



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

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## Working Group on Firearms

Vienna, 16–17 July 2020

### Draft Report

#### Addendum

## Annex I

### Summary of the Chair

#### A. General discussion points

##### *Discussion point 1*

Recognizing that the full and effective implementation of the United Nations Convention against Transnational Organized Crime and its supplementary Firearms Protocol provides a meaningful basis to set in place a regulatory regime that helps Member States address threats related to technological developments and changing modus operandi in regard to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to investigate and prosecute these crimes, Member States that have not yet done so should consider becoming party to the Firearms Protocol, aiming at universalization of these two instruments.

##### *Discussion point 2*

Member States as well as relevant Secretariats should continue to foster synergies between different international and regional instruments governing firearms, including by adopting national legal frameworks that take full advantage of the provisions of the different instruments to which a country is party, enhancing the mutual understanding on how firearms-related challenges are addressed in the different forums, and convening expert meetings for relevant international bodies to facilitate the corresponding dialogue.

#### B. Responsiveness of the Firearms Protocol and national legislation to new and emerging threats relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

##### *Discussion point 3*

Request UNODC to develop legislative and operational tools that help countries counter the identified threats and better regulate related activities as appropriate, taking into account and building synergies with the ongoing discussions held in the



context of the International Tracing Instrument. These may include, among other tools, (i) a glossary of terms relevant for the discussion of new and emerging threats related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, (ii) relevant issue papers and (iii) common technical guidelines on the issues of manufacturing of convertible weapons, irreversible deactivation of firearms, manufacture and marking of polymer firearms modular weapons.

## **1. Discussion points on legislative measures**

### *Discussion point 4*

Encourages States to establish appropriate export, import and transit control systems as required by the Firearms Protocol and to implement into their national legislation the measures encompassed in other relevant international and regional instruments, such as the Arms Trade Treaty, including human rights criteria and mandatory end-user certificates for firearms transfers.

### *Discussion point 5*

In order to efficiently prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, State Parties should adopt and enforce comprehensive legal and regulatory regimes, including integrated record-keeping systems, that address the entire life cycle of a firearm, their parts and components and ammunition, including those aspects that are in the licit realm. In this vein, Member States should also encourage the issuance of licences for firearms possession and conduct end-user verifications.

### *Discussion point 6*

Acknowledging that trafficking in firearms is a transnational threat often linked to organized crime and that there are emerging technologies to manufacture firearms, their parts and components and ammunition, and new modalities of illicit trafficking, States should revise their domestic legal frameworks and regulations to counter these threats, including by adopting relevant legal regimes, including where appropriate through criminalization provisions, so as to include also readily convertible weapons, polymer firearms, modular weapons, the transfer of 3D-printable files, and other emerging aspects.

### *Discussion point 7*

Acknowledging that the deactivation of firearms is different than the destruction of firearms, and with a view to prevent their illicit reactivation, States should consider adopting national deactivation standards that render the weapon permanently inoperable, and are equivalent to the destruction of its frames or receivers.

### *Discussion point 8*

States should consider regulating the transfer and establishing, as a criminal offence, the illicit possession, upload and download of blueprints required for 3D printing firearms and their parts and components, and the printing of these items.

### *Discussion point 9*

Acknowledging that 3D printers could be considered dual use items, States should be encouraged to develop legislation requiring companies that manufacture 3D printers to adopt technical limits in the machines that prevent the 3D printing of parts and components of firearms.

### *Discussion point 10*

Recognizing the central role that parts and components play in threats related to technological developments and changing *modus operandi*, including 3D-printed

firearms, converted firearms and the trafficking via postal services, Member States should address as a matter of priority the regulation of parts and components, taking into account the definition under article 3 of the Firearms Protocol, with a view to harmonize legal regimes and avoid legal loopholes and discrepancies among legal regimes across jurisdictions.

*Discussion point 11*

Member States are encouraged to conduct a comparative legislative analysis to identify trends and good practices in the responsiveness of national and regional legal frameworks to new technologies and changing modus operandi in relation to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. In this context, request UNODC to facilitate such analysis and exchange among countries.

## **2. Discussion points on preventive, security and regulatory measures**

*Discussion point 12*

To enhance traceability of firearms and their essential components, State Parties should ensure that all firearms and essential components are marked in a uniquely identifiable manner.

*Discussion point 13*

Recognizing the challenges that States face in addressing technological developments and changing modus operandi in relation to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, States should also explore the use of technology as an important tool to enhance responses to these phenomena, including using artificial intelligence to improve and standardize the contents of advanced firearms registries, or blockchain technology for marking and import control, among others.

## **3. Discussion points on law enforcement and criminal justice**

*Discussion point 14*

Acknowledging the increasing threat of additive manufacture of firearms, also referred to as 3D-printed firearms, States should develop and use appropriate tools that help detect such weapons, such as investigations into online and dark web platforms and more robust monitoring of postal packages.

*Discussion point 15*

Acknowledging the occurrence, in some countries, of trafficking in ammunition, demonstrating the proliferation and use of firearms, and the challenges to intercept and trace those ammunition, States should develop strategies to prevent and combat this phenomenon at land borders.

## **4. Discussion points on international cooperation and information exchange**

*Discussion point 16*

States are encouraged to periodically exchange information at the regional and subregional levels on emerging threats related to illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, with a view to detecting and identifying those threats at an early stage, adopting timely necessary legislative amendments, and raising the awareness of other countries that might, owing to their geographic proximity, face similar issues.

**5. Discussion points on data collection and monitoring illicit arms flows***Discussion point 17*

Urge States to generate and collect more accurate data on firearms, their parts and components and ammunition, from manufacture to destruction, to be recorded in comprehensive records to better identify illicit firearms flows and generate knowledge on trends and modus operandi, and to make better prospective intelligence and preventive measures.

*Discussion point 18*

Urge Member States to increase their related data collection and analytical capacities and exchange the findings with each other in order to identify transnational issues that call for a coordinated response, and request UNODC, to this end, to further enhance its capacity to support and promote global data collection and analysis efforts in this field.

**C. Investigative and prosecutorial approaches in countering illicit firearms trafficking and related forms of crime within and across jurisdictions****1. Discussion points on legislative measures***Discussion point 19*

Call upon States parties to further enhance their commitment to harmonize domestic legal frameworks on firearms in line with the Firearms Protocol with the aim to strengthen transnational investigations, international law enforcement and judicial cooperation against illicit firearms trafficking.

*Discussion point 20*

Urges States to take a comprehensive victim-centred approach in the criminal justice systems when addressing the issue of illicit firearms trafficking.

**2. Discussion points on law enforcement and criminal justice***Discussion point 21*

Encourages law enforcement authorities and prosecutorial services to initiate parallel investigations of crimes related to the illicit manufacturing of and trafficking in firearms, to create joint investigative teams and to make use of the special investigative techniques set forth in the Organized Crime Convention and the supplementing Firearms Protocol, such as controlled deliveries, electronic or other forms of surveillance and undercover operations, and to consider the supporting role that international and regional organizations engaged in the fight against transnational organized crime can play.

*Discussion point 22*

Encourages States to enhance inter-agency-cooperation and to participate in cross-border coordination of proactive intelligence-led investigations and cooperation between law enforcement and judicial authorities within and across the region, in order to identify firearms trafficking trends and patterns, as well as challenges, lessons learned and best practices.

*Discussion point 23*

To systematically track the movement of illicit firearms from manufacturer to purchaser, States are urged to continue to trace recovered firearms bilaterally or through international and regional mechanisms, in cooperation with States believed to be the source of manufacture.

*Discussion point 24*

States parties should consider to create and strengthen establish specialized units at the national level, such as specialized tracing units that are part of or closely cooperate with the national firearms focal point that act as liaison between it and other States Parties, and foster the subregional, regional and international cooperation among them.

*Discussion point 25*

Urge States to take broad approaches in investigating and prosecuting cases, involving the investigations on the illicit firearms, the individuals involved and their illicit assets, with a view to significantly reduce illicit financial and arms flows, in line with target 16.4 of the Sustainable Development Goals.

*Discussion point 26*

Encourage States to combine investigations on firearms trafficking with investigations on illicit assets and money-laundering to tackle illicit enrichment, in order to dismantle the trafficking networks behind illicit arms transfers, and gather intelligence on suspicious transactions, as three interchangeable entry points to initiate investigations on illicit firearms trafficking. To this end, States should also develop related national standing operating procedures for frontline officers.

*Discussion point 27*

Member States should enhance, where required, cooperation between customs and law enforcement agencies to strengthen efforts against the illicit trafficking in firearms, their parts and components and ammunition.

**3. Discussion points on international cooperation and information exchange***Discussion point 28*

Invites States to strengthening information exchange and collection of data on seized firearms, including in relation to related judicial cases and to increase the capacities of national authorities in target countries to collect, register and analyse data on seized firearms and illicit firearms trafficking, building on the methodology of UNODC's Illicit Arms Flows Questionnaire.

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