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COMMISSION ON CRIME PREVENTION
AND CRIMINAL JUSTICE

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Agenda item 5

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

India: revised draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution:

**Regulation of explosives for the purpose of crime prevention
and public health and safety**

The Economic and Social Council,

Recalling resolution 9 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,¹

Recalling section IV.A of its resolution 1995/27 of 24 July 1995 and its resolutions 1996/28 of 24 July 1996 and 1997/28 of 21 July 1997,

Recalling General Assembly resolution 52/38 J of 9 December 1997, in which the Assembly requested the Secretary-General to initiate a study on the problems of ammunition and explosives in all their aspects, in cooperation with appropriate international and regional organizations where necessary,

Bearing in mind General Assembly resolution 51/60 of 12 December 1996 and the United Nations Declaration on Crime and Public Security annexed to that resolution,

¹Report 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.

Also bearing in mind Commission on Narcotic Drugs resolution 9 (XXXVI) of 7 April 1993,² on the relationship between the illicit traffic in arms and explosives and illicit drug trafficking, in which the Commission recommended that States should consider establishing or improving appropriate controls on transfers of explosives, munitions and armaments,

Taking note with appreciation of the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, adopted by the Organization of American States on 13 November 1997,

Also taking note of the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition, approved by the Inter-American Drug Abuse Control Commission of the Organization of American States on 4 November 1997,

Noting with appreciation the results of the four regional workshops on firearm regulation contained in the report of the Secretary-General on measures to regulate firearms,³

Welcoming the publication of the results of the United Nations International Study on Firearm Regulation undertaken by the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat,

Deeply concerned that effective action against manifestations of transnational organized crime is hampered by the easy access of criminals and organized criminal groups to firearms, munitions, explosives and their components and parts,

Concerned that rapid globalization of crime will have a negative effect on the continued capacity of Governments to assess and effectively counteract threats to public security and weaken international efforts aimed at enhancing cooperation between police, intelligence, customs and border control agencies,

Taking note of the interest shown by the Member States in receiving United Nations technical assistance in the area of prevention and control of illicit trafficking in and use of firearms, explosives and their components and parts,

Recognizing that, with the increasing dimensions and scale of international transport and the growing sophistication of transnational illicit trafficking, more effective legislation and administrative regulation of firearms, explosives and their components and parts is necessary,

Determined, therefore, to expand the scope of international cooperation in the regulation of firearms, explosives and their components and parts,

1. *Decides*, for purposes of crime prevention and public safety, to include the question of illicit trafficking by criminals and the question of abuse and misuse of explosives for criminal purposes in the ongoing work relating to transnational firearm regulation;

2. *Requests* the Secretary-General to prepare, as early as possible, in cooperation with relevant international and regional organizations where necessary, an action plan for collecting, reviewing and exchanging statistics, other information and policy proposals dealing with:

²Official Records of the Economic and Social Council, 1993, Supplement No. 9 (E/1993/29/Rev.1), chap. XI.

³E/CN.15/1998/4, sect. II.

- (a) Criminal incidents in which explosive substances were involved, including the number of such incidents, the number of victims involved, the nature and extent of harm caused, the extent of damage to property and the type of explosives used;
- (b) The situation with regard to illicit sourcing of explosives, for example through theft or robbery and involving national or transnational illicit trafficking, and the types of explosives trafficked;
- (c) The status of the regulation of explosives in individual countries;
- (d) National legislation, regulations and any other initiatives related to the use, including the use of tags or markings for detection, possession, storage and domestic or international commercial transfers of explosives, including penalties for violations;
- (e) Relevant initiatives for the regulation of explosives at the regional and international levels;

3. *Also requests* the Secretary-General to include the preparation of the action plan as an item of the agenda for the next meeting of the expert group on firearm regulation, to be held in 1998, and to consider and finalize the outcome of the four regional workshops on firearm regulation, as it would not only reduce the cost but would also make it possible to utilize fully the experience and expertise developed during the preparation of the study on firearm regulation in the initiative on the regulation of explosives, which is currently being proposed, the two initiatives being quite similar and, in some ways, interrelated;

4. *Invites* the International Criminal Police Organization to provide the Secretary-General with its views, suggestions and expertise regarding the development and implementation of the action plan with a view to making it an effective instrument to combat the criminal misuse of and illicit trafficking in explosives.