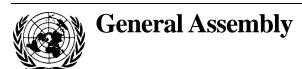
United Nations A/AC.254/L.187



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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime

Eighth session
Vienna, 21 February-3 March 2000
Agenda item 4
Consideration of the additional international legal instrument against illegal trafficking in and

transporting of migrants

Proposals and contributions received from Governments

United States of America: amendment to article 4 of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime

Article 4: Criminalization

Paragraph 1

- 1. It is proposed that option 2 of paragraph 1 of article 4, as amended by document A/AC.254/L.76 (see also A/AC.254/5/Add.21), be further amended to read as follows:
- "1. States Parties that have not yet done so shall adopt the necessary legislative or other measures to establish the following conduct as criminal offences [when committed intentionally and when involving an organized criminal group:]
 - "(a) The smuggling of migrants; and
- "(b) When committed in order to obtain, directly or indirectly, financial or other material benefit, and when done for the purpose of facilitating the smuggling of migrants:
 - "(i) Making of a fraudulent travel or identity document;
 - "(ii) Procuring or possessing such a document for the purpose of providing it to persons involved in the smuggling of migrants; or
 - "(iii) Acting on such a document when such conduct is committed by a government official."

2. Option 2 of paragraph 1 of article 4 was originally submitted by South Africa. In document A/AC.254/L.76, Canada and the United States of America submitted a proposed amendment to the South African proposal, which has not yet been debated. The United States proposes these further amendments to address concerns raised thus far in the general debate.