations Office on Drugs and Crime, with a view to fostering harmonized responses to threats related to technological developments and changing *modi operandi* for the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, to develop legislative and operational tools that help countries counter the threats identified and better regulate related activities, including 3D printing of firearms, the conversion of firearms, the trafficking of firearms through postal services, and cybercrime committed using the darknet and cryptocurrencies;

13. *Invites* States parties to request specialized training for national law enforcement and regulatory officials on marking, tracing and record-keeping, including training on new technologies, the identification of firearms and the recording and reporting of firearms seizures;

14. *Calls upon* States parties to include in their comprehensive legal and regulatory regimes integrated record-keeping systems that address the entire life cycle of firearms, their parts and components and ammunition, including those aspects that are in the licit realm such as the manufacturing industry, as well as export, import and transfer information, and the issuance of licences for firearms possession and end-user verifications, and consider extending the retention period for such records;

15. *Requests* States parties to strengthen their mechanisms and strategies for border control in order to prevent and combat illicit trafficking in and the diversion of firearms, their parts and components and ammunition, including by strengthening early-detection capacities through the use of technological tools, and by providing specialized training to law enforcement, customs and judicial authorities, as well as to importers and exporters and other relevant private sector actors such as transporters, postal services and package delivery services;

16. *Invites* States parties to consider providing technical assistance, on a voluntary basis and under mutually agreed terms, including through the provision of state-of-the-art equipment such as scanners and other systems for border control required for combating illicit trafficking in firearms, and to consider establishing joint investigative and scientific teams as standing bodies in border regions that share information and intelligence on an ongoing basis and work jointly in border corridors;

17. *Also invites* States parties to promote investigations of firearms-related crimes that are combined with investigations of illicit assets and money-laundering, in order to dismantle the trafficking networks behind illicit arms transfers and gather intelligence on suspicious transactions, for the achievement of target 16.4 of the Sustainable Development Goals;

18. *Encourages* States parties and the United Nations Office on Drugs and Crime to mainstream a gender perspective in firearms policies and programmes, including in the areas of programme design, planning, implementation, monitoring and evaluation, also encourages the sharing of national experiences, lessons learned and best practices, and invites States parties to further collect gender-disaggregated data on illicit trafficking in firearms and enhance their understanding of the gender-specific impacts of that illicit trafficking, in particular for the purpose of improving the corresponding national policies and programmes;

19. *Encourages* States parties to promote, whenever possible, the participation in the meetings of the Working Group on Firearms of national experts and competent

authorities, subregional and regional organizations and relevant non-governmental organizations, in line with the rules of procedure of the Conference;

20. *Acknowledges* the occurrence in some regions and countries of an increasing amount of trafficking in ammunition, which demonstrates the proliferation and use of firearms, and the challenges of intercepting and tracing that ammunition, especially at borders and customs control posts;

21. *Invites*, where appropriate, international and regional organizations, the private sector, non-governmental organizations, academia and civil society to strengthen their cooperation and work with States parties to the Firearms Protocol in order to achieve its full implementation and raise awareness of firearms-related crime, with a view to preventing and countering illicit trafficking in firearms, their parts and components and ammunition;

22. *Requests* the United Nations Office on Drugs and Crime to continue to assist States parties, upon request, in their efforts to strengthen their firearms control regimes, in particular in the areas of legislative development, firearms identification, seizure, confiscation and disposal, technical support for marking, record-keeping and tracing, and training and capacity-building in the investigation and prosecution of related crimes, with a view to preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

23. *Also requests* the United Nations Office on Drugs and Crime to continue to promote cooperation and coordination among the secretariats and pertinent bodies of related international and regional instruments and mechanisms;

24. *Requests* the Secretariat to continue supporting the Working Group on Firearms in the performance of its functions, and also requests it to submit to the Conference at its eleventh session a report on the meetings of the Working Group held prior to that session.
