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COMMISSION ON CRIME PREVENTION
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Agenda item 5

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

Argentina, Australia, Benin, Bolivia, Botswana, Brazil, Canada, Costa Rica, Côte d'Ivoire, Ecuador, Gambia, Germany, Japan, Lesotho, Panama, Russian Federation, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America and Zambia: draft resolution

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

Measures to regulate firearms for the purpose of combating illicit trafficking in firearms

The Economic and Social Council,

Recalling resolution 9 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, on firearms regulation for purposes of crime prevention and public safety, 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,

Bearing in mind that freedom from the fear of crime is fundamental to international cooperation and to the sustainable development of States and that international illicit trafficking in and criminal misuse of firearms have a harmful effect on the security of each State and endanger the well-being of peoples and their social and economic development,

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.

Aware of the need for improved cooperation and exchange of data and other information for law enforcement purposes as well as for cooperative action to combat illicit trafficking in firearms,

Mindful that the suppression and prevention of international illicit trafficking in firearms can best be accomplished by the adoption of effective methods of identifying and tracing firearms and by the establishment of an import and export and in-transit licensing or similar authorization regime for the international transfer of firearms,

Recognizing the efficacy of bilateral and multilateral instruments and arrangements in the furtherance of international cooperation, including guidelines and model regulations,

Taking note with appreciation of the work of regional organizations such as the Organization of American States, which completed in November 1997 the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, the Inter-American Drug Abuse Control Commission, which developed the Model Regulations for the Control of the International Movement of Firearms, Their Parts and Components, and Ammunition, and the Council of the European Communities directive on firearm regulation,²

Taking note of the recommendations contained in the report of the United Nations Panel of Governmental Experts on Small Arms, in particular those related to achieving effective control of firearms in the peace-building process in order to prevent their entry into the illicit market,

Bearing in mind the results of the United Nations International Study on Firearm Regulation,³

Recognizing that States will benefit from sharing technical expertise and training that will enhance the capability of law enforcement and criminal justice officials to develop crime prevention policies and solutions to prevent and combat illicit trafficking in and criminal misuse of firearms,

1. *Welcomes* the results of the United Nations International Study on Firearm Regulation and expresses its appreciation to the Member States that participated in that initiative;

2. *Expresses its appreciation* to the Governments of Australia, Canada and Japan, to intergovernmental organizations and to institutes of the United Nations Crime Prevention and Criminal Justice Programme network for contributing financially or in kind to the development and implementation of the United Nations International Study on Firearm Regulation;

3. *Expresses its appreciation* to the Government of Slovenia for acting as host to the regional workshop on firearm regulation in Europe, held at Ljubljana from 22 to 26 September 1997, to the Government of the United Republic of Tanzania for acting as host to the regional workshop on firearm regulation in Africa, held at Arusha from 3 to 7 November 1997, to the Government of Brazil for acting as host to the regional workshop on firearm regulation in the Americas, held at São Paulo from 8 to 12 December 1997, and to the Government of India for acting as host to the regional workshop on firearm regulation in Asia, held at New Delhi from 27 to 31 January 1998;

4. *Recommends* that States, in the light of the above-mentioned considerations, work towards the elaboration of a binding international legal instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition within the context of a United Nations convention on organized transnational crime;

²Directive 91/477/EEC of 18 June 1991.

³United Nations publication, Sales No. E.98.IV.2.

5. *Invites* States, in elaborating the international legal instrument referred to in paragraph 4 above, to take into account, as appropriate, the views of interested non-governmental organizations and other interested parties;
6. *Recommends* that States, in elaborating the international legal instrument, take into account the Inter-American Convention against the Illicit Trafficking and Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials, as well as other existing international instruments and ongoing initiatives;
7. *Decides* that, in the context of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a comprehensive international convention against organized transnational crime, discussions should take place on the elaboration of a draft text of a protocol to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including, for example, effective methods of identifying and tracing firearms, as well as on the establishment or maintenance of an import and export and in-transit licensing or similar authorization regime for the international commercial transfer of firearms, their parts and components and ammunition, to prevent their diversion for criminal misuse;
8. *Requests* the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice, at its ... session, a report on the status of the work referred to in paragraph 7 above;
9. *Invites* the International Criminal Police Organization and other intergovernmental organizations to provide the Secretary-General with views and proposals regarding their possible contributions towards the development and implementation of technical cooperation to strengthen the ability of law enforcement officials to combat illicit trafficking in and criminal misuse of firearms and requests the Secretary-General to report thereon to the Commission on Crime Prevention and Criminal Justice at its ninth session;
10. *Requests* the Secretary-General to provide the necessary logistical resources to convene, support and follow-up the discussions and elaboration of the draft text of the protocol referred to in paragraph 7 above and to prepare the reports referred to in paragraphs 8 and 9 above using existing or extrabudgetary resources.