



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

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## **Eighth session**

Vienna, 17-21 October 2016

Agenda item 2 (d)

### **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**

**Argentina, Brazil, Costa Rica, Guatemala and Mexico: revised draft resolution**

### **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**

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

*Recalling* the functions assigned to it in article 32 of the United Nations  
Convention against Transnational Organized Crime,<sup>1</sup> and reaffirming its decision 4/6 of  
17 October 2008,

*Recalling also* its resolution 7/1 of 10 October 2014, whereby it decided that  
the Working Group on Firearms would be a constant element of the Conference of  
the Parties to the United Nations Convention against Transnational Organized  
Crime, forwarding its reports and recommendations to the Conference, and  
encouraged the Working Group to consider meeting on an annual basis, as needed,

*Recalling further* its resolutions 5/4 of 22 October 2010, entitled “Illicit  
manufacturing of and trafficking in firearms, their parts and components and  
ammunition”, and 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”,

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.



*Welcoming* the results achieved by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha from 12 to 19 April 2015, including the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,<sup>2</sup>

*Welcoming also* the commitment made by Member States in the 2030 Agenda for Sustainable Development<sup>3</sup> to significantly reduce illicit arms flows in their efforts to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,

*Reiterating* its concern at the increased levels of harm and violence that transnational organized criminal groups generate in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

*Concerned* about the harm caused by, and the negative impact of, illicitly manufactured and trafficked firearms, their parts and components and ammunition on the levels of crime and violence in several regions and the links between such firearms and various forms of crime,

*Recognizing* the urgent need for States parties to adopt integrated and comprehensive approaches to address the root causes of transnational organized crime, including illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, taking into account, where appropriate, economic and social factors having an impact upon firearms-related crime, as well as cross-border criminality and trafficking flows, in particular as related to firearms, and to consider the gender dimension of such crimes,

*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 violence that accompanies the activities of transnational organized criminal groups,

*Reiterating its conviction* that there is a need to strengthen international cooperation and the sharing of information to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

*Convinced* of the need for States parties to ensure that their legal frameworks and relevant measures adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, with a view to reducing their illicit trafficking,

*Recognizing* the valuable contribution, where appropriate and useful, of representatives from academia, private industry and civil society in awareness-raising and exchanging good practices regarding international cooperation in preventing illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, as well as in identifying and providing technical assistance needs,

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<sup>2</sup> General Assembly resolution 70/174, annex.

<sup>3</sup> General Assembly resolution 70/1.

*Recalling* that the 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,<sup>4</sup> are among the principal global legal instruments to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

*Noting with appreciation* the increasing number of accessions to and ratifications, acceptances and approvals of the Firearms Protocol,

*Noting* the common themes, nature and complementary character of other international legal instruments, as well as other relevant regional instruments and global frameworks, such as the Arms Trade Treaty,<sup>5</sup> which provides a framework for its States parties to regulate the licit trade in arms, as well as regional legal instruments, 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 Aspects<sup>6</sup> and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons,<sup>7</sup> which aim to prevent and combat the illicit manufacturing of and trafficking in firearms and to reduce the risk of their theft and diversion,

*Acknowledging* that the Working Group on Firearms serves as a useful network of experts and competent authorities in order to improve international cooperation, exchange of information and good practices related to illicit firearms trafficking,

*Recognizing* the work carried out by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators in developing an indicator framework and a list of indicators for the monitoring of the goals and targets of the 2030 Agenda for Sustainable Development, including on illicit arms flows,

*Noting with appreciation* the assistance provided by the United Nations Office on Drugs and Crime to States, upon request, through its Global Programme on Firearms,

*Noting* the activities carried out by the United Nations Office on Drugs and Crime regarding awareness-raising on, dissemination of and support for national legislation, aimed at supporting the ratification, acceptance or approval of or accession to the Organized Crime Convention and its Firearms Protocol,

*Noting also* that the Firearms Protocol recognizes verifiable lawful purposes, such as hunting, sport shooting, evaluation, exhibitions or repairs, reaffirming the obligation of States parties to seek support and cooperation to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and acknowledging that this cooperation is facilitated through the recognition of such lawful purposes,

*Recognizing* the valuable contributions made by the private sector and industry in providing relevant information to States parties in the areas of manufacturing,

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<sup>4</sup> United Nations, *Treaty Series*, vol. 2326, No. 39574.

<sup>5</sup> See General Assembly resolution 67/234 B.

<sup>6</sup> *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.

<sup>7</sup> A/60/88 and Corr.2, annex; see also General Assembly decision 60/519.

marking and record-keeping, and encouraging their further cooperation in this regard to assist States parties in meeting their obligations under the Firearms Protocol,

1. *Expresses its appreciation* for the work of the Working Group on Firearms at its third and fourth meetings, held in Vienna on 9 June 2015, and on 18 and 19 May 2016, respectively, takes note of the recommendations contained in their reports,<sup>8,9</sup> and welcomes the consolidated recommendations of the Working Group on Firearms produced by the Secretariat at the request of the Working Group, which should help guide the deliberations at its future meetings;

2. *Invites* 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 Nations Convention against Transnational Organized Crime,<sup>10</sup> and to fully implement its provisions;

3. *Calls upon* States parties to the Firearms Protocol that have not yet done so to review, as appropriate, and strengthen their national legislation and adopt action plans to fully implement the Protocol, and to ensure that their legal frameworks and relevant measures adequately address the criminal exploitation of new forms of international commerce such as online trade in firearms, their parts and components and ammunition, with a view to reducing their illicit trafficking;

4. *Urges* States parties to the Firearms Protocol to harmonize their national legislation in a manner consistent with the Protocol, develop action plans to implement the Protocol, provide to the Secretariat full and up-to-date information on their national body or single point of contact and make use of the online directory of competent national authorities designated by States under the Protocol;

5. *Invites* States parties to the Firearms Protocol to identify gaps in the legislative framework in order to ensure that their national law satisfies the requirements of the Protocol, as well as with other international and regional instruments to which they are party, on points such as import and export licensing, marking, tracing and record-keeping, including through the use of the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*;<sup>11</sup>

6. *Encourages* States parties to the Firearms Protocol and other States parties to the United Nations Convention against Transnational Organized Crime,<sup>1</sup> on a voluntary basis, including through the Working Group on Firearms, to present their views and comments on the implementation of the Firearms Protocol, including those relating to factors that may impede accession, ratification, acceptance, approval or implementation, as well as on good practices and the progress made in implementing the Protocol, with a view to achieving closer cooperation on preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

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<sup>8</sup> CTOC/COP/WG.6/2015/3.

<sup>9</sup> CTOC/COP/WG.6/2016/3.

<sup>10</sup> United Nations, *Treaty Series*, vol. 2326, No. 39574.

<sup>11</sup> United Nations publication, Sales No. E.05.V.2.

7. *Calls upon* States parties to develop or strengthen their national capacity for the collection and analysis of data on illicit firearms trafficking, invites States parties to the Firearms Protocol to ensure the effective implementation of its articles 6, 7, 8 and 12, given the importance of appropriate marking, tracing and record-keeping as a source of key data necessary to effectively trace firearms for the purpose of identifying and investigating illicit trafficking, and in this regard requests the Working Group on Firearms to consider at its future meetings its contribution to the achievement of target 16.4 of the Sustainable Development Goals,<sup>12</sup> as well as towards measuring the progress in enforcing the control system that will enable national authorities in the fight against illicit firearms trafficking;

8. *Takes note with appreciation* of the *UNODC Study on Firearms 2015*, developed and disseminated by the Global Programme on Firearms of the United Nations Office on Drugs and Crime pursuant to Conference resolutions 5/4, 6/2 of 19 October 2012 and 7/2 as a starting point for further analysis on firearms trafficking, and welcomes the valuable efforts of the Office in this respect;

9. *Reiterates* its invitation to States parties that have not yet done so to provide the United Nations Office on Drugs and Crime with quantitative and qualitative data and information on trafficking in firearms, and to those who have provided information to continue doing so, with a view to enhancing the exchange of information between Member States and the availability of data;

10. *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 Firearms 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;

11. *Encourages* States parties to the Firearms Protocol, in line with article 8, paragraph 2, and article 13, paragraph 3, to develop and strengthen relationships between competent authorities and manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect diversion, including into illicit markets, as well as illicit manufacturing and trafficking;

12. *Also encourages* States parties to the Firearms Protocol to strengthen their domestic marking and record-keeping regimes, consistent with the requirements of the Protocol, for the purpose, inter alia, of identifying and tracing firearms, and where possible their parts and components and ammunition;

13. *Calls upon* States parties to systematically collect, record and analyse data, including tracing data on recovered, seized, confiscated, collected and found firearms suspected of being involved in an illicit activity, with a view to identifying their origin and detecting possible forms of illicit trafficking, as well as to use tracing results to conduct in-depth criminal investigations on firearms trafficking, including parallel financial or other investigations, where appropriate;

14. *Encourages* States parties to provide one another 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

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<sup>12</sup> General Assembly resolution 70/1.

manner to international cooperation requests relating to tracing and criminal investigations, and in this regard, to consider making use of existing tracing or facilitation mechanisms, including, as appropriate, the Organized Crime Convention and its Firearms Protocol, and the International Criminal Police Organization (INTERPOL) Illicit Arms Records and Tracing Management System, among others;

15. *Urges* States parties to promote the exchange of good practices and experiences of practitioners who are involved in combating illicit trafficking in firearms and to consider the use of available tools, including marking and record-keeping technologies, to facilitate the tracing of firearms and, where possible, their parts and components and ammunition, in order to enhance criminal investigations of illicit trafficking in firearms;

16. *Invites* States parties 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, in accordance with articles 6 and 8 of the Firearms Protocol, for the purpose of preventing and reducing the risk of theft, diversion and trafficking, as well as to strengthen the marking requirements for reactivated firearms;

17. *Also invites* States parties to promote the exchange of good 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 and components;

18. *Further invites* States parties to develop or strengthen their internal capacity for the collection and analysis of data on illicit firearms trafficking, inter alia, by promoting enhanced coordination among relevant competent authorities, and to provide training to law enforcement personnel on the identification, recording and reporting of seizures of firearms, their parts and components and ammunition, and on producing relevant statistics on seizures at the national level;

19. *Invites* States parties to provide or request specialized training for national law enforcement and regulatory officials on marking, tracing and record-keeping in line with articles 6, 7, 8 and 12 of the Protocol, emphasizing that such efforts are critical to the effective tracing and identification of illicitly trafficked firearms, and to provide training, including training on new technology, to law enforcement personnel on the identification of firearms and the recording and reporting of firearm seizures;

20. *Urges* States parties to strengthen coordination and cooperation among all their internal institutions involved in the prevention of and the fight against illicit trafficking, as well as to consider entering into effective international cooperation arrangements for investigations and prosecutions, including through joint investigative teams, applying the good practices adopted by some countries in their fight against terrorism and organized crime;

21. *Encourages* States parties to promote, whenever possible, the participation in future meetings of the Working Group on Firearms of national experts and competent authorities, subregional and other regional organizations and relevant non-governmental organizations in line with the rules of procedure of the Conference;

22. *Also encourages* States parties to make use of future meetings of the Working Group to share and exchange information on firearms trafficking trends, routes and patterns and consider good practices, lessons learned, experiences, successes and challenges in the collection and analysis of such data and in preventing and combating these crimes, with a view to enhancing cooperation and coordination in the fight against trafficking in firearms and related crimes, and in this regard calls upon the Working Group to develop, at its next meeting, a comprehensive multi-year workplan in order to facilitate greater participation of experts and competent authorities;

23. *Invites* States parties to exchange experiences and information on the illicit manufacture of firearms employing advanced technology that could be used by transnational organized criminal groups;

24. *Encourages* relevant 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 the full implementation of the Protocol;

25. *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 of 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 implement its mandate in this regard;

26. *Also 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 regime, consistent with the Firearms Protocol, 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;

27. *Requests* the United Nations Office on Drugs and Crime to continue to promote and encourage international cooperation in criminal matters, pursuant to the Convention, with the aim of investigating and prosecuting the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including when related to terrorism and to other crimes, such as urban crime committed by gangs, through regional and cross-regional workshops, including for countries that are on relevant trafficking routes;

28. *Further requests* the United Nations Office on Drugs and Crime to continue to collect and analyse, on a regular basis, quantitative and qualitative information and suitably disaggregated data on trafficking in firearms, their parts and components and ammunition, taking into consideration the usefulness of the *UNODC Study on Firearms 2015* as a starting point for further analysis and taking into account target 16.4 of the Sustainable Development Goals, as well as to continue to share and disseminate its findings on best practices, the dimensions and characteristics of such trafficking, and lessons learned;

29. *Requests* the United Nations Office on Drugs and Crime to continue in its efforts to improve the methodology of the *UNODC Study on Firearms 2015*, and in this regard invites the Office and other organizations with similar firearms data-collection mandates to continue to explore ways to cooperate and coordinate with each other, with a view to developing synergies between the distinct reporting obligations of States parties and, where appropriate, facilitating the production of standardized and comparable data;

30. *Requests* the Secretariat to inform the Working Group about (a) the activities of the United Nations Office on Drugs and Crime to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, (b) coordination with other relevant international and regional organizations, (c) best practices in the areas of training and capacity-building, and (d) awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

31. *Also requests* the Secretariat to support the Working Group in the performance of its functions;

32. *Decides* that the Secretariat shall provide to the Conference at its ninth session a report on the meetings of the Working Group to be held prior to the ninth session of the Conference;

33. *Invites* States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations.