



General Assembly

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

Twelfth session

Vienna, 26 February-2 March 2001

Draft report

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I. Introduction

1. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was established by the General Assembly in its resolution 53/111 of 9 December 1998.

2. In its resolution 55/25 of 15 November 2000, the General Assembly requested the Ad Hoc Committee to continue its work on 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, in accordance with resolutions 53/111 and 53/114 of 9 December 1998 and 54/126 of 17 December 1999, and to finalize such work as soon as possible.

II. Organization of the session

A. Opening of the session

3. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime held its twelfth session in Vienna from 26 February to 2 March 2001, during which it held [...] meetings.

4. At its tenth session, held in Vienna from 17 to 28 July 2000, the Ad Hoc Committee had approved the draft United Nations Convention against Transnational Organized Crime (A/AC.254/36) for submission to the General Assembly at its fifty-fifth session for consideration and action in accordance with Assembly

resolution 54/126. At its eleventh session, held in Vienna from 2 to 28 October 2000, the Ad Hoc Committee had 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 the draft Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, for submission to the General Assembly at its fifty-fifth session for consideration and action in accordance with resolution 54/126. On the recommendation of the Ad Hoc Committee at its tenth and eleventh sessions, the Assembly had adopted resolution 55/25, by which it had adopted the United Nations Convention against Transnational Organized Crime and the above-mentioned protocols and opened them for signature at the High-level Political Signing Conference to be held in Palermo from 12 to 15 December 2000 in accordance with resolution 54/129 of 17 December 1999.

5. Also at its eleventh session, the Ad Hoc Committee had considered 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. In an effort to achieve consensus that would permit the finalization and approval of the draft Protocol, the Ad Hoc Committee had extended its eleventh session by holding an additional meeting on 28 October. In spite of the fact that it had come very close to achieving the necessary consensus, it had been unable to complete its work in relation to the draft Protocol. Consequently, the Ad Hoc Committee had decided to include in the draft resolution that it was submitting to the General Assembly at its fifty-fifth session for consideration and action (adopted subsequently by the Assembly as resolution 55/25) two paragraphs in which the Assembly would note that the Ad Hoc Committee had not completed its work on the draft Protocol and would request it to finalize such work as soon as possible.

6. At the ninth session of the Ad Hoc Committee, 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 the consistency of the text in all the official languages of the United Nations. The consistency group had continued its work at the eleventh session of the Ad Hoc Committee.

7. 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 (replaced by the representative of Oman at the eleventh session of the Ad Hoc Committee), 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 of America, 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.

8. The Chairman asked the consistency group to review the concordance between the draft Protocol and the United Nations Convention against Transnational

Organized Crime, in addition to ensuring the consistency of the text of the draft Protocol in all official languages of the United Nations. The Chairman requested the representative of Mexico to continue to act as coordinator of the consistency group.

9. The Chairman stated that the twelfth session of the Ad Hoc Committee was the last opportunity for action on the draft Protocol. He asked the Ad Hoc Committee to confirm the understanding that it would focus its efforts on the issues that remained open and try to forge agreement on those matters, without reopening the discussion of provisions on which it had reached agreement at its eleventh session. The issues remaining unresolved were the preamble and articles 0, 2, 4 and 9. The Ad Hoc Committee confirmed that understanding.

10. Statements were made by the representatives of China, Sweden, on behalf of the States members of the European Union that are Members of the United Nations, Egypt, Japan, the Russian Federation, the Islamic Republic of Iran, Pakistan, Canada, the Syrian Arab Republic, Mexico, the United States of America, Ecuador, Colombia, Trinidad and Tobago, India, Cuba, Jordan, Nigeria, the Republic of Korea and Saudi Arabia.

B. Attendance

11. The twelfth session of the Ad Hoc Committee was attended by representatives of [...] States. Also attending the twelfth 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.

C. Adoption of the agenda and organization of work

12. At its 230th meeting, on 26 February 2001, the Ad Hoc Committee adopted the following agenda for its twelfth session:

1. Opening of the twelfth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Finalization and approval of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.
4. Consistency within the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and between that instrument and the United Nations Convention against Transnational Organized Crime and the protocols thereto.
5. Consideration of a draft resolution on the adoption of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition for consideration and action by the General Assembly.
6. Adoption of the report of the Ad Hoc Committee on its twelfth session.

D. Documentation

13. At its twelfth session, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Argentina, Australia, Bolivia, Brazil, Canada, Chile, Colombia, the Czech Republic, Ecuador, Guatemala, Haiti, Jamaica, Mexico, New Zealand, Norway, Switzerland, Trinidad and Tobago, Ukraine, the United States of America, Uruguay and the European Commission, on behalf of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland.

III. Finalization and approval of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition

14. At its 230th-[...] meetings, on 26 February to 2 March, the Ad Hoc Committee considered all outstanding provisions 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.6) and on proposals and contributions submitted by Governments and by the European Commission (A/AC.254/L.276, A/AC.254/L.278 [...]). The Ad Hoc Committee also had before it amendments to previous proposals made by the Chairman (A/AC.254/L.281).

15. At the 230th meeting of the Ad Hoc Committee, on 26 February, the representative of Sweden, speaking on behalf of the States members of the European Union that are Members of the United Nations, informed the Ad Hoc Committee that the European Commission had been mandated by the Council of the European Union to negotiate article 9 of the draft Protocol on behalf of all 15 States members of the European Community. The Chairman stated that the Ad Hoc Committee would take note of that statement on the understanding that the mandate would not affect the observer status of the European Commission.

16. At its [...] meeting, on [...] March, 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 at its fifty-fifth session for consideration and action, in accordance with resolution 54/126.

IV. Consistency within the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and between that instrument and the United Nations Convention against Transnational Organized Crime and the protocols thereto

17. The consistency group met regularly during the twelfth session of the Ad Hoc Committee and reviewed the text of the draft Protocol. In addition, at the request of the Chairman, the group reviewed the concordance of the draft Protocol with the United Nations Convention against Transnational Organized Crime and the protocols thereto, as adopted by the General Assembly at its fifty-fifth session. The recommendations of the consistency group were incorporated into the final text of the draft Protocol and submitted to the Ad Hoc Committee for consideration. The Ad Hoc Committee approved those recommendations.

V. Draft resolution on the adoption of the additional international legal instrument against illicit manufacturing of and trafficking in firearms, their parts and components and ammunition for consideration and action by the General Assembly at its fifty-fifth session

18. At its [...] meeting, on [...] March, the Ad Hoc Committee considered a draft resolution submitted by the Chairman, entitled “Protocol against 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/L.277). The Ad Hoc Committee also had before it proposals and contributions submitted by Governments (A/AC.254/L. ...).

19. At its [...] meeting, on 2 March, the Ad Hoc Committee [approved the draft resolution (A/AC.254/L.277) for submission to the General Assembly at its fifty-fifth session for consideration and action.

VI. Adoption of the report of the Ad Hoc Committee on its twelfth session

20. At its [...] meeting, on 2 March, the Ad Hoc Committee adopted the report on its twelfth session (A/AC.254/L.280 and Adds. ...) ¹ and decided to submit it to the General Assembly at its fifty-fifth session.

21. At the same meeting, the Ad Hoc Committee approved its report to the General Assembly at its fifty-fifth session (A/AC.254/L.280/Add. ...) ².

¹ To be issued subsequently as document A/AC.254/40.

² To be issued subsequently as document [...].