



General Assembly

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

Eleventh session

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Agenda item 5

**Finalization and approval 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

**United States of America: amendment to article 18 bis of the revised
draft 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**

Article 18 bis: Registration and licensing of brokers [, traders and forwarders]

The United States of America proposes to amend article 18 *bis* to read:

*“Article 18 bis
“Brokers and brokering*

“1. With a view to preventing and combating illicit manufacturing of and illicit trafficking in firearms, their parts and components and ammunition, States Parties that have not yet done so shall consider establishing a system of authorizing the activities of those who engage in brokering.¹ Such a system could include one or more measures such as:

“(a) Requiring registration of brokers operating within their territory;

¹ Several delegations in the informal consultations doubted whether a definition of brokering would be necessary if, as proposed here, the article only required States “to consider” establishing a system of authorizing brokering activities. In case a definition were deemed necessary, delegations discussed text along the following lines:

“ ‘Brokering’ means the activities of a natural or legal person who acts as an agent or intermediary on behalf of others, in order to obtain, directly or indirectly, a financial or other material benefit, in negotiating transactions involving the international export or import of firearms, their parts and components or ammunition.”

“(b) Requiring licensing or authorization of brokering; or

“(c) Requiring disclosure of import and export licences or authorizations, or accompanying documents, and of the names and locations of brokers involved in the transaction.

“2. States Parties that have established a system of authorization regarding brokering as set forth in paragraph 1 are encouraged to include information on brokers and brokering in their exchanges of information under article 14 and to retain records regarding brokers and brokering in accordance with article 8.”
