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

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Agenda item 5

**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

Syrian Arab Republic: amendments to 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 (A/AC.254/4/Add.2/Rev.2)

1. Having examined the Arabic version 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 (A/AC.254/4/Add.2/Rev.2), the Syrian Arab Republic would like to make a number of remarks on the title, the preamble and the articles of the draft Protocol.

Title

2. The Syrian Arab Republic supports the proposal by Japan (A/AC.254/L.22, paras. 5-6), in which it is stated that the title of the Protocol should read “Protocol to Combat the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementary to the United Nations Convention against Transnational Organized Crime”, so that the wording would be more in line with Economic and Social Council resolution 1998/18 of 28 July 1998, on measures to regulate firearms, and General Assembly resolution 53/111 of 9 December 1998, on transnational organized crime.

* Reissued for technical reasons.

3. The same wording should be used in the text of the draft Protocol (in the places indicated by Japan in the annex to its proposal (A/AC.254/L.22, annex)), so that the wording of the draft Protocol is consistent with that of the above-mentioned resolutions.

Preamble

New preambular paragraph

4. A new preambular paragraph should be added before preambular paragraph (a), the text of which should read as follows:

“Taking note of the United Nations Convention against Transnational Organized Crime (hereinafter referred to as ‘the Convention’),”

Preambular paragraph (a)

5. Option 2 should be adopted.

Preambular paragraph (b)

6. Option 2 should be adopted.

Preambular paragraph (c)

7. Option 1 should be adopted.

Preambular paragraph (c) bis

8. Preambular paragraph (c) *bis*, proposed by the delegation of Mexico, should be deleted.

Preambular paragraph (d)

9. Option 1 should be adopted.

Preambular paragraph (f) bis

10. Preambular paragraph (f) *bis* should be adopted as an alternative to preambular paragraphs (e) and (f).

Preambular paragraph (g)

11. Preambular paragraph (g) should be deleted because preambular paragraph (f) *bis* is sufficient.

Preambular paragraph (h)

12. Option 2 should be adopted.

Preambular paragraph (i)

13. Option 2 should be adopted.

New preambular paragraph

14. The following new preambular paragraph should be added:

“*Desiring* to supplement the Convention by a protocol designed to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,”

Article I: Relationship with the United Nations Convention against Transnational Organized Crime

15. The text of article I should be amended to read “The provisions of articles [...] of the Convention, done at [...], shall also apply *mutatis mutandis* to this Protocol”, thereby bringing that article in line with the text of article 1, option 2, of 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.2).

Paragraph 2

16. Paragraph 2 should be moved to article III.

Article II: Definitions

17. The proposal that the definitions in article II should be in a logical order rather than in alphabetical order (footnote 32) should be adopted.

Paragraph (a)

18. The words in brackets should be deleted.

Paragraph (b)

19. The brackets should be removed.

Paragraph (c)

20. Option 2 should be adopted.
21. The word “lethal” should be replaced with the word “portable”.
22. The words “propelled by action of an explosive material” should be added after the word “missile”.
23. The words “and replicas of such firearms” should be added after the words “antique firearms”.

Paragraph (d)

24. The word “explosives” in brackets should be deleted.
25. In subparagraph (d) (ii), option 1 should be adopted.

Paragraph (e)

26. The word “explosives” in brackets should be deleted from subparagraph (e) (i).
27. The brackets in subparagraphs (e) (ii) and (e) (iii) should be removed.

Paragraph (f)

28. Option 2 should be adopted and the text of paragraph (f) should be amended to read as follows:

“(f) ‘Parts and components’: any components of a firearm that are essential to its operation, such as a barrel (cylinder), frame or slide.”

Paragraph (f) ter

29. Paragraph (f) *ter* should be deleted.

Article III: Purpose

Paragraph (a)

30. Paragraph (a) should be deleted.

Paragraph (b)

31. Option 2 should be adopted and the following words should be added to the end of the text: “in the context of transnational organized crime”.

Article IV: Scope

32. The title of article IV should be amended to read as follows: “Scope of application”.

33. Option 4 should be adopted.

Article IV bis: Sovereignty

Paragraph 1

34. Paragraph 1 should be moved to the end of the draft Protocol.

Paragraph 2

35. Paragraph 2 should be moved to article VI (Jurisdiction).

Article V: Criminalization

Paragraph 1

36. The word “and” in brackets should be deleted and the word “criminal” in brackets should be deleted.

37. The remaining brackets should be removed.

38. In line with article 4, paragraph 1, option 1, of the revised draft Protocol against the Smuggling of Migrants (A/AC.254/4/Add.1/Rev.2), the phrase “in connection with a criminal organization” should be amended to read “in the context of transnational organized crime, as defined in the Convention”.

39. Subparagraph 1 (c) should be deleted since it deals with matters other than illicit manufacturing and trafficking—matters that extend beyond the scope of the draft Protocol.

40. The order of subparagraphs 1 (a) and (b) should be reversed.

Paragraph 2

41. The brackets should be removed.

Paragraph 3

42. Paragraph 3 should be deleted since its scope extends beyond individuals to include States, in addition to the fact that it deals with matters other than illicit manufacturing or trafficking.

Article VI: Jurisdiction

43. Option 1 should be adopted, thereby bringing article VI in line with the provision contained in article 6 of the revised draft Protocol against the Smuggling of Migrants (A/AC.254/4/Add.1/Rev.2).

Article VII: Confiscation or forfeiture

44. The words “or forfeiture” in the title should be deleted.

Paragraph 1

45. The words in brackets should be deleted.

Paragraph 2

46. Paragraph 2 should be redrafted to read as follows: “States Parties shall dispose of the confiscated firearms and ammunition in accordance with their respective national laws”.

Article VIII: Record-keeping

Paragraph 1

47. The brackets should be removed.

Paragraph 2

48. The first sentence in brackets, which reads “Records shall be kept for a period of not less than [ten] years after the last transaction effected under a [particular certificate]”, should be deleted.

49. The brackets should be removed from the second sentence.

Paragraph 3

50. Option 2 should be adopted.

Article IX: Marking of firearms

Paragraph 1

51. The brackets should be removed.

52. In subparagraph 1 (a), the words “and year” should be added after the word “place” and the brackets should be removed. In subparagraph 1 (b), the brackets should be removed. In subparagraph 1 (c), the brackets should also be removed.

Paragraph 1 bis

53. The brackets should be removed.

Article XI: General requirements for export, import and transit licensing or authorization systems

Paragraph 2

54. Option 2 should be adopted.

Paragraph 3

55. Option 1 should be adopted.

Paragraph 5

56. Paragraph 5 should be deleted.

Article XII: Security measures

57. The brackets should be removed.

Article XV: Cooperation

Paragraph 2

58. The bracketed words “on matters relating to this Protocol” should be retained.

Paragraph 3

59. The brackets should be removed.

Article XV bis: Establishment of a focal point

60. Article XV *bis* should be deleted in order to avoid duplication, the focal points having been mentioned in article XV.

Article XVI: Exchange of experiences and training

Paragraph 2

61. The phrase in brackets should be deleted.

Article XVII: Confidentiality

62. Option 1 should be adopted and the brackets should be removed from the words “, other law”. The second phrase in brackets should be deleted.

Article XVIII bis: Registration and licensing of brokers

- 63. The title of this article should be changed to “Licensing by brokerage”.
 - 64. The words “natural or judicial” should be added before the word “person”.
 - 65. The brackets should be removed from the words “and ammunition”.
 - 66. The words “wherever located” should be deleted.
 - 67. The words “to register with and receive approval from his or her country of nationality” should be replaced with the words “to obtain a licence to engage in that activity from his or her country of residence”.
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