



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

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## Fifth session

Vienna, 18-22 October 2010

Item 2 (d) of the provisional agenda\*

### **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**

#### **Costa Rica and Mexico: draft decision**

#### **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,*

*Recalling* the functions assigned to it in article 32 of the United Nations  
Convention against Transnational Organized Crime,<sup>1</sup> reaffirming its decision 4/6,  
having considered the report of the Secretariat on the activities of the United  
Nations Office on Drugs and Crime to promote and support 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,<sup>2</sup> and concerned by the  
increased levels of harm and violence that transnational criminal organizations  
generate in some regions of the world as a result of 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 is  
one of the major components of the efforts to reduce the violence that accompanies  
the activities of transnational organized criminal groups,

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\* CTOC/COP/2010/1.

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

<sup>2</sup> United Nations, *Treaty Series*, vol. 2326, No. 39574.



*Expressing* its conviction that there is a need to strengthen international cooperation to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

*Recalling* the Organized Crime Convention and, in particular, the Firearms Protocol,

*Acknowledging* that the Firearms Protocol is the principal legally binding global instrument to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

*Recognizing* the complementary and mutually reinforcing nature of other instruments with respect to the Organized Crime Convention and its Firearms Protocol, such as the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects<sup>3</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>4</sup> as well as regional legal instruments such as the Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials,<sup>5</sup> the Southern African Development Community Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region, the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, the Economic Community of West African States Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials and the Central African Convention on the Control of Small Arms and Light Weapons, Their Ammunition, Parts and Components That Can Be Used for Their Manufacture, Repair or Assembly (Kinshasa Convention),

*Reaffirming* that a primary purpose of the Conference is to improve the capacity of States parties to the Firearms Protocol to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and that the Conference should spearhead international efforts in that regard,

1. *Urges* 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<sup>6</sup> and to fully implement its provisions;

2. *Underlines* the fact that the issue of the illicit trade in small arms and light weapons requires integrated and concerted efforts at the international level to prevent, combat and eradicate the illicit manufacture, transfer and circulation of small arms and light weapons, as well as their uncontrolled spread in many regions, and welcomes the holding of the Fourth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the

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<sup>3</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>4</sup> A/60/88 and Corr.2, annex; see also General Assembly decision 60/519.

<sup>5</sup> United Nations, *Treaty Series*, vol. 2029, No. 35005.

<sup>6</sup> United Nations, *Treaty Series*, vol. 2326, No. 39574.

Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York from 14 to 18 June 2010, and the report of the Fourth Biennial Meeting;<sup>7</sup>

3. *Urges* States parties to the Firearms Protocol to strengthen their national legislation in a manner consistent with the Protocol, develop programmes of action to implement the Protocol, provide to the Secretariat full and up-to-date information on their national body or single point of contact and make use of the online directory of competent national authorities designated by States under the Firearms Protocol;

4. *Requests* the Secretariat to facilitate, whenever possible, technical assistance to States parties facing difficulties in the implementation of the Firearms Protocol in the areas of, inter alia, record-keeping, marking, deactivation and destruction of firearms, the identification of competent national authorities and the identification and tracing of illicit firearms, their parts and components and ammunition, the development of regional and international databases on seizures and confiscations and the promotion of inter-agency and international cooperation;

5. *Calls upon* States to do the following:

(a) To consider the adoption or strengthening of comprehensive and efficient measures to counter the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, taking into account that these measures must be carried out in full conformity with the principle of common and shared responsibility, the purposes and principles enshrined in the Charter of the United Nations and relevant provisions of international law;

(b) To consider ways to strengthen mechanisms for the collection and sharing of information, consistent with their respective national legal and administrative systems, in order to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in particular relevant case-specific information including on authorized manufacturers, dealers, importers and exporters;

(c) To strengthen their mechanisms and strategies for border control in order to prevent illicit trafficking in firearms and to consider, inter alia, the relevant measures adopted by the Fourth Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

(d) To afford each other the broadest possible international cooperation so as to facilitate the tracing of firearms and the investigation and prosecution of firearms-related offences, in conformity with their national laws;

6. *Encourages* relevant international and regional organizations, the private sector and non-governmental organizations to strengthen their cooperation and work with States parties to the Firearms Protocol in order to achieve the full implementation of the Protocol;

7. *Acknowledges* the work carried out by the United Nations Office on Drugs and Crime for the development of a model law against the illicit manufacturing of and trafficking in firearms, which will serve as a useful technical

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<sup>7</sup> A/CONF.192/BMS/2010/3.

assistance tool for effective implementation of the Firearms Protocol, and requests the Office to finalize the model law and disseminate it in the six official languages of the United Nations as part of the technical assistance activities of the Office, as appropriate;

8. *Requests* the United Nations Office on Drugs and Crime to develop other technical assistance tools, in close consultation with States parties to the Firearms Protocol, in order to support the implementation of the Protocol, and to conduct a study of the transnational nature of and routes used in trafficking in firearms, based on the analysis of confiscated weapons and ammunition, for consideration by the Conference at its sixth session;

9. *Decides* to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the Organized Crime Convention, and rule 2, paragraph 2, of the rules of procedure for the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Firearms Protocol;

10. *Also decides* that the working group shall perform the following functions:

(a) Facilitate implementation of the Firearms Protocol through the exchange of experience and practices among experts and practitioners in this area, including by contributing to the identification of successful practices, weaknesses, gaps and challenges, as well as priority issues and topics of relevance, in the fight against trafficking in firearms;

(b) Make recommendations to the Conference on how States parties can better implement the provisions of the Firearms Protocol;

(c) Assist the Conference in providing guidance to its secretariat on the activities of the secretariat and on the development of technical assistance tools relating to the implementation of the Firearms Protocol;

(d) Make recommendations to the Conference on how it can better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the area of supporting and promoting implementation of the Firearms Protocol;

11. *Further decides* that the open-ended intergovernmental working group on firearms shall meet during the sixth session of the Conference and shall hold at least one intersessional meeting, if possible, in the framework of meetings of the Commission on Crime Prevention and Criminal Justice;

12. *Requests* the Secretariat to inform the working group about the activities of the United Nations Office on Drugs and Crime to promote and support implementation of the Firearms Protocol, coordination with other relevant international and regional organizations, best practices in the areas of training and capacity-building and awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;

13. *Also requests* the Secretariat to assist the open-ended intergovernmental working group on firearms in the performance of its functions;

14. *Decides* that the Chair of the open-ended intergovernmental working group on firearms shall submit to the Conference, at its [...] session, a report on the activities of the working group.

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