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Operationalizing the Firearms Protocol in view of technological developments relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

Operationalizing the Firearms Protocol in view of technological developments relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

Background paper prepared by the Secretariat

I. Introduction

1. The present background paper was prepared by the secretariat to facilitate discussion by the Working Group on Firearms at its eleventh meeting. It provides an overview of technological developments related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, with a specific focus on the use of postal and courier services to traffic firearms and firearms parts, and the additive manufacturing (3D printing) of firearm parts.

2. Furthermore, the background paper contains an updated and streamlined list of discussion points stemming from the seventh meeting of the Working Group on Firearms for consideration and potential adoption by the Working Group at its eleventh meeting.

3. Lastly, the background paper outlines a proposal to develop technical standards on the implementation of various provisions 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, to promote their consistent and harmonized implementation across different jurisdictions.

* CTOC/COP/WG.6/2024/1.

II. Issues for discussion

4. Delegations may wish to consider the responses of their States to the following questions in preparing for the Working Group's deliberations:

Technological developments since the seventh meeting of the Working Group on Firearms

(a) How have emerging and new technologies impacted or changed the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition?

(b) How can new technologies be operationalized by arms control authorities and criminal justice actors to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition?

Consideration for adoption of an updated and streamlined list of discussion points stemming from the seventh meeting of the Working Group on Firearms

5. Delegations may wish to consider if the revised, streamlined and updated list of recommendations stemming from the seventh meeting of the Working Group on Firearms (contained in section III.B of the present background paper) can be used as the basis for the negotiation and adoption of recommendations related to agenda item 2, in addition to any other recommendations discussed under the item during the meeting.

Development of voluntary technical standards for the implementation of the Firearms Protocol, and updating of the Legislative Guide, the Model Law and the Technical Guide

6. Delegations may wish to discuss the usefulness of requesting the United Nations Office on Drugs and Crime (UNODC) to develop voluntary technical standards on the implementation of the Firearms Protocol, and to discuss the issues to be addressed in those standards.

7. Delegations may also wish to consider the usefulness of updates of the *Legislative Guide for the Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*,[1] the *Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*[2] and the *Technical Guide to the Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.*[3]

[1] The *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto* were published in 2005. The subsequent review of the *Legislative Guides* was done in parts: the *Legislative Guide for the Implementation of the United Nations Convention against Transnational Organized Crime* was revised and updated in 2017; the *Legislative Guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* was revised and updated in 2020; and the *Legislative Guide for the Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition* underwent an initial review but the update could not be finalized owing to a lack of funding.

[2] The *Model Law* was published in 2011 and was partially revised and updated in 2014 to reflect in some provisions the linkages to the newly adopted Arms Trade Treaty.

[3] The *Technical Guide* was published in 2011 as a technical tool to facilitate the understanding of the technical requirements under the Firearms Protocol.

III. Overview of issues and related topics

A. Technological developments related to the illicit manufacturing of and trafficking in firearms, their parts and components since the seventh meeting of the Working Group on Firearms

8. At its seventh meeting, held on 16 and 17 July 2020, the Working Group on Firearms addressed the topic "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". The background paper prepared by the secretariat for that meeting (CTOC/COP/WG.6/2020/2) addressed the following topics: (a) conversion of firearms; (b) reactivation of deactivated firearms; (c) modification of firearms; (d) polymer firearms; (e) modular firearms; (f) additive manufacturing (3D printing) of firearms; (g) Internet and dark web purchases; and (h) use of postal and courier services. For each of these topics, the background paper contained a description of the issue and provided an overview of the responsiveness of the Firearms Protocol, as well as examples of related national legislation and regulations. The deliberations under the relevant agenda item are summarized in the report on the seventh meeting of the Working Group on Firearms (CTOC/COP/WG.6/2020/4).

9. Furthermore, at its tenth meeting, held on 3 and 4 May 2023, the Working Group, when considering article 3 (Use of terms) of the Protocol, addressed the issues of convertibility, semi-finished firearms components and "buy, build, shoot" kits. The background paper prepared by the secretariat for that meeting (CTOC/COP/WG.6/2023/3) provided an overview of those issues, and the report on the seventh meeting of the Working Group on Firearms (CTOC/COP/WG.6/2023/5) summarized the deliberations under the relevant agenda item.

10. While the use of emerging technologies related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition may have increased in extent and sophistication, the explanations provided in the above-mentioned documents largely remain valid and could be considered by delegations as background material in preparing for the Working Group's deliberations.

11. The present background paper therefore focuses mainly on recent developments related to the use of postal and courier services for trafficking in firearms and firearm components, and the 3D printing of firearms and firearm components.

1. Use of postal and courier services

12. In 2022, 74 per cent of Internet users had purchased something online within the past 12 months, compared with only 38 per cent in 2010.[4] In parallel, the number of parcels shipped worldwide increased from 43 billion units shipped in 2014 to 159 billion units in 2021.[5] Along with the drastic increase in e-commerce and parcel shipping in the last decade, new distribution patterns of illicit firearms, their parts and components and ammunition have emerged in different regions of the world.

13. In the European Union, already in 2017, the use of post and parcel services was identified as the most common way of trafficking firearms.[6] The continuous use of the Internet and the dark web to illegally acquire firearms and firearm parts has resulted in the steady use of postal and courier services to traffic them. According to the *European Union Serious and Organised Crime Threat Assessment* for 2021, illegal

[4] Organisation for Economic Co-operation and Development (OECD), Going Digital Toolkit, "Share of Internet users who have purchased online". Available at https://goingdigital.oecd.org/en/indicator/22.

[5] Statista, "Global parcel shipping volume between 2013 and 2027 (in billion parcels)". Available at www.statista.com/statistics/1139910/parcel-shipping-volume-worldwide/.

[6] European Union Agency for Law Enforcement Cooperation (Europol), *European Union Serious and Organised Crime Threat Assessment: Crime in the Age of Technology* (The Hague, 2017), p. 54.

firearms and their parts have been traded online on the surface web and the dark web and distributed using postal and parcel services for some time.[7] These patterns have resulted in a shift of supply chains for illicit firearms, from exports of legacy weapons originating from conflicts in the Western Balkans to imports of new weapons from Western Europe into the Balkans or of unmarked essential components from the United States of America.[8] A recent study conducted by the Flemish Peace Institute found, for instance, that countries such as Denmark, the Kingdom of the Netherlands and Poland have experienced in recent years a steep increase in the number of firearms imported by mail, in many cases from the United States. In the Nordic countries, the use of mail and courier services is becoming a common method for the trafficking of firearms, mainly of blank-firing and gas guns. Since introducing tighter regulations on handguns, Finland has seen a steady increase in the number of converted or convertible gas pistols purchased online found in postal packages. Similarly, Sweden has reported the seizure of reactivated firearms and converted acoustic expansion weapons, as well as higher-quality firearms and parts, in parcels posted to criminals.[9]

14. In light of these developments, the European Commission, in its 2020–2025 European Union action plan on firearms trafficking, committed to improving cooperation between law enforcement authorities and parcel and postal operators to ensure stricter oversight of shipments containing firearms or their components. This is meant to include an examination of the extent to which artificial intelligence can be used to better identify, notably by means of X-ray scanning, firearm parts hidden in small consignments (action 3.8). Furthermore, the action plan foresees a European Union-level memorandum of understanding between parcel operators and police and customs authorities, aimed at improving the communication of data related to firearms and firearm parts (action 3.9).[10]

15. According to a study conducted by the independent research organization Small Arms Survey, postal and parcel services were used in 10 per cent of cases involving the trafficking of firearms from the United States to the Caribbean region. Three of the 29 trafficking networks that were studied had used such services to distribute their illicit consignments. The shipments were often small, falsely described as other items on shipping documents and packaged with other goods. However, the situation differs from country to country. For example, in recent years, authorities in Barbados and Saint Kitts and Nevis have observed significant use of postal and fast parcel services, while other Caribbean States have reported little or no trafficking by air or post but have reported trafficking by sea.[11] In addition, several countries in Latin America have informed UNODC during regional meetings about increasing levels of trafficking in firearms or parts and ammunition by means of postal and fast parcel services, and about their challenges in facing those threats. In 2023, UNODC, in cooperation with the European Multidisciplinary Platform against Criminal Threats (EMPACT) Firearms project, launched, together with Latin American countries, a joint operation called Operation Armstrong, aimed at detecting trafficking by means of postal and fast parcel services. During the pre-operational meeting, UNODC provided training on risk indicators and on the detection of firearms, parts and ammunition by means of X-ray imaging. At the time of writing, the operation was still under way and initial results were expected to be shared among participating countries at a debriefing meeting to be held at the end of February 2024.

[7] Europol, *European Union Serious and Organised Crime Threat Assessment: A Corrupting Influence – The Infiltration and Undermining of Europe's Economy and Society by Organised Crime* (The Hague, 2021), p. 58.

[8] European Commission, 2020–2025 European Union action plan on firearms trafficking, document COM/2020/608 final and annexes.

[9] Nils Duquet and Dennis Vanden Auweele, *Targeting Gun Violence and Trafficking in Europe* (Brussels, Flemish Peace Institute, 2021), pp. 150, 154, 156, 168 and 176.

[10] European Commission, document, COM/2020/608 final and annexes.

[11] Anne-Séverine Fabre and others, *Weapons Compass: The Caribbean Firearms Study* (Geneva, Small Arms Survey, 2023), pp. 80 f.

16. In Central, East and South-East Asia in 2021, under the International Criminal Police Organization (INTERPOL)-led Operation Trigger-Salvo, law enforcement officials from 10 countries screened 34,000 packages and mail items, resulting in the seizure of more than 800 firearm components and 22 firearms, in addition to a large quantity of drugs.[12]

17. Additional examples and case studies related to the use of postal and courier services for firearms trafficking can be found in section 2.4.4 of the UNODC *Digest of Firearms Trafficking and Related Crimes Cases 2023: A Review of Cases and Related Good Practices Emerging from National Jurisprudence*.

18. The trafficking of firearms and firearm components through postal and courier services is of interest to criminals because it poses a low risk of detection. Postal and courier service providers are typically only required to screen parcels in order to comply with aviation or maritime security protocols. The detection of contraband, including trafficked firearms and firearm parts is usually not a priority in the screening process. Furthermore, customs authorities mainly focus on scanning incoming parcels and pay less attention to outgoing shipments. Given the large volume of transnational parcel shipments, only the development and regular fine-tuning of risk indicators and the provision of adequate equipment can ensure the effective screening of parcels for the purpose of detecting trafficked firearm parts and components.

Recommendations

19. States should engage with postal services and parcel shipping companies in source countries to ensure that the screening of outgoing parcels for illicit firearms, their parts and components and ammunition is more systematic.

20. States should also seek closer cooperation between law enforcement and customs authorities and parcel shipping companies in destination countries, to increase the chances of detecting trafficked firearms, their parts and components and ammunition.

21. States should provide, including with the assistance of UNODC or other assistance providers, dedicated training opportunities and specialized equipment to competent customs and law enforcement authorities to strengthen their capacities to detect, identify and disrupt incoming and outgoing trafficking flows.

22. States should systematically collect and analyse seizure information with a view to regularly updating and fine-tuning risk indicators for the detection of firearms and firearm parts trafficked through postal and courier services.

2. Additive manufacture of firearms and firearm parts (3D printing)

23. At the time of its seventh meeting, when the Working Group on Firearms addressed the issue of the additive manufacturing (3D printing) of firearms, the technology was considered to be a mainly theoretical threat of limited relevance. However, advancements in 3D-printing technology and the decrease in prices of 3D printers have entirely changed the situation in recent years, as they permit individuals to more easily produce sophisticated untraceable and undetectable firearm parts, including lower receivers and even automatic submachine guns.

24. In fact, the EMPACT Operational Action Plan 2023: Firearms Trafficking identified 3D-printed firearms as one of the main emerging challenges linked to illegal firearms production in Europe.[13] In many cases, 3D-printed components are combined with factory-made but unregulated parts of firearms or gas and alarm

[12] INTERPOL, “Asia: thousands of firearms destroyed following counter-terrorism operation”, 20 December 2021.

[13] Council of the European Union, document 13753/22.

weapons.[14] Furthermore, the costs of producing a 3D-printed firearm can be significantly lower than the price for an illicit firearm on the black market. Reliable 3D printers are available for about 220 euros, and the raw material, additional equipment and spare firearm parts needed for the production process can be found for about 170 euros.[15]

25. As illustrated by the case studies contained in the UNODC *Digest of Firearms Trafficking and Related Crimes Cases 2023*,[16] 3D printing has evolved from a potential to an effective means of producing illicit firearms and, in particular, firearm parts and components. While still a comparably low number, in October 2023, the National Crime Agency of the United Kingdom of Great Britain and Northern Ireland reported a fourfold increase in the number of 3D-printed firearms seized, from only 3 such firearms in 2021 to 17 in 2022.[17] In April 2021, the National Police of Spain raided and dismantled an illegal workshop in the Canary Islands in which 3D-printed weapons were being produced. Two 3D printers, as well as gun parts, a replica assault rifle, several manuals on urban guerrilla warfare and white supremacist literature, were seized.[18] According to information provided to UNODC, in April 2023, the police in Ecuador seized three 3D printers, along with 24 firearms and over 800 rounds of ammunition, in the port of Manta.

26. Of particular relevance is the access of terrorists and far-right extremists to sophisticated high-power 3D-printed firearms. The perpetrator of the 2019 synagogue shooting in Halle, Germany, stated that his goal was to "prove the viability of improvised weapons" and to "inspire like-minded extremists to research, develop and deploy 3D-printing technology as a new tool of terror".[19] In May 2021, two men and one woman were arrested in the town of Keighley in the United Kingdom as part of an investigation into right-wing terrorism. All three were charged with possessing components of 3D-printed weapons.[20] In October 2023, three Finnish men who embraced neo-Nazi ideology were found guilty of plotting terrorist attacks against immigrants and critical infrastructure using semi-automatic weapons that they had produced using a 3D printer in preparation for a "race war".[21] In November 2023, two Belgian far-right terrorism suspects were arrested for urging people to commit terrorist acts, planning bomb attacks and sharing information on how to use 3D-printed firearms.[22]

27. In addition, 3D-printed weapons and weapon parts have been spotted in various conflicts around the world. For instance, rebels in Myanmar have started to use 3D-printed automatic submachine guns to fight the military junta.[23] The accessibility of 3D-printed weapon technology could also increase terrorist and extremist activities.

28. In recent years, legislators around the world have tried to tighten controls over the 3D-printing of firearms and firearm parts, in particular by establishing criminal offences related to the possession of blueprints for the manufacture of firearms. Such blueprints can easily be downloaded from the Internet, which means that, in theory,

[14] European Union, Report from the Commission to the European Parliament and the Council on the application of Directive (EU) 2021/555 on control of the acquisition and possession of weapons, document COM(2021) 647 final, p. 10.

[15] Thomas Eydoux, "How rebel fighters are using 3D-printed arms to fight the Myanmar junta", The Observers, 11 January 2022.

[16] United Nations publication, 2024, sect. 2.3.3.

[17] Rajeev Syal, "NCA calls for possession of 3D-printed gun blueprints to be made illegal", *The Guardian*, 31 October 2023.

[18] Europol, "Printing insecurity: tackling the threat of 3D printed guns in Europe", 27 May 2022.

[19] Bruce Hoffman and Jacob Ware, "Is 3-D printing the future of terrorism?", *The Wall Street Journal*, 25 October 2019.

[20] Ibid.

[21] The Guardian, "Finnish neo-Nazis used 3D printer to make guns in preparation for 'race war'", 31 October 2023.

[22] Robert Plummer, "Belgium detains two far-right terror suspects", BBC News, 10 November 2023.

[23] Eydoux, "How rebel fighters are using 3D-printed arms".

anyone with access to the Internet and a 3D printer can produce a functioning firearm. The State of New South Wales, Australia, has criminalized the possession of digital blueprints for the manufacture of firearms.[24] Another example of recent criminalization efforts is the current amendment by Canada of its Criminal Code, which created a new offence of possessing or accessing, or distributing, publishing or making available, computer data that pertain to a firearm or a prohibited device and that are capable of being used with a 3D printer, metal milling machine or similar computer system.[25] In 2021, Singapore passed a law that made the unauthorized possession of digital blueprints for the manufacture of a gun or a major gun part without a licence an offence.[26] Likewise, Jamaica criminalized the possession of a digital blueprint, or other device, for the manufacture of a 3D-printed firearm that is a prohibited weapon.[27] Similarly, North Macedonia amended its Criminal Code to criminalize the possession of digital blueprints for the manufacture of firearms, including their parts and components, using 3D printers or similar devices.[28]

B. Updated and streamlined list of discussion points stemming from the seventh meeting of the Working Group on Firearms, in 2020, for consideration and possible adoption

29. The seventh meeting of the Working Group on Firearms was held on 16 and 17 July 2020. One of the two substantive items on the agenda for the meeting was entitled “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”.

30. The seventh meeting was held in a hybrid format in view of the coronavirus disease (COVID-19) pandemic. Owing to the format, with all delegates connected remotely through an interpretation platform and limited meeting times, it was not possible to follow the established practice of fully negotiating the draft recommendations line by line during the meeting and adopting them as part of the final report on the meeting.

31. Instead, the draft recommendations were referred to as discussion points for future consideration and were presented to the Working Group for initial comments, subsequently being included in the Chair’s summary of the deliberations of the Working Group. The discussion points were included in the final report on the meeting (CTOC/COP/WG.6/2020/4).

32. In line with the agreement of the Working Group at its seventh meeting, the discussion points were circulated among delegations in the form of a non-paper for comments. Further to the receipt and consolidation of comments, the discussion points were submitted as a conference room paper (CTOC/COP/2020/CRP.3) to the Conference of the Parties at its tenth session. However, these discussion points were not formally adopted by the Working Group on Firearms at its subsequent meetings.

33. Since some of the discussion points included new and relevant considerations related to the implementation of the Firearms Protocol in view of technological developments, the secretariat of the Working Group revisited, streamlined and updated them for consideration and potential adoption as recommendations by the Working Group at its eleventh meeting. For that exercise, only the discussion points that had not been objected to in their entirety by any delegation were included. Furthermore, the secretariat took into account the comments contained in document CTOC/COP/2020/CRP.3 that had been received from delegations. In order to avoid

[24] Australia, New South Wales, Firearms Act 1996, No. 46, Part 6, sect. 51F.

[25] Canada, Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms), in conjunction with the Criminal Code, sect. 102.1 (1) and (2).

[26] Singapore, Guns, Explosives and Weapons Control Act 2021 (No. 3 of 2021), *Government Gazette Acts Supplement*, part 2, clause 13 (26 February 2021).

[27] Jamaica, The Firearms (Prohibition, Restriction and Regulation) Act, 2022, part II, sect. 9 (3).

[28] Official Gazette of the Republic of North Macedonia, No. 188 of 7 September 2023.

duplication with previous recommendations of the Working Group, the secretariat also consulted the second edition of the UNODC publication entitled *Firearms: Compendium and Thematic Index of Recommendations, Resolutions and Decisions*.

34. The secretariat of the Working Group on Firearms proposes that the Working Group consider and discuss the following non-exclusive list of revised draft recommendations, based on the discussion points stemming from its seventh meeting, during the negotiations on the adoption of the report on its eleventh meeting.

Recommendation 1 (Legislative measures)[29]

35. In light of the use of emerging technologies in the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, States are encouraged to revise their domestic legal frameworks, including, where appropriate, through criminalization provisions, to address 3D-printed parts of firearms, readily convertible weapons, polymer firearms, modular weapons, the reactivation of deactivated firearms and other emerging aspects.

Recommendation 2 (Deactivation standards)[30]

36. With a view to preventing the illicit reactivation of deactivated firearms, States are encouraged to consider adopting national deactivation standards in a manner consistent with the Firearms Protocol to ensure that deactivated firearms are permanently inoperable.

Recommendation 3 (Regulation of blueprints for 3D-printed firearms)[31]

37. With a view to filling legislative gaps with regard to 3D-printed weapons, States are encouraged to consider regulating the blueprints required for the 3D-printing of firearms and their parts and components, and establishing as a criminal offence the illicit possession, uploading, downloading and transfer of such blueprints.

Recommendation 4 (3D-printing technology: cooperation with the private sector)[32]

38. Acknowledging that 3D printers could be considered dual-use items, States are encouraged to cooperate with the private sector, in particular manufacturers of 3D printers and 3D-printing companies, with a view to developing preventive measures to increase the traceability of 3D-printed firearms and firearm parts and components.

Recommendation 5 (Import, export and transit controls)[33]

39. To improve transfer controls over firearms, their parts and components and ammunition, States parties are encouraged to establish appropriate export, import and transit control systems as provided by the Firearms Protocol.

Recommendation 6 (Marking of firearms and their parts and components)[34]

40. To enhance the traceability of firearms and their essential parts and components, States are encouraged to ensure that all firearms and their essential parts and components are marked in a uniquely identifiable manner.

Recommendation 7 (Foster communication with postal and courier companies)[35]

41. With a view to preventing and combating trafficking in firearms, their parts and components and ammunition through postal and courier services, States are encouraged to establish permanent communication channels with relevant service

[29] Based on CTOC/COP/WG.6/2020/4, discussion point 6.
[30] Ibid., discussion point 9.
[31] Ibid., discussion points 6 and 10.
[32] Ibid., discussion point 11.
[33] Ibid., discussion point 12.
[34] Ibid., discussion point 14.
[35] Ibid., discussion point 16.

providers to raise awareness and enhance detection capacities by exchanging information, including on known trafficking routes, [conducting needs assessments and identifying training and detection equipment needs (*additional text proposed by the secretariat*)].

Recommendation 8 (Use of new technology to enhance criminal justice responses)[36]

42. States are encouraged to explore the use of technology to enhance responses related to technological developments and changing modi operandi in the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including in the areas of marking, record-keeping and transfer controls.

Recommendation 9 (Enhancing online investigations)[37]

43. States should consider increasing capacities for web patrolling and online investigations, including dark web investigations, to prevent and combat cyber-enabled trafficking in firearms, their parts and components and ammunition, and to increase the resources of relevant units to that end.

Recommendation 10 (Information exchange related to emerging threats)[38]

44. States are encouraged to periodically exchange information at the global, regional and subregional levels on emerging threats related to the 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.

C. Development of voluntary technical standards for the implementation of the Firearms Protocol in view of technological developments

45. For its effective implementation at the national level, various provisions of the Firearms Protocol require subsidiary legislation, including regulations, decrees and standard operating procedures. In light of new and emerging technologies related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, such norms to ensure implementation might require regular revision and updating.

46. International voluntary technical guidelines and standards can support parties to the Firearms Protocol in implementing its provisions in a harmonized manner, to prevent gaps and loopholes between different jurisdictions that could be exploited by criminals. For instance, in recent years, criminals have made use of differences in deactivation practices between jurisdictions by purchasing, in one country, deactivated firearms that were no longer considered to be firearms and could thus be imported into another country without authorization; following the transfer, the weapons were reactivated, owing to insufficient deactivation measures.[39] Similarly, different interpretations of the term “readily convertible” can make it possible to import gas and alarm pistols without authorization, which are then converted into fully functional firearms.[40]

47. At its tenth meeting, the Working Group on Firearms adopted two recommendations relating to technical standards and guidelines, one encouraging parties to the Firearms Protocol to develop technical specifications that define the term “readily convertible” in the definition of a firearm as set out in the Protocol (recommendation 12) and the other encouraging parties to consider developing voluntary technical guidelines for the implementation of the Protocol in the light of

[36] Ibid., discussion point 17.
[37] Ibid., discussion points 19 and 20.
[38] Ibid., discussion point 22.
[39] For case examples, see *Digest of Firearms Trafficking and Related Crimes Cases 2023*, pp. 28 ff.
[40] Ibid., pp. 36 ff.

technological developments related to, inter alia, the illicit manufacturing of firearms from semi-finished parts and components (recommendation 13).[41] To support a harmonized approach, the secretariat proposes the development of international technical standards for the implementation of the Firearms Protocol.

48. Where available, these voluntary technical standards could consider existing tools and standards, such as the Modular Small-arms-control Implementation Compendium (MOSAIC),[42] while taking into account the specific scope of application of the Firearms Protocol.

49. In the context of the Firearms Protocol, the technical standards could address the following non-exclusive list of topics and could also take the form of model provisions:

(a) Deactivation standards in line with article 9 of the Firearms Protocol;[43]

(b) Standards for secure methods of destruction, in line with article 6, paragraph 2, of the Firearms Protocol;[44]

(c) Standards that define when a weapon is "readily convertible";

(d) Standards that define when semi-finished firearm parts and components fall under the regulatory regime for firearms;

(e) Marking standards, in line with article 8 of the Firearms Protocol, with a specific focus on the marking of polymer firearms and the designation of essential components that should be marked,[45] including, where possible and feasible, options for the marking of parts and components and ammunition;

(f) Record-keeping standards, in line with article 7 of the Firearms Protocol, with a specific focus on the designation of essential components for which records should be maintained.[46]

50. The process of developing technical standards for the implementation of the Firearms Protocol would ensure consistency and promote synergies with parallel international processes aimed at supporting the implementation of complementary international instruments, in particular in the context of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons. During the Eighth Biennial Meeting of States to Consider the Implementation of the Programme of Action on Small Arms, held in New York from 27 June to 1 July 2022, States addressed the topic "Implications of new technologies for the strengthening of the implementation of the International Tracing Instrument". They decided to recommend that the fourth Review Conference, in 2024, discuss the establishment of an open-ended technical expert group to develop recommendations to ensure the full implementation of the International Tracing Instrument and the Programme of Action in the light of recent developments in small arms and light weapons manufacturing, technology and design, in particular polymer and modular weapons, and firearms

[41] CTOC/COP/WG.6/2023/5.

[42] The Modular Small-arms-control Implementation Compendium (MOSAIC) is a set of voluntary, practical guidance notes, developed jointly by 24 United Nations entities, that combine small-arms expertise in the form of succinct operational advice and that are based on international instruments such as the Firearms Protocol, the Arms Trade Treaty and the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

[43] The deactivation standards would take into account MOSAIC module 05.55 (Permanent deactivation of small arms and light weapons) (forthcoming).

[44] The destruction standards would take into account MOSAIC module 05.50 (Destruction: Weapons).

[45] The marking standards would take into account MOSAIC module 05.30 (Marking and record-keeping).

[46] Ibid.

produced using 3D printing.[47] Owing to the differing legal nature and scope of application of the Firearms Protocol, the Programme of Action on Small Arms and the International Tracing Instrument, the technical standards for the implementation of the Firearms Protocol would not duplicate the work of the open-ended technical expert group, but could complement it. Indeed, they could be used as a source of inspiration on the one hand and, on the other hand, could be regularly updated to be aligned with the policy recommendations that will be adopted by the open-ended technical expert group in the future. This will ensure consistency in the understanding and implementation of common technical terms and measures set forth in the instruments.

51. In addition to an opportunity to consider the development of technical standards, agenda item 2 also provides an opportunity to discuss potential updates of the *Legislative Guide for the Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition,* the *Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*, and the *Technical Guide to the Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*.

52. Since the publication of the first editions in 2004 and 2011, respectively, neither the *Legislative Guide* nor the *Technical Guide* has been updated. A second edition of the guides could extend to issues related to the legislative and technical implementation of the Firearms Protocol in view of technological developments since the adoption of the Protocol. Similarly, the first edition of the *Model Law* was published in 2011 and then underwent a partial revision, limited to the commentary part, in 2014. An update of the provisions of the *Model Law* could significantly assist countries interested in equipping their domestic legal frameworks with more state-of-the-art provisions to also prevent and counter new and emerging forms of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including through the use of new technologies, in a manner consistent with the Firearms Protocol.

53. Together, the technical standards on the implementation of the Firearms Protocol, on the one hand, and the *Legislative Guide*, the *Technical Guide* and the *Model Law*, on the other hand, would provide a comprehensive set of tools for States parties to implement the Protocol. While the *Legislative Guide*, the *Technical Guide* and the *Model Law* can be understood as reference tools for the interpretation and implementation of the Firearms Protocol, the technical standards would provide succinct and practical guidance on technical standards and model provisions for the development of subsidiary legislation and regulations to implement the Protocol at the national level.

IV. Conclusions

54. The Working Group on Firearms may wish to take the following actions during its eleventh meeting to enhance the operationalization of the Firearms Protocol in view of technological developments relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

55. For the negotiations on the report on its eleventh meeting, the Working Group may wish to use the revised, streamlined and updated recommendations, contained in section III.B of the present background paper, as the basis for the negotiation and adoption of recommendations related to agenda item 2, in addition to any other recommendations discussed under the item during the meeting.

56. The Working Group may wish to request UNODC, subject to the availability of extrabudgetary resources, to organize expert group meetings for the purpose of updating the *Legislative Guide for the Implementation of the Protocol against the*

[47] A/CONF.192/BMS/2022/1, para. 75.

Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, the *Technical Guide to the Implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition* and the *Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*.

57. The Working Group may wish to request UNODC, subject to the availability of extrabudgetary resources, to organize expert group meetings for purpose of developing voluntary technical standards on the implementation of the Firearms Protocol, to include, but not limited to, the following areas:

(a) Deactivation standards in line with article 9 of the Firearms Protocol;

(b) Standards for secure methods of destruction, in line with article 6, paragraph 2, of the Firearms Protocol;

(c) Standards that define when a weapon is “readily convertible”;

(d) Standards that define when semi-finished firearm parts and components fall under the regulatory regime for firearms;

(e) Marking standards, in line with article 8 of the Firearms Protocol, with a specific focus on the marking of polymer firearms and the designation of essential components that should be marked, including where possible and feasible, options for the marking of parts and components and ammunition;

(f) Record-keeping standards, in line with article 7 of the Firearms Protocol, with a specific focus on the designation of essential components for which records should be maintained.