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ADOPTION OF THE REPORT OF THE COMMISSION ON ITS SEVENTH SESSION

Chapter IV

**CRIMINAL JUSTICE REFORM AND STRENGTHENING OF LEGAL INSTITUTIONS:
MEASURES TO REGULATE FIREARMS**

A. Structure of the debate

1. At its 8th to _____ meetings, on 24 April 1998, the Commission on Crime Prevention and Criminal Justice considered agenda item 5 entitled “Criminal justice reform and strengthening of legal institutions: measures to regulate firearms”.
2. For its consideration of item 5, the Commission had before it the report of the Secretary-General on measures to regulate firearms (E/CN.15/1998/4).
3. At the 8th meeting, on 24 April 1998, following an introductory statement by the Secretariat, the Commission heard statements by the representatives of the Russian Federation, Botswana, the Islamic Republic of Iran and the United States of America. The observers for the United Kingdom and Panama made statements.
4. At the 9th meeting, on 27 April 1998, statements were made by the representatives of Brazil, Mexico, Colombia, China, Poland, Japan, Jamaica, Sudan, India and Philippines. The Commission heard statements by the observers for Canada, Australia, Malta, South Africa and Norway. The observer for the United Nations Children’s Fund made a statement. Statements were also made by the observers for the Customs Co-operation Council (also called the World Customs Organization) and the International Criminal Police Organization (Interpol). The observers for the Friends World Committee for Consultation, the International Alliance of Women—Equal Rights, Equal Responsibilities, War Resisters International, the National Rifle Association of America/Institute for Legislative Action and the International Peace Bureau also made statements.

5. At the 10th meeting, on 27 April 1998, the observers for the International Fellowship of Reconciliation, the Verification Technology Information Centre and the Asia Crime Prevention Foundation made statements. In exercise of the right of reply, the representative of the United States made a statement.

B. Deliberations

6. The report of the Secretary-General on measures to regulate firearms (E/CN.15/1998/4) was welcomed by the Commission and commended as a source of potentially useful reference material for future work on firearm regulation in Member States. The results of the discussions held at the regional workshops on firearm regulation had facilitated government efforts to design new legislation on firearm regulation. The workshops were viewed as particularly helpful arenas for the exchange of ideas and the discussion of problems in the different regions. There was some concern, however, that the report might not have reflected the diversity of views expressed at the workshops, and a proposal was therefore made for an addendum to the report that would adequately cover those views.

7. The Commission welcomed the publication of the *United Nations International Study on Firearm Regulation*,¹ which had focused the attention of Member States to the problem of illicit trafficking in firearms. With the exception of the observer for one non-governmental organization, it was noted with satisfaction that most of the activities undertaken in response to resolution 9, on firearm regulation for purposes of crime prevention and public safety, adopted by the Ninth Congress,² had been brought to a successful conclusion. That resolution had been a catalyst for various international initiatives against illicit trafficking in firearms.

8. The Commission heard statements on government initiatives to regulate firearms and to combat illicit trafficking in firearms. The reported initiatives included the following: implementation of recently introduced legislation providing for stricter regulations on firearms; public destruction of seized, confiscated or voluntarily surrendered firearms; buy-back programmes; declaration of a general amnesty for illegal possession of firearms; development of regional initiatives to combat illicit trafficking in firearms. References were made to tragic incidents of criminal use of firearms in which individuals and groups of people had been killed. It was noted that, from the perspective of the victim, it was irrelevant whether the firearm involved had come from a legal or an illegal source.

9. Many representatives and observers emphasized that safe storage, licensed possession of firearms and public awareness campaigns were important prerequisites to preventing criminal misuse of firearms and might lead to reduced crime rates. Freedom from the fear of crime, including freedom from the fear of firearm violence, was fundamental to sustainable development of States. Speakers underlined the cultural, socio-economic and constitutional background to the question of firearm regulation, as noted in the report of the Secretary-General. However, against that background, there were States in which policies and laws had been reviewed and new regulations severely restricting the availability of firearms to the civil society had been introduced. All speakers were of the opinion that no State was immune from criminal use of firearms, and that each State had to follow its own policies in the question of domestic firearm regulation. Moreover, it was important not to export firearms that were prohibited in the country of origin, to avoid jeopardizing safety in the countries of destination. One speaker objected to the statement of another speaker that could be interpreted as implying that his country was involved in gun-running. On the contrary, he stated, his Government had vigorously fought that phenomenon.

10. With regard to the question of the future direction of United Nations activities on firearm regulation, most speakers expressed the full commitment of their Governments for the proposal to work towards the elaboration of

¹United Nations publication, Sales No. E.98.IV.2.

²*Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995 (A/CONF.169/16/Rev.1), chap. I.*

a binding international legal instrument to combat illicit manufacturing of and trafficking in firearms, their parts and components and ammunition within the context of a United Nations convention against transnational organized crime. It was emphasized that the Organization of American States, which had adopted in November 1997 the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, could play a leading role in planning the future course of action by the Commission.

11. Support was expressed for the proposals made in the report of the Secretary-General, including the following: continuation of the collection of data and the dissemination of information on firearm regulation; development of a manual on firearm regulation that would help experts dealing with issues of firearm regulation; and development of technical cooperation activities in the field of cross-border trafficking in firearms.

12. Finally, the Commission also heard statements on the question of criminal use of and trafficking in explosives, which was considered to be closely related to the question of firearm regulation. It was noted that the United Nations Declaration on Crime and Public Security (General Assembly resolution 51/60, annex) and the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials might both prove to be viable examples of how the Commission could extend its work into the area of prevention and control of criminal violence and trafficking in explosives, which reportedly involved the Mafia or other criminal organizations throughout the world. It was stressed that the Commission should pursue its possible work in that area in a cost-effective manner, based on the achievements of the United Nations International Study on Firearm Regulation and consistent with the strategic management plans of the Commission.