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COMMISSION ON CRIME PREVENTION  
AND CRIMINAL JUSTICE

Seventh session  
Vienna, 21-30 April 1998  
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,<sup>1</sup>

*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,

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<sup>1</sup>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.

*Also bearing in mind* Commission on Narcotic Drugs resolution 9 (XXXVI) of 7 April 1993,<sup>2</sup> 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,

*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, States may need to consider reviewing their legislation and administrative regulations concerning explosives and their components and parts, in order to make them more effective in combating that crime,

*Determined*, therefore, to initiate measures to promote international cooperation for the prevention of criminal misuse of and illicit trafficking in explosives and their components and parts,

1. *Decides*, for purposes of crime prevention and public safety, that a study should be initiated on illicit manufacturing of and trafficking in explosives by criminals and on the abuse and misuse of explosives for criminal purposes and that the outcome of the study could be considered in the possible development of a protocol on explosives as part of the process of elaboration of a draft convention against transnational organized crime;

2. *Requests* the Secretary-General to prepare, as early as possible, within existing resources or subject to the availability of extrabudgetary resources, and 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:

(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;

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

(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 of explosives, including the use of tags or markings for their detection, and related to the possession, storage and domestic or international commercial transfer 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 examine the possibility of convening a meeting of a group of experts, within existing resources or subject to the availability of extrabudgetary resources, to consider the question of preparation of the action plan;

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.