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

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Report of the Chairpersons on the informal consultations on the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime

1. In the informal consultations held from 13 to 15 June 2000, during its ninth session, the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime discussed the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.5).
2. Pursuant to the decision of the Ad Hoc Committee at its eighth session, discussion began with chapter II of the draft Protocol, (articles 7-7 *quater*), entitled "Smuggling of migrants by sea". Articles 7-7 *quater*, 9, 12 and 13 of the draft Protocol, as well as a proposal by Mexico and Morocco (A/AC.254/L.209), were considered.
3. Articles 1-6, 8, 10, 11 and 14-22 were not considered during the ninth session.
4. As a result, it is recommended that the following amendments be made to the draft Protocol, as incorporated into the revised text contained in document A/AC.254/L.215/Add.1:
 - (a) *Article 7*. Paragraph 1 should be amended and paragraph 2 should become paragraph 1 of article 7 *bis*, as reflected in footnote 7;
 - (b) *Article 7 bis*. The article should be amended, as reflected in footnotes 8-11, and paragraphs 1-6 of the article should be renumbered as a result of the addition of new paragraph 1;
 - (c) *Article 7 ter*. Paragraphs 1 and 2 should be merged to form a new paragraph 1, as reflected in footnotes 40-42;
 - (d) *Article 7 ter*. Paragraphs 4-6 should be amended, as reflected in footnotes 44-48;

(e) *Article 7 quater*. The article should be deleted and, as a result article 8, paragraph 2, which was not otherwise considered, should be amended, as reflected in footnote 49;

(f) *New article 7 quinquies*. This new article should be incorporated into the text for further discussion;

(g) *Article 8*. The article, which was not discussed, should be amended as set out in footnote 56;

(h) *Article 9*. The text of this article should be replaced with a new text based on the proposal of the European Community (A/AC.254/L.198), as reflected in footnotes 57-60;

(i) *Articles 12 and 13*. The text of these articles should be adopted without amendment, as reflected in footnote 61.

5. It is therefore recommended that the revised text of the draft Protocol be accepted for consideration at the next session of the Ad Hoc Committee at which further discussion of the draft Protocol is to take place.
