



# General Assembly

Distr.: Limited  
27 October 2000

Original: English

---

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

Eleventh session

Vienna, 2-27 October 2000

### **Draft report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to the General Assembly**

#### **I. Introduction**

1. On the recommendation of the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council (Council resolution 1998/14 of 28 July 1998), the General Assembly adopted resolution 53/111 of 9 December 1998, in which it decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea. In its resolution 53/114 of 9 December 1998, the Assembly called upon the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to devote attention to the drafting of the main text of the convention, as well as of the above-mentioned international instruments.

2. In its resolution 54/126 of 17 December 1999, entitled "Draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto", the General Assembly requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114, and to intensify its work in order to complete it in 2000; decided that the Ad Hoc Committee should be convened in 2000 as required, holding no fewer than four sessions of two weeks each; requested the Ad Hoc Committee to schedule sufficient time, subject to the availability of funds from the regular budget or extrabudgetary resources, for the negotiation of the draft protocols addressing trafficking in persons, especially women and children, the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transportation of migrants, including by sea, in order to enhance the possibility of their completion at the same time as the draft Convention; and decided that the Ad Hoc

Committee should submit the final text of the Convention and protocols thereto to the Assembly for early adoption prior to a high-level signing conference.

3. In its resolution 54/127 of 17 December 1999, the General Assembly requested the Secretary-General, within existing or extrabudgetary resources, to convene an expert group of no more than 20 members, with equitable geographical representation, to prepare a study on the illicit manufacturing of and trafficking in explosives by criminals and their use for criminal purposes; and directed the Ad Hoc Committee, following the completion of the study, to consider the possible elaboration of an international instrument on the illicit manufacturing of and trafficking in explosives.

4. In its resolution 54/128 of 17 December 1999, the General Assembly directed the Ad Hoc Committee to incorporate into the draft Convention measures against corruption linked to organized crime, including provisions regarding the sanctioning of acts of corruption involving public officials; and requested the Ad Hoc Committee, using such time as its schedule permitted and with extrabudgetary resources provided for that purpose, to explore the desirability of an international instrument against corruption, either ancillary to or independent of the Convention, to be developed after the finalization of the Convention and the three additional instruments referred to in resolution 53/111 and to present its views to the Commission on Crime Prevention and Criminal Justice.

5. In its resolution 54/129 of 17 December 1999, the General Assembly accepted with appreciation the offer of the Government of Italy to host a high-level political signing conference in Palermo for the purpose of signing the United Nations Convention against Transnational Organized Crime (Palermo Convention) and protocols thereto; and requested the Secretary-General to schedule the Conference for a period of up to one week before the end of the Millennium Assembly in 2000.

6. The Ad Hoc Committee held eleven sessions, as follows: first session from 19 to 29 January 1999; second session from 8 to 12 March 1999; third session from 28 April to 3 May 1999, in parallel with the eighth session of the Commission on Crime Prevention and Criminal Justice; fourth session from 28 June to 9 July 1999; fifth session from 4 to 15 October 1999; sixth session from 6 to 17 December 1999; seventh session from 17 to 28 January 2000; eighth session from 21 February to 3 March 2000; ninth session from 5 to 16 June 2000; tenth session from 17 to 28 July 2000; and eleventh session from 2 to 27 October 2000.

7. The present report is submitted to the General Assembly at its fifty-fifth session pursuant to resolution 54/126 to apprise the Assembly of the work of the Ad Hoc Committee in implementing its mandate and to submit its recommendations to the Assembly for consideration and action.

## **II. Background**

8. In its resolution 49/159 of 23 December 1994, the General Assembly approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex, sect. I) and urged States to implement them as a matter of urgency. In the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, the World Ministerial Conference on Organized Transnational Crime requested the Commission on Crime Prevention and Criminal Justice to initiate the process

of requesting the views of Governments on the impact of a convention or conventions against organized transnational crime and on the issues that could be covered therein.

9. The Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held in Buenos Aires from 27 to 30 November 1995, adopted the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime (E/CN.15/1996/2/Add.1). The States of the Latin American and Caribbean region expressed the interest of their Governments in the further study of the advantages of an international convention against organized transnational crime during the fifth session of the Commission, and proposed elements for inclusion in the convention.

10. In resolution 51/120 of 12 December 1996, the General Assembly took note of the proposed draft United Nations framework convention against organized crime, introduced by Poland at the fifty-first session of the General Assembly (A/C.3/51/7, annex). The Assembly requested the Commission to consider, as a matter of priority, the question of the elaboration of an international convention against organized transnational crime, taking into account the views of all States on this matter, with a view to finalizing its work on the question as soon as possible.

11. The African Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held in Dakar from 21 to 23 July 1997, adopted the Dakar Declaration on the Prevention and Control of Organized Transnational Crime and Corruption (E/CN.15/1998/6/Add.1). The States of the African region expressed their strong support for the elaboration of an international convention against organized transnational crime and made specific suggestions to that end. They called upon all States to contribute to and be actively engaged in the elaboration of such an instrument, making every possible effort to resolve differences and overcome conceptual or substantive difficulties, in order to permit the process to be completed in the shortest time possible.

12. In its resolution 52/85 of 12 December 1997, the General Assembly took note of the report of the informal meeting on the question of the elaboration of an international convention against organized transnational crime, held in Palermo, Italy, from 6 to 8 April 1997 (E/CN.15/1997/7/Add.2), organized and hosted by the Fondazione Giovanni e Francesca Falcone. The Assembly decided to establish an inter-sessional open-ended intergovernmental group of experts for the purpose of elaborating a preliminary draft of a possible comprehensive international convention against organized transnational crime, which would submit a report thereon to the Commission at its seventh session.

13. The intergovernmental group of experts held its meeting in Warsaw, from 2 to 6 February 1998, and submitted a report to the Commission at its seventh session, containing an outline of options for the contents of the international convention against organized transnational crime (E/CN.15/1998/5).

14. The Asian Regional Ministerial Workshop on Organized Transnational Crime and Corruption, held in Manila from 23 to 25 March 1998, adopted the Manila Declaration on the Prevention and Control of Transnational Crime (E/CN.15/1998/6/Add.2). The States of the region of Asia and the Pacific welcomed the results achieved by the inter-sessional open-ended intergovernmental group of experts. They believed that the outline of options for the contents of the convention served as a solid basis for its further development. They strongly supported such an endeavour and confirmed their commitment to play an active role in the efforts to resolve differences and overcome conceptual or substantive difficulties so that the process could speedily move towards its conclusion. They urged the

Commission to take advantage of the existing momentum and the consensus achieved on the desirability of such a convention, with a view to speeding up the process of its drafting and finalizing such a project as soon as possible.

15. At its seventh session, the Commission established an in-session working group on the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, which discussed the draft convention against organized transnational crime. The working group agreed that the development of the convention must proceed at a vigorous pace, with a view to completing the negotiation process, if possible, by the year 2000. The working group carried out a thorough discussion of the options compiled in the report of the meeting of the inter-session intergovernmental group of experts. In particular, it discussed the chapters on the scope of application of the convention; participation in an organized crime group; money-laundering; corporate criminal liability; sanctions; confiscation; transparency of transactions; jurisdiction; extradition; the obligation to extradite or prosecute (*aut dedere aut judicare*); extradition of nationals; and consideration of requests for extradition.

16. The informal group of the "Friends of the Chair", which was established pursuant to the recommendation of the Commission at its seventh session to assist the Chairman of the Ad Hoc Committee, held its first meeting in Rome from 17 to 18 July 1998. At that meeting, the informal group reviewed and endorsed the provisional agenda of the informal preparatory meeting of the Ad Hoc Committee, which the Government of Argentina had generously offered to host in Buenos Aires in order to enable the continuation without interruption of the work on the development of the convention. The informal group also reviewed a provisional timetable for its work and the work of the Ad Hoc Committee, submitted by the Secretariat.

17. The informal preparatory meeting of the Ad Hoc Committee was held in Buenos Aires from 31 August to 4 September 1998. By completing the first reading of the outline of options for the contents of the convention and discussing several outstanding issues regarding articles 1 to 13, the meeting produced a new consolidated draft text of the convention, which would provide the basis for the work of the Ad Hoc Committee at its first meeting. The informal preparatory meeting was assisted by contributions submitted by Governments prior to and during the meeting.

18. The second meeting of the informal group of the Friends of the Chair was held in Buenos Aires during the above-mentioned informal preparatory meeting of the Ad Hoc Committee. The informal group approved the timetable of its meetings and those of the Ad Hoc Committee until the envisaged completion of the mandated functions of the Ad Hoc Committee in the year 2000.

19. The third meeting of the Friends of the Chair was held in Vienna on 5 and 6 November 1998. It reviewed and endorsed the provisional agenda and organization of work of the first session of the Ad Hoc Committee.

### III. Proceedings of the Ad Hoc Committee

#### A. First session

20. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime held its first session in Vienna from 19 to 29 January 1999, during which it held 18 meetings.

21. In its resolution 53/111, the General Assembly had decided to accept the recommendation of the Commission on Crime Prevention and Criminal Justice to elect Luigi Lauriola (Italy) as the Chairman of the Ad Hoc Committee. Mr. Lauriola indicated that he was acting in his personal capacity and not as a representative of his country or of any regional group. Following informal consultations, the Ad Hoc Committee elected the following additional officers:

*Vice-Chairmen:* Kiyotaka Akasaka (Japan)\*  
 Nabil Ammar (Tunisia)\*\*  
 Demetrio Boersner (Venezuela)\*\*\*  
 Zuzana Chudá (Slovakia)  
 Eric Danon (France)\*\*\*\*  
 Roberta Lajous (Mexico)\*\*\*\*\*  
 Patricio Palacios (Ecuador)  
 Janusz Rydzkowski (Poland)  
 Shaukat Umer (Pakistan)

*Rapporteur:* Peter Gastrow (South Africa)

---

\* Replaced subsequently by Kiyoshi Koinuma (Japan).

\*\* Replaced subsequently by Emna Lazougli (Tunisia).

\*\*\* For the work of the Ad Hoc Committee in 1999.

\*\*\*\* Replaced subsequently by Bérengère Quincy (France).

\*\*\*\*\* For the work of the Ad Hoc Committee in 2000; replaced subsequently by Olga Pellicer Silva (Mexico).

22. The Executive Director of the Office for Drug Control and Crime Prevention of the Secretariat made a statement in which he expressed his conviction that the convention, as the first international instrument to be negotiated on action against transnational organized crime, would be a milestone in international efforts to curb the phenomenon.

23. The first session of the Ad Hoc Committee was attended by representatives of 91 States. Also attending the session were observers for entities maintaining permanent observer missions to the United Nations, organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations.

24. The Ad Hoc Committee was of the view that the election of an expanded bureau would reduce the need for sessions of the informal working group established to assist the Chairman of the Ad Hoc Committee (the informal group of the Friends of the Chair), which had functioned during the preparatory phase. It recommended that, subject to the availability of resources, the sessions of the informal group of the Friends of the Chair that

had been foreseen should be converted into sessions of the Ad Hoc Committee, with interpretation in the six official languages of the United Nations.

25. The Ad Hoc Committee based its work on a document containing the draft United Nations Convention against Transnational Organized Crime (A/AC.254/4) and on proposals and contributions submitted by Governments (A/AC.254/5 and Add.2). The Chairman noted that the text contained in document A/AC.254/4 had been the result of discussions and consultations held during the following: the meeting of the inter-sessional open-ended intergovernmental group of experts on the elaboration of a preliminary draft of a possible comprehensive international convention against organized transnational crime, held in Warsaw from 2 to 6 February 1998; the seventh session of the Commission on Crime Prevention and Criminal Justice, held in Vienna from 21 to 30 April 1998; and the informal preparatory meeting of the Ad Hoc Committee, held in Buenos Aires from 31 August to 4 September 1998. The draft contained a number of options. On the recommendation of its Chairman, the Ad Hoc Committee decided to focus at its first session on eliminating options, in order to produce a consolidated text that would be the basis for the drafting and negotiation work that it would undertake at its subsequent sessions.

26. The Ad Hoc Committee discussed the draft protocol against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and the draft protocol against illegal trafficking in and transporting of migrants.

27. The representative of the United States of America introduced the draft protocol to combat international trafficking in women and children, supplementary to the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3). The representative of Argentina introduced draft elements for an agreement on the prevention, suppression and punishment of international trafficking in women and children, supplementary to the Convention against Transnational Organized Crime (A/AC.254/8). The observers for two non-governmental organizations made statements. The delegations of Argentina and the United States undertook to produce a combined text to serve as the basis for future consideration of the draft instrument by the Ad Hoc Committee.

28. Prior to its consideration of the additional international legal instruments, the Ad Hoc Committee discussed the relationship between those instruments and the convention against transnational organized crime. Pursuant to General Assembly resolutions 53/111 and 53/114, the convention was to be a self-sufficient and free-standing instrument. The highest priority would be given to the signature, ratification and entry into force of the convention and every effort should be made to negotiate a text that would be conducive to meeting that priority. The additional international legal instruments were viewed in principle as optional protocols to the convention, covering areas that required specificity, which the convention could not meet. There was a need to ensure that the optional protocols would be consistent with the convention, not only to ensure compatibility, but also to maximize the relevance and applicability of general provisions, such as those pertaining to international cooperation, which would be covered under the convention. However, it was pointed out that each instrument was intended to meet specific concerns. Consequently, the instruments might require a broad scope. In that case, also in line with the relevant resolutions of the Economic and Social Council and the General Assembly, the possibility that the additional international legal instruments might be independent from the convention could not be excluded. There was a discussion on whether signature of or accession to the protocols would be possible without prior signature of or accession to the convention, the general preference being towards requiring prior signature of or accession to the convention. The

Ad Hoc Committee deemed that it was more appropriate to discuss that issue, together with the question of reservations, when considering the relevant articles of the draft convention.

## **B. Second session**

29. The Ad Hoc Committee held its second session in Vienna from 8 to 12 March 1999, during which it held 10 meetings.

30. The second session of the Ad Hoc Committee was attended by representatives of 95 States. Also attending the session were observers for entities maintaining permanent observer missions to the United Nations, organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations.

31. The Ad Hoc Committee discussed articles 1, 2, 2 *bis*, 3 and 24-30 of the draft Convention. The Ad Hoc Committee based its work on a document containing a revised draft text of the draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.1) and on proposals and contributions submitted by Governments. The Chairman noted that the revised text contained in document A/AC.254/4/Rev.1 had been the result of discussions and consultations held during the first session.

32. The representative of Argentina introduced amendments to the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Women and Children, supplementary to the United Nations Convention against Transnational Organized Crime.

33. The Ad Hoc Committee based its discussion on a document containing a revised text of the draft Protocol to Prevent, Suppress and Punish Trafficking in Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.1). That text was a proposal submitted by Argentina and the United States pursuant to the commitment those States had made at the first session of the Ad Hoc Committee. The Ad Hoc Committee carried out a first reading of articles 1 and 2 of the draft Protocol.

34. During the first reading of the draft Protocol, there was discussion on whether the Protocol would address trafficking in women and children or trafficking in persons. The Secretariat was requested to clarify the question of whether, by considering trafficking in persons, the Ad Hoc Committee would be departing from the mandate given to it by the General Assembly and, if that were the case, whether it would be competent to do so. The Secretariat undertook to explore the matter and to inform the Ad Hoc Committee of its findings.

## **C. Third session**

35. The Ad Hoc Committee held its third session in Vienna from 28 April to 3 May 1999, during which it held eight meetings.

36. After the opening of the third session of the Ad Hoc Committee by its Chairman, the Secretary called the attention of the Ad Hoc Committee to outstanding matters. In connection with the additional instrument on trafficking in women and children, the Secretary recalled that at its second session the Ad Hoc Committee had made a request that the Secretariat clarify whether, by considering trafficking in persons, the Ad Hoc Committee would be departing from the mandate given to it by the General Assembly and, if that were the case, whether it would be competent to do so. The Secretariat had consulted

the Senior Legal Liaison Officer of the United Nations Office at Vienna and brought to the attention of the Ad Hoc Committee his response. According to the Senior Legal Liaison Officer, in its resolutions 53/111 and 53/114, the General Assembly had clearly defined the subjects for which new instruments were required. If the Assembly had wanted any other subjects to be included, it would have said so. Moreover, the recommendations of the Economic and Social Council (e.g. Council resolutions 1998/14 and 1998/20), which formed the basis for the Assembly resolutions, referred to trafficking in women and children and not to trafficking in persons. Those resolutions had been adopted unanimously and the terms used therein reflected the desires of the Assembly. If, however, the Ad Hoc Committee, after considering the issues before it, had come to the conclusion that, instead of developing an instrument addressing trafficking in women and children, it would be in the general interest to develop an instrument dealing with trafficking in persons, it might wish to request the Assembly to modify its mandate in that connection.

37. The third session of the Ad Hoc Committee was attended by representatives of 111 States. Also attending the session were observers for entities maintaining permanent observer missions to the United Nations, organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations.

38. The Ad Hoc Committee discussed articles 4, 4 *bis*, 7 and 8. In accordance with the request of its Chairman, the Ad Hoc Committee sought to reach agreement on a single text that would reflect, to the extent possible, the emerging consensus and would form the basis for further drafting. The Ad Hoc Committee based its work on a document containing a revised text of the draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.2) and on proposals and contributions submitted by Governments.

39. The Ad Hoc Committee had carried out a first reading of articles 1-8 of the draft text at its first session. Pursuant to the suggestion of its Chairman, the Ad Hoc Committee completed its first reading of the draft text, beginning with article 9. The Ad Hoc Committee based its work on a document containing a revised text of the draft international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (A/AC.254/4/Add.2/Rev.1) and on proposals and contributions submitted by Governments.

#### **D. Fourth session**

40. The Ad Hoc Committee held its fourth session in Vienna from 28 June to 9 July 1999, during which it held 20 meetings.

41. The fourth session of the Ad Hoc Committee was attended by representatives of 97 States. Also attending the session were observers for entities maintaining permanent observer missions to the United Nations, organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations.

42. The Ad Hoc Committee discussed articles 4 *ter*, 5, 6, 9 and 14 (paras. 1-13). In continuing its second reading of the draft Convention and in accordance with the request of its Chairman, the Ad Hoc Committee sought to reach agreement on a single text that would reflect, to the extent possible, the points of convergence and would form the basis for further drafting. The Ad Hoc Committee based its work on a document containing a



revised text of the draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.3) and on proposals and contributions submitted by Governments.

43. The Ad Hoc Committee discussed the additional international legal instrument against illegal trafficking in and transporting of migrants, including by sea. It based its work on a document containing a revised text of the 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.1), and on proposals and contributions submitted by Governments.

44. The Ad Hoc Committee also discussed the additional international legal instrument against trafficking in women and children. It based its work on a document containing a revised text of the draft protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.2), and on proposals and contributions submitted by Governments. The Chairman explained that the title of the draft protocol reflected the relevant recommendation of the Commission on Crime Prevention and Criminal Justice at its eighth session, on which the General Assembly was expected to take action at its fifty-fourth session.

## **E. Fifth session**

45. The Ad Hoc Committee held its fifth session in Vienna from 4 to 15 October 1999, during which it held 20 meetings.

46. The fifth session of the Ad Hoc Committee was attended by representatives of 114 States. Also attending the session were observers for entities maintaining permanent observer missions to the United Nations, organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations.

47. The Ad Hoc Committee discussed articles 14 (paras. 14-22), 10, 4, 4 *bis*, 7, 7 *bis*, 7 *ter* and 15-19 of the draft Convention. In continuing its second reading of the draft Convention and in accordance with the request of its Chairman, the Ad Hoc Committee sought to reach agreement on a single text that would reflect, to the extent possible, the points of convergence and would form the basis for further drafting. The Ad Hoc Committee based its work on a document containing a revised text of the draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.4) and on proposals and contributions submitted by Governments.

48. The Ad Hoc Committee discussed the additional international legal instrument on combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. It based its work on a document containing a revised text of 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 (A/AC.254/4/Add.2/Rev.2), and on proposals and contributions submitted by Governments.

49. At its fourth session, the Ad Hoc Committee had decided that, in future, informal consultation meetings should be organized in order to facilitate the implementation of its mandate. The holding of those meetings would depend on the availability of extrabudgetary resources and would meet the following conditions: (a) the informal consultations would be conducted strictly in accordance with the decisions of the General Assembly;

(b) provision would be made for interpretation in all official languages of the United Nations; (c) the documentation and agenda for the informal consultations would be made available well in advance of the meetings and sufficient advance notice of the time and place of the meetings would be provided; (d) the informal consultations would be an open-ended and transparent mechanism to assist the Ad Hoc Committee, which would remain the only decision-making body, by making recommendations; (e) the informal consultations would be held only as parallel in-session meetings and their subjects would not overlap those being considered by the Ad Hoc Committee in plenary; (f) no more than two meetings, including the plenary, would be held at the same time during the sessions of the Ad Hoc Committee; and (g) the informal consultations could be assigned, inter alia, to translate into appropriate language the agreements reached in plenary or any other function determined by the Chairman of the Ad Hoc Committee. At its meeting on 7 September 1999, the Bureau of the Ad Hoc Committee, on the basis of proposals submitted to it by the Secretary, decided that the informal consultations at the fifth session of the Ad Hoc Committee would be devoted to issues related to the texts of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, and the revised draft Protocol to Prevent Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. At the fifth session of the Ad Hoc Committee, informal consultations were held in parallel with the meetings of the plenary of the Ad Hoc Committee from 4 to 8 October 1999.

## **F. Sixth session**

50. The Ad Hoc Committee held its sixth session in Vienna from 6 to 17 December 1999, during which it held 20 meetings.

51. The sixth session of the Ad Hoc Committee was attended by representatives of 106 States. Also attending the session were observers for entities maintaining permanent observer missions to the United Nations, organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations.

52. The Ad Hoc Committee discussed articles 4 *ter*, 17 *bis* and 20-30 of the draft Convention. The Ad Hoc Committee based its work on a revised text of the draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.5) and on proposals and contributions submitted by Governments.

53. The Ad Hoc Committee also discussed the additional legal instrument against illegal trafficking in and transporting of migrants, with particular emphasis on articles 7-19. It based its work on a document containing a revised text of the 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.3), and on proposals and contributions submitted by Governments.

54. The Ad Hoc Committee further discussed the additional legal instrument against trafficking in persons, especially women and children, with particular emphasis on articles 8-18. The Ad Hoc Committee decided to base its work on a restructured version of the revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/5/Add.13), as had been recommended by the

informal consultations held during the fifth session of the Ad Hoc Committee, and on other proposals and contributions submitted by Governments.

## **G. Seventh session**

55. The Ad Hoc Committee held its seventh session in Vienna from 17 to 28 January 2000, during which it held 20 meetings.

56. The seventh session of the Ad Hoc Committee was attended by representatives of 109 States. Also attending the session were observers for organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations.

57. The Ad Hoc Committee discussed articles 1-3, 5 and 6 of the draft Convention. The Ad Hoc Committee based its work on a revised text of the draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.6) and on proposals and contributions submitted by Governments.

58. The Ad Hoc Committee discussed the additional legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. It based its work on a document containing a revised text of the 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 (A/AC.254/4/Add.2/Rev.3), and on proposals and contributions submitted by Governments. The Ad Hoc Committee was informed of a legal opinion provided by the Office of Legal Affairs of the Secretariat regarding the interpretation of General Assembly resolution 54/127. Following a discussion on the matter, the Ad Hoc Committee at its seventh session decided to remove references to explosives from the draft Protocol.

59. At its fourth session, the Ad Hoc Committee had decided that, in future, informal consultations should be organized in order to facilitate the implementation of its mandate.

60. Pursuant to a decision taken at its sixth session, the Ad Hoc Committee devoted the informal consultations held from 18 to 21 January to the consideration of the additional international legal instrument against trafficking in persons, especially women and children, and common provisions of that instrument and the additional international legal instrument against illegal trafficking in and transporting of migrants. Pursuant to the same decision, the Ad Hoc Committee devoted the informal consultations held from 24 to 27 January to the consideration of articles 4, 4 *bis*, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter* of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its eighth session.

## **H. Eighth session**

61. The Ad Hoc Committee held its eighth session in Vienna from 21 February to 3 March 2000, during which it held 20 meetings.

62. The eighth session of the Ad Hoc Committee was attended by representatives of 112 States. Also attending the session were observers for organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal

Justice Programme network, intergovernmental organizations and non-governmental organizations.

63. The Ad Hoc Committee discussed articles 2, 2 *bis* (subpara. (a) only), 4, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter* of the draft Convention. Because of lack of time, article 4 *bis* was not discussed and would, therefore, be deferred to the ninth session of the Ad Hoc Committee. The Ad Hoc Committee based its work on a revised text of the draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.7) and on proposals and contributions submitted by Governments.

64. The Ad Hoc Committee discussed the additional legal instrument against illegal trafficking in and transporting of migrants. It based its work on a document containing a revised text of the 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.4), and on proposals and contributions submitted by Governments.

65. The Ad Hoc Committee devoted the informal consultations held during its eighth session, from 22 to 25 February, to the consideration of the additional international legal instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The Ad Hoc Committee devoted the informal consultations held from 28 February to 2 March to the consideration of articles 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16 of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its ninth session.

## **I. Ninth session**

66. The Ad Hoc Committee held its ninth session in Vienna from 5 to 16 June 2000, during which it held 18 meetings.

67. The ninth session of the Ad Hoc Committee was attended by representatives of 116 States. Also attending the session were observers for organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations.

68. The Ad Hoc Committee discussed articles 2, 2 *bis* (subpara. (a) only), 4 *bis*, 9 and paragraphs 1-10 of article 10 of the draft Convention. Because of lack of time, paragraphs 11-15 of article 10 and articles 10 *bis*, 14, 14 *bis*, 15 and 16 of the draft Convention were not discussed and discussion of them was therefore deferred to the tenth session of the Ad Hoc Committee. The Ad Hoc Committee based its work on a revised text of the draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.8) and on proposals and contributions submitted by Governments.

69. The Ad Hoc Committee discussed the additional legal instrument against trafficking in persons, especially women and children. It based its work on a revised text of the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.6), and on proposals and contributions submitted by Governments.

70. The Ad Hoc Committee devoted the informal consultations held during its ninth session, from 6 to 9 June, to the consideration of articles 19-30 of the draft Convention, in

preparation for the finalization of those articles by the Ad Hoc Committee at its tenth session. The Ad Hoc Committee devoted the informal consultations held from 13 to 15 June to the consideration of the additional international legal instrument against the illegal trafficking in and transporting of migrants.

## **J. Tenth session**

71. The Ad Hoc Committee held its tenth session in Vienna from 17 to 28 July 2000, during which it held 23 meetings.

72. At its ninth session, held in Vienna from 5 to 16 June 2000, the Ad Hoc Committee had decided that its tenth session would be devoted to the finalization and approval of the draft United Nations Convention against Transnational Organized Crime for submission to the General Assembly at its fifty-fifth session for adoption in accordance with Assembly resolution 54/126.

73. Also at its ninth session, the Chairman had requested all regional groups to appoint representatives to form a group that would be asked, at the tenth session of the Ad Hoc Committee, to ensure consistency of the text in all official languages of the United Nations.

74. The Secretary recalled that, at the ninth session of the Ad Hoc Committee, the Group of Eastern European States had decided to appoint the representatives of the Russian Federation and Slovakia to the consistency group. He announced the following other appointments to the consistency group: the representatives of Cameroon, Egypt, Morocco, Nigeria and South Africa, appointed by the Group of African States; the representatives of China, India, Japan and Jordan, appointed by the Group of Asian and Pacific States; the representatives of Colombia, Cuba, Guatemala and Mexico, appointed by the Group of Latin American and Caribbean States; and the representatives of France, Italy, Spain and the United States, appointed by the Group of Western European and Other States. The Secretary also informed the Ad Hoc Committee that the consistency group would be assisted in its work by an editor, by translators from the translation section for each official language and by a member of the secretariat of the Ad Hoc Committee.

75. The Chairman informed the Ad Hoc Committee that he had asked the representative of Mexico to act as coordinator of the consistency group.

76. The tenth session of the Ad Hoc Committee was attended by representatives of 121 States. Also attending the session were observers for organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations.

77. The Ad Hoc Committee considered and finalized all the articles of the draft Convention. It based its work on a revised text of the draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.9) and on proposals and contributions submitted by Governments.

78. The consistency group held 14 meetings, on 18 to 27 July, and reviewed all the articles of the draft Convention. Its recommendations were incorporated into the final text of the draft Convention and submitted to the Ad Hoc Committee for consideration.

79. At its 177th meeting, on 28 July, the Ad Hoc Committee approved the draft United Nations Convention against Transnational Organized Crime and decided to submit it to the

General Assembly for consideration and action at its fifty-fifth session, in accordance with Assembly resolution 54/126 (see chap. IV below).

80. The Ad Hoc Committee considered a draft resolution submitted by the Chairman, entitled “United Nations Convention against Transnational Organized Crime” (A/AC.254/L.224/Rev.1). The Ad Hoc Committee also had before it proposals for amendments to the draft resolution submitted by Governments, the European Union and the Chairman.

81. At its 177th meeting, on 28 July, the Ad Hoc Committee approved the draft resolution, as orally amended, on the understanding that the text of the draft resolution would be finalized by the Ad Hoc Committee at its eleventh session, in order to take into account the results of that session with respect to the draft protocols, and submitted to the General Assembly for consideration and action at its fifty-fifth session.

82. Also at the 177th meeting, on 28 July, the representative of Turkey stated that his country considered the draft Convention a valuable tool in fighting organized crime, in line with Turkey’s consistent determination and support for bilateral and multilateral cooperation in combating that phenomenon. For that reason, Turkey had attributed great importance to the development of the draft Convention and had participated actively in the process from its initial stages. Turkey had been confident until the final phase of the negotiation that the Convention would cover all aspects of transnational organized crime. Turkey’s experience had demonstrated that there were evident links between terrorist crimes and organized crime. Those links had been established at the World Ministerial Conference on Organized Transnational Crime, held in Naples, Italy, in 1994. Turkey therefore believed that the reflection of those dangerous links in the text of the Convention would better serve that instrument’s purposes. Unfortunately, and despite the efforts of several delegations to draw attention to those links through constructive and concrete proposals, the links had been consciously omitted from the final text of the draft Convention. The result was not satisfactory to Turkey, because the Convention would leave loopholes that criminals might exploit. Nevertheless, Turkey did not intend to block consensus on the approval of the draft Convention. Following careful evaluation, its competent authorities would decide whether Turkey would sign the Convention. Prior to concluding his statement, the representative of Turkey thanked the Chairman and the secretariat for all their tireless efforts to conclude the work of the Ad Hoc Committee.

83. Following the adoption of the report, the representative of Lebanon requested that it reflect the reservations expressed by his country regarding article 7, paragraph 6, on confiscation and seizure, and article 14, paragraph 8, on mutual legal assistance, of the draft Convention.

84. The Chairman of the Ad Hoc Committee expressed his gratitude to all delegations for displaying throughout the negotiation process a spirit of cooperation and mutual understanding and for working together in the constructive manner that had made the achievement of the ambitious task of the Ad Hoc Committee possible. The Chairman thanked the Rapporteur, the Secretary of the Ad Hoc Committee and the staff of the Centre for International Crime Prevention. He also thanked the interpreters and conference officers for their support to the Ad Hoc Committee. The Chairman further expressed the gratitude of the Ad Hoc Committee to all States that had made voluntary contributions throughout the negotiation process to the United Nations Crime Prevention and Criminal Justice Fund, thus facilitating the work of the Ad Hoc Committee and making possible the attendance of a number of representatives of least developed countries.

85. The representative of Italy informed delegations of the preparations for the High-level Political Signing Conference, to be held in Palermo, Italy, from 12 to 15 December 2000, in accordance with General Assembly resolution 54/129. Pursuant to that resolution, consultations on the draft agenda of the Conference would be organized by the Secretariat in Vienna in September.

86. The representative of Uruguay, speaking on behalf of the Group of 77 and China, expressed satisfaction at the completion of the work of the Ad Hoc Committee on the draft Convention. The good will of all delegations had enabled the achievement of general consensus. He was confident that the Convention would enter into force quickly. The Group of 77 and China wished to reiterate the importance of reinforcing technical and economic cooperation internationally, as a means of giving States the possibility to fulfil all the obligations arising from the Convention. The representative of Uruguay called upon the Committee to focus on the completion of the three additional protocols. The Group of 77 and China, as had been stressed on previous occasions, would strive to that end in order to fulfil the mandate given to the Ad Hoc Committee by the General Assembly. Nevertheless, time constraints should not be allowed to compromise the quality of the texts, which should be transparent and universally accepted. Finally, the representative expressed the Group's appreciation to the Chairman, the other members of the Bureau, the consistency group and the secretariat for the support provided to the work of the Ad Hoc Committee.

87. The representative of Mexico, speaking on behalf of the Group of Latin American and Caribbean States, offered the Group's congratulations to the Ad Hoc Committee on the completion of its work on the draft Convention. The Group had once again demonstrated its political will to arrive at compromise solutions, convinced of the importance of reinforcing international cooperation against transnational organized crime. The approval of the draft Convention by consensus demonstrated that the draft text had taken into account the concerns of all States. The Convention represented the most important development of international criminal law since the adoption of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.<sup>1</sup> The members of the Group hoped that after its adoption by the General Assembly and its signature in Palermo, the Convention would enter into force quickly. The challenge facing the Ad Hoc Committee now was the conclusion of the drafting of the three protocols. The members of the Group were confident that the same spirit of compromise would prevail in achieving that task. The representative of Mexico expressed the gratitude of the members of the Group to the Chairman, the members of the Bureau, the representatives who had chaired more informal meetings, the Centre for International Crime Prevention and conference service staff, as well as to the Secretary of the Ad Hoc Committee.

88. The representative of Pakistan associated himself with the statement of the representative of Uruguay on behalf of the Group of 77 and China and expressed his deepest appreciation to those delegations who had specific concerns but had displayed a remarkable spirit of accommodation, thus making it possible for the Ad Hoc Committee to approve the draft Convention by consensus.

89. The representative of Egypt wished to place on record his country's position on the work of the Ad Hoc Committee at its tenth session and on the draft Convention. Egypt had participated, with all commitment and responsibility, in all stages of the negotiation process, pursuing the common objective of fighting against a very serious criminal phenomenon affecting, to varying degrees, all countries of the world. Acting on the principle that, in preparing an international convention, the concerns of some were the

concerns of all, Egypt had repeatedly called for including in the Convention a clear and express reference to the growing relationship between transnational organized crime and terrorist crimes. That plea was in conformity with various United Nations instruments that had affirmed that fact, including resolution 4 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Egypt had demonstrated great flexibility regarding the way in which such a reference would be embodied in the Convention and had expected that such flexibility would have been met with a greater degree of understanding, so that the Convention, being of worldwide scope, would reflect the concerns of all States. The representative of Egypt expressed his deep regret at the deliberate omission from the text of the Convention of a serious dimension of transnational organized crime, represented in the link between such crime and terrorism. He was certain that such a lacuna constituted a basic shortcoming in the Convention, which would weaken international cooperation in containing and eliminating the phenomenon of terrorism and might prevent the Convention from becoming an influential element of the international legal system that served the interests of all. Finally, the representative of Egypt thanked all the delegations, who had spared no effort in reaching compromise formulas that had had a great effect in supporting the work of the Committee.

90. The representative of France, speaking on behalf of the States members of the European Union that are Members of the United Nations, expressed her satisfaction at the approval of the draft Convention by consensus. That was a success belonging to all delegations, who had managed to find formulas to reconcile different aspects of legal systems and to ensure that all concerns were adequately and appropriately reflected in the final text. The representative of France expressed her appreciation to the Chairman, members of the Bureau and the secretariat for the support they had provided to the Ad Hoc Committee. She was confident that the Ad Hoc Committee would be able to comply fully with its mandate by finalizing the three additional protocols at its eleventh session, through the continued collective good will of all States.

91. The representative of the Syrian Arab Republic, speaking on behalf of the Group of Arab States, emphasized the participation of all Arab States in the negotiation process. Such participation and interest were underpinned by the conviction of being engaged and actively contributing to achieving a common goal that was in the interest of the international community. The representative also expressed his appreciation to the Chairman, members of the Bureau and the secretariat for their support.

92. The representative of Thailand, speaking on behalf of the States members of the Association of South-East Asian Nations that are Members of the United Nations, expressed his appreciation to the Chairman for his able leadership, which had made possible the conclusion of the work of the Ad Hoc Committee on the Convention. He also extended his gratitude to the representative of Pakistan for his efforts as Vice-Chairman of the Ad Hoc Committee and to the secretariat of the Committee for the support provided to all delegations. Once implemented, the Convention would enhance existing bilateral or multilateral cooperation and thus bridge the gaps that had to date been exploited by organized criminal groups. The success of the Ad Hoc Committee should motivate all delegations to pursue vigorously the conclusion of the three additional protocols at the eleventh session of the Ad Hoc Committee.

93. The representative of Nigeria, speaking on behalf of the Group of African States, stated that dealing with the global problem of transnational organized crime required structural cooperation, in whose framework those with capacity would render technical assistance and training to those with insufficient expertise and resources. It was the hope



of the members of the Group that the provisions of the Convention designed to enhance capacity-building would soon be implemented. This should be without prejudice to existing foreign assistance commitments to the countries concerned.

94. The representative of Indonesia, speaking on behalf of the Group of Asian and Pacific States, thanked the Chairman, the members of the Bureau and the secretariat and called for flexibility, which was necessary in achieving the goal of finalizing the three additional protocols at the eleventh session of the Ad Hoc Committee.

95. The representative of the Islamic Republic of Iran joined previous speakers in expressing the profound appreciation of his delegation to the Chairman, the members of the Bureau and the Chairman of the consistency group. The approved text of the Convention might not fully satisfy all delegations. However, in multilateral negotiations on a Convention of such a high magnitude and sensitivity, all delegations were bound to exercise a degree of sacrifice and indulgence to achieve a lofty goal. That goal had been achieved thanks to the collective good will and efforts of all delegations. The representative of the Islamic Republic of Iran concluded by thanking the secretariat for the support extended to all delegations in the past two years and expressing his hope that the same level of support would enable the Ad Hoc Committee to fulfil its task of completing the three additional protocols.

96. The representative of Algeria expressed his satisfaction with the results of the work of the Ad Hoc Committee at its tenth session and the approval of the draft Convention. While sharing the views expressed by Egypt, he called upon all delegations to spare no effort in ensuring the success of the work on the development of a comprehensive convention against terrorism, which was due to begin in New York in September.

97. The representative of South Africa thanked the Chairman and other members of the Bureau for their perseverance and the secretariat for its professionalism. He was convinced that the new Convention would significantly strengthen cooperation against organized criminal groups and looked forward to the successful completion of the three additional protocols at the eleventh session of the Ad Hoc Committee.

## **K. Eleventh session**

98. The Ad Hoc Committee held its eleventh session in Vienna from 2 to 27 October 2000, during which it held [...] meetings.

99. The Secretary recalled that the composition of the consistency group was the following: the representatives of Cameroon, Egypt, Morocco, Nigeria and South Africa, appointed by the Group of African States; the representatives of China, India, Japan and Jordan, appointed by the Group of Asian and Pacific States; the representatives of the Russian Federation and Slovakia, appointed by the Group of Eastern European States; the representatives of Colombia, Cuba, Guatemala and Mexico, appointed by the Group of Latin American and Caribbean States; and the representatives of France, Italy, Spain and the United States, appointed by the Group of Western European and Other States. The Secretary also informed the Ad Hoc Committee that the consistency group would continue to be assisted in its work by an editor, by translators from the translation section for each official language and by a member of the secretariat of the Ad Hoc Committee.

100. The Chairman asked the consistency group to review the concordance among the three draft protocols and the draft United Nations Convention against Transnational Organized Crime, as approved by the Ad Hoc Committee at its tenth session, in addition

to ensuring the consistency of the texts of the draft protocols in all the official languages of the United Nations. The Chairman requested the representative of Mexico to continue to act as coordinator of the consistency group.

101. The eleventh session of the Ad Hoc Committee was attended by representatives of 119 States. Also attending the session were observers for organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations.

102. The Ad Hoc Committee considered and finalized all the articles of the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It based its work on a revised text of the draft Protocol (A/AC.254/4/Add.3/Rev.7) and on proposals and contributions submitted by Governments.

103. The representative of the Islamic Republic of Iran requested that the report of the Ad Hoc Committee on its eleventh session indicate that his country had joined the consensus on article 2 *bis*, subparagraph (a), of the draft Protocol, but had registered a reservation regarding the inclusion of the expression “exploitation of the prostitution of others”. That reservation was due to a constitutional impediment.

104. The representative of the United Arab Emirates requested that the report of the Ad Hoc Committee on its eleventh session reflect its position on article 5, paragraph 1, of the draft Protocol, namely, that it considered itself not bound to provide the right of residence referred to at the end of that article.

105. The representative of the United Kingdom of Great Britain and Northern Ireland stated that his country had joined the consensus on article 2 *bis*, subparagraph (a) *bis*, but would make an interpretative statement at the time of signing the Protocol.

106. Regarding article 6 of the draft Protocol, the representative of Cuba stated that the Cuban authorities would reflect on whether to sign the Protocol, enter a reservation with regard to the article or make an interpretative statement in relation to non-resident nationals at the time of signing the Protocol.

107. At its 218th meeting, on 23 October, the Ad Hoc Committee approved the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and decided to submit it to the General Assembly for consideration and action at its fifty-fifth session, in accordance with resolution 54/126.

108. The Ad Hoc Committee considered and finalized all the articles of the draft Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. It based its work on a revised text of the draft Protocol (A/AC.254/4/Add.1/Rev.6) and on proposals and contributions submitted by Governments.

109. The representative of Pakistan requested that the report of the Ad Hoc Committee on its eleventh session reflect that her country had joined the consensus on article 4, paragraph 1, of the Protocol, but understood that the offences established in accordance with that paragraph implied the involvement of an organized criminal group.

110. The representatives of Denmark and Norway indicated that their countries would make an interpretative statement at the time of signing the Protocol regarding article 4,

paragraph 4, of the Protocol, in connection with a technical matter related to their penal systems.

111. The representative of Turkey requested that the report of the Ad Hoc Committee on its eleventh session reflect his country's understanding that the references to the United Nations Convention on the Law of the Sea<sup>2</sup> in the interpretative notes to article 7 of the Protocol for the *travaux préparatoires* neither prejudiced nor affected the position of Turkey concerning that Convention.

112. The representative of Denmark requested that the report of the Ad Hoc Committee on its eleventh session reflect the position of his country in relation to article 7 *bis*, paragraph 2, of the Protocol. According to Danish constitutional law, a State Party wishing to take appropriate measures in accordance with that paragraph with regard to vessels of Danish nationality or registry would have to request authorization from Denmark and could not act of its own accord. Denmark indicated that it would examine such requests on a case-by-case basis.

113. The representative of Canada indicated that his country, according to current practice, did not authorize another State to board a vessel of Canadian nationality or registry. However, upon request under the Protocol, Canada undertook not to object to such action, provided that the action taken was consistent with the Protocol.

114. The representative of Spain requested that the report of the Ad Hoc Committee on its eleventh session reflect his country's understanding concerning article 7 *bis*, paragraph 6, namely, that the authorities mentioned therein were central authorities.

115. The representative of Bangladesh requested that the report of the Ad Hoc Committee on its eleventh session reflect his country's position on article 7 *quinqüens*, paragraph 5. In the view of the representative, that paragraph was overly restrictive. The obligation to inform smuggled migrants about rights of consular access should have been expanded to create a further right to be informed of other rights set forth in this article. The representative also expressed concern that, by referring to the Vienna Convention on Consular Relations,<sup>3</sup> the paragraph would not apply to States Parties to the Protocol that had not ratified or acceded to that Convention.

116. The representative of Australia requested that the report of the Ad Hoc Committee on its eleventh session reflect Australia's interpretation of article 7 *quinqüens*, according to which the article should not be understood as requiring a State Party to the Protocol to preserve and protect the rights referred to in paragraph 1 of the article in relation to persons once they had left the territory of that State Party and had returned to their country of nationality or permanent residence, which would be impossible in a practical sense.

117. Regarding article 15 of the draft Protocol, the representative of Cuba stated that the Cuban authorities would reflect on whether to sign the Protocol, enter a reservation with regard to the article or make an interpretative statement in relation to non-resident nationals at the time of signing the Protocol.

118. At its 222nd meeting, on 24 October, the Ad Hoc Committee approved the draft Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and decided to submit it to the General Assembly for consideration and action at its fifty-fifth session, in accordance with resolution 54/126.

119. The Ad Hoc Committee considered and finalized all the articles of the 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. It based its work on a revised text of the draft Protocol (A/AC.254/4/Add.2/Rev.5) and on proposals and contributions submitted by Governments and by the European Commission.

120. At its [...] meeting, on [...] October, the Ad Hoc Committee approved the 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, and decided to submit it to the General Assembly for consideration and action at its fifty-fifth session, in accordance with resolution 54/126.

#### **IV. Matters calling for action by the General Assembly at its fifty-fifth session**

121. The Ad Hoc Committee recommends to the General Assembly the adoption of the following draft resolution and the United Nations Convention against Transnational Organized Crime and the protocols thereto:

[*Document A/AC.254/L.230/Add.3*]

[*Document A/AC.254/36*]

[*Document A/AC.254/L.250/Add....*]

[*Document A/AC.254/L.250/Add.3/Rev.1*]

#### *Notes*

<sup>1</sup> *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

<sup>2</sup> *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

<sup>3</sup> United Nations, *Treaty Series*, vol. 596, Nos. 8638-8640.