



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

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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**

**El Salvador, Guatemala and Mexico: revised 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,*

*Welcoming* the twentieth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime,<sup>1</sup> which constitutes 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”, 6/2 of 19 October 2012, entitled “Promoting accession to and 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”, 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

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



Ammunition, supplementing the United Nations Convention against Transnational Organized Crime”,

*Inviting* States parties to further advance their efforts to achieve the 2030 Agenda for Sustainable Development <sup>2</sup> and its target 16.4, which includes significantly reducing illicit arms flows, in order to promote peaceful and inclusive societies for sustainable development and provide access to justice for all,

*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 the access to such firearms by criminal organizations and, in some cases, by terrorists,

*Recognizing* the need to better address the human dimension of this challenge and the importance of considering the needs of the victims of crimes related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

*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 and age dimensions 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 that may have been exacerbated by the coronavirus disease (COVID-19) pandemic, including the increasing criminal exploitation of international commerce such as online trade in firearms, their parts and components and ammunition,

*Noting with concern* that COVID-19 poses a risk of, among others, an increase in domestic violence and that illicit firearms could be used to commit such violence,

*Noting with appreciation* 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 highlighting 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,<sup>3</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* 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,<sup>4</sup> 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

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<sup>2</sup> General Assembly resolution 70/1.

<sup>3</sup> United Nations, *Treaty Series*, vol. 2326, No. 39574.

<sup>4</sup> See General Assembly resolution 67/234 B.

Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects<sup>5</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>6</sup> which are aimed at preventing and combating the illicit manufacturing of and trafficking in firearms and reducing the risk of their theft and diversion,

*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 of the recommendations resulting therefrom,

*Recalling* General Assembly resolution 72/55 of 4 December 2017, in which the Assembly requested the Secretary-General to convene a group of governmental experts on problems arising from the accumulation of conventional ammunition stockpiles in surplus,

*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*,<sup>7</sup>

*Acknowledging* the valuable contributions, where appropriate and useful, of academia, the private sector and civil society in addressing some of the challenges posed by and the impact of 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 these crimes and identifying technical assistance needs and providing such assistance,

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 measures, as appropriate and consistent with their domestic laws, to implement the recommendations and discussion points resulting from the Working Group meetings, in order to contribute to the strengthening of international cooperation against firearms-related crimes;

2. *Encourages* 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, and to fully implement its provisions;

3. *Urges* States parties to the Firearms Protocol to enhance their efforts to implement the Protocol;

4. *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;

5. *Calls upon* States parties to fully engage with the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and to respond comprehensively and in a timely manner to the self-assessment questionnaires;

<sup>5</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>6</sup> A/60/88 and Corr.2, annex; see also General Assembly decision 60/519.

<sup>7</sup> United Nations publication, 2020.

6. *Urges* States parties to the Firearms Protocol to harmonize their legislation with the Protocol, to develop action plans, programmes or strategies to contribute to the full implementation of the Convention and the Protocol, to address any existing gaps in their legislative frameworks on points such as import and export licensing, marking, tracing and record-keeping, and to consider further measures, as appropriate, to prevent and counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and their diversion, including through online trade and illicit reactivation, which may include measures that allow for their tracing;

7. *Acknowledges* that the full and effective implementation of the Organized Crime Convention and its supplementary Firearms Protocol provides 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;

8. *Calls upon* States 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;

9. *Invites* States, 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 illicit market and its relation to violence and crime, to facilitate, where appropriate, the production of standardized and comparable data, and to address armed violence against women and hate crimes related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as potential new trends posed by the coronavirus disease (COVID-19) pandemic, and encourages the United Nations Office on Drugs and Crime and other relevant organizations to develop synergies among the distinct reporting obligations of States parties;

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 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 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 appropriate and feasible, as provided for in the Firearms Protocol, their parts and components and ammunition;

12. *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, where appropriate, when related to terrorism and other crimes, such as urban crime committed by gangs, 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 systems or facilitation mechanisms such as, as appropriate, the International Criminal Police Organization (INTERPOL) Illicit Arms Records and Tracing Management System, among others;

13. *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 and feasible, their parts, ammunition and components;

14. *Invites* States parties to foster and harmonize, with the support of the United Nations Office on Drugs and Crime, as appropriate, their 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, including with the use of modern technology, such as modular weapons and 3D printing of firearms, the conversion of firearms, trafficking through postal services and the use of the darknet and cryptocurrencies, and to request the United Nations Office on Drugs and Crime to continue developing, as needed, legislative and operational tools and to collect and share information on trends and effective responses with other States parties and other relevant international organizations and regimes;

15. *Also invites* States parties to provide and/or 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;

16. *Calls upon* States parties to include in their legal and regulatory regimes record-keeping systems that address the entire life cycle of firearms and, where appropriate and feasible, 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;

17. *Also calls upon* States parties to strengthen their mechanisms and strategies for border control in order to prevent and combat the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, 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, as applicable, to other relevant private sector actors such as transporters and postal and package delivery services;

18. *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 entering into effective international cooperation arrangements for investigations and prosecutions, as well as to consider establishing joint investigative teams in border regions that share information and intelligence on an ongoing basis and work jointly in border corridors, while ensuring full respect for human rights and fundamental freedoms and consistency with due process, where such mechanisms are consistent with domestic law;

19. *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;

20. *Encourages* States parties and the United Nations Office on Drugs and Crime to mainstream gender and age perspectives in firearms policies and programmes, including in the areas of programme design, planning, implementation, monitoring and evaluation, encourages the sharing of national experiences, lessons learned and best practices, and invites States parties to further collect gender- and age-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;

21. *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;

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

23. *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 preventing and combating illicit trafficking in firearms, their parts and components and ammunition;

24. *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;

25. *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;

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

27. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.