



General Assembly

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

Fifth session

Vienna, 4-15 October 1999

Agenda item 4

**Consideration of the additional international legal instrument against
illicit manufacturing of and trafficking in firearms, their parts
and components and ammunition**

Proposals and contributions received from Governments on the draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime

United States of America: amendments to articles V and XVIII *bis* of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime

Proposal on brokering

1. During the third session of the Ad Hoc Committee, a number of delegations raised questions concerning article XVIII *bis* (Registration and licensing of brokers), of the revised draft Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials, Supplementary to the United Nations Convention against Transnational Organized Crime. In response to those questions, the United States of America offered to redraft the text of that article. Recommended language for articles V and XVIII *bis* is presented below.

Article V: Criminalization

2. It is proposed that the following language be added to the end of paragraph 1 of article V:

“(d) Acting on behalf of others, in return for a fee or other consideration, in negotiating or arranging transactions involving the international export or import of firearms, their parts or components, or ammunition without registering and obtaining a licence or other written authorization in accordance with the requirements of article XVIII *bis* of this Protocol.”

Article XVIII *bis*: Registration and licensing of brokers

3. It is proposed that the following language be substituted for the existing language of article XVIII *bis*:

“States Parties that have not done so shall take steps to require persons who act on behalf of others, in return for a fee or other consideration, in negotiating or arranging transactions involving the international export or import of firearms, their parts or components, or ammunition to:

“(a) To register with their country of nationality and with the country where the negotiations or arrangements referred to above take place; and

“(b) To obtain, for each transaction, a licence or other written authorization f r
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