

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 (New York, 31 May 2001)

OBJECTIVES

The 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 (the Protocol) supplements the United Nations Convention against Transnational Organized Crime, 2000 (the Convention). Its purpose is to strengthen and unify international cooperation and to develop cohesive mechanisms to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (firearms).

KEY PROVISIONS

While the Convention provides for basic measures to prevent and combat transnational organized crime, its Protocols provide for specific measures to deal with specific crimes. As such, the Protocols should be interpreted together with the Convention. The provisions of the Convention apply *mutatis mutandis* to each Protocol.

Although this Protocol recognizes the rights of a Party to take action in the interest of its national security consistent with the Charter of the United Nations, Parties to the Protocol undertake to adopt and implement the strongest possible legislation to investigate and prosecute the offences stemming from the illicit manufacturing of and trafficking in firearms. Specific measures include the confiscation, seizure and destruction of firearms illicitly manufactured or trafficked; maintenance of records for at least 10 years in order to identify and trace firearms; the issuance of licences for the import and export of firearms; and the marking of firearms permitting identification of the manufacturer of the firearm, and the country of and year of import.

Parties undertake to cooperate extensively at the bilateral, regional and international levels in order to achieve the Protocol's objectives including providing training and technical assistance to other Parties.

Finally, Parties undertake to exchange relevant case-specific information on matters such as authorized producers, dealers, importers, exporters and carriers of firearms as well as information on organized criminal groups known to take part in the illicit manufacture and trafficking of such items.

The conference of the Parties, which is established by the Convention, will have similar functions under the Protocol.

ENTRY INTO FORCE

The Protocol entered into force on 3 July 2005 (article 18).

HOW TO BECOME A PARTY

The Protocol is closed for signature. The Protocol is subject to ratification, acceptance or approval by Signatories. The Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party. In order to become a Party to the Protocol, a State or a regional economic integration organization must also be a Party to the Convention (article 17 of the Protocol and article 37 of the Convention).

OPTIONAL AND/OR MANDATORY DECLARATIONS AND NOTIFICATIONS

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A regional economic integration organization shall declare the extent of its competence with respect to matters governed by the Protocol. Such organizations must also inform the depositary of any relevant modification in the extent of its competence (article 17).

RESERVATIONS

Pursuant to article 16 (3), Parties may declare that they do not consider themselves bound by article 16 (2), according to which disputes among Parties relating to the interpretation or application of the Protocol which are not settled by negotiation will be submitted to arbitration and, failing agreement on the organization of the arbitration six months after the date of the request for arbitration, to the International Court of Justice (article 16 (3)). The Protocol is otherwise silent with regard to reservations.

DENUNCIATION/WITHDRAWAL

A State Party may denounce the Protocol by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General. A regional economic integration organization shall cease to be a Party to the Protocol when all of its member States have denounced it (article 20). Denunciation of the Convention also entails the denunciation of the Protocol (article 40 of the Convention).

**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**

New York, 31 May 2001

ENTRY INTO FORCE: 3 July 2005, in accordance with article 18(1) which reads as follows: "1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession, except that it shall not enter into force before the entry into force of the Convention. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization. 2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Protocol after the deposit of the fortieth instrument of such action, this Protocol shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date this Protocol enters into force pursuant to paragraph 1 of this article, whichever is the later."
3 July 2005, No. 39574.

REGISTRATION: Signatories: 52. Parties: 77.
STATUS: Doc. A/55/383/Add.2; depositary notification C.N.959.2002.TREATIES-24 of 6 September 2002 (Correction to the English text of the original of the Protocol);
TEXT: C.N.1321.2003.TREATIES-10 of 21 November 2003 (Algeria: Proposed correction to the authentic Arabic text of the Protocol and C.N.105.2004.TREATIES-2 of 12 February 2004 (Correction to the Arabic text of the original of the Protocol).

Note: The Protocol was adopted by resolution 55/255 of 31 May 2001 at the fifty-fifth session of the General Assembly of the United Nations. In accordance with its article 17, paragraphs 1 and 2, the Protocol will be open for signature by all States and by regional economic integration organizations, provided that at least one member State of such organization has signed the Protocol, from 2 July 2001 to 12 December 2002, at United Nations Headquarters in New York.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Approval(AA), Accession(a), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Approval(AA), Accession(a), Succession(d)</i>
Albania		8 Feb 2008 a	China	9 Dec 2002	
Algeria		25 Aug 2004 a	Costa Rica	12 Nov 2001	9 Sep 2003
Argentina	7 Oct 2002	18 Dec 2006	Croatia		7 Feb 2005 a
Australia	21 Dec 2001		Cuba		9 Feb 2007 a
Austria	12 Nov 2001		Cyprus	14 Aug 2002	6 Aug 2003
Azerbaijan		3 Dec 2004 a	Democratic Republic of the Congo		28 Oct 2005 a
Bahamas		26 Sep 2008	Denmark	27 Aug 2002	
Barbados	26 Sep 2001		Dominican Republic	15 Nov 2001	
Belarus		6 Oct 2004 a	Ecuador	12 Oct 2001	
Belgium	11 Jun 2002	24 Sep 2004	El Salvador	15 Aug 2002	18 Mar 2004
Benin	17 May 2002	30 Aug 2004	Estonia	20 Sep 2002	12 May 2004
Bosnia and Herzegovina		1 Apr 2008 a	European Community	16 Jan 2002	
Brazil	11 Jul 2001	31 Mar 2006	Finland	23 Jan 2002	
Bulgaria	15 Feb 2002	6 Aug 2002	Germany	3 Sep 2002	
Burkina Faso	17 Oct 2001	15 May 2002	Greece	10 Oct 2002	
Cambodia		12 Dec 2005 a	Grenada		21 May 2004 a
Canada	20 Mar 2002		Guatemala		1 Apr 2004 a
Cape Verde		15 Jul 2004 a	Guyana		2 May 2008 a
Central African Republic		6 Oct 2006 a	Honduras		1 Apr 2008 a
			Iceland	15 Nov 2001	

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India.....	12 Dec	2002		Peru		23 Sep	2003 a
Italy.....	14 Nov	2001	2 Aug 2006	Poland.....	12 Dec	2002	4 Apr 2005
Jamaica	13 Nov	2001	29 Sep 2003	Portugal	3 Sep	2002	
Japan.....	9 Dec	2002		Republic of Korea	4 Oct	2001	
Kazakhstan			31 Jul 2008 a	Republic of Moldova.....		28 Feb	2006 a
Kenya			5 Jan 2005 a	Romania		16 Apr	2004 a
Kuwait			30 Jul 2007 a	Rwanda.....		4 Oct	2006 a
Lao People's Democratic Republic.....			26 Sep 2003 a	Sao Tome and Principe..		12 Apr	2006 a
Latvia.....			28 Jul 2004 a	Saudi Arabia		11 Mar	2008 a
Lebanon.....	26 Sep	2002	13 Nov 2006	Senegal	17 Jan	2002	7 Apr 2006
Lesotho			24 Sep 2003 a	Serbia.....		20 Dec	2005 a
Liberia			22 Sep 2004 a	Seychelles.....	22 Jul	2002	
Libyan Arab Jamahiriya.....	13 Nov	2001	18 Jun 2004	Sierra Leone	27 Nov	2001	
Lithuania.....	12 Dec	2002	24 Feb 2005	Slovakia.....	26 Aug	2002	21 Sep 2004
Luxembourg	11 Dec	2002		Slovenia.....	15 Nov	2001	21 May 2004
Madagascar.....	13 Nov	2001	15 Sep 2005	South Africa	14 Oct	2002	20 Feb 2004
Malawi.....			17 Mar 2005 a	Spain ²		9 Feb	2007 a
Mali	11 Jul	2001	3 May 2002	St. Kitts and Nevis.....		21 May	2004 a
Mauritania			22 Jul 2005 a	Sweden	10 Jan	2002	
Mauritius			24 Sep 2003 a	The former Yugoslav Republic of Macedonia		14 Sep	2007 a
Mexico.....	31 Dec	2001	10 Apr 2003	Trinidad and Tobago		6 Nov	2007 a
Monaco	24 Jun	2002		Tunisia.....	10 Jul	2002	10 Apr 2008
Mongolia			27 Jun 2008 a	Turkey	28 Jun	2002	4 May 2004
Montenegro ¹			23 Oct 2006 d	Turkmenistan.....		28 Mar	2005 a
Mozambique.....			20 Sep 2006 a	Uganda		9 Mar	2005 a
.....				United Kingdom of			

Notes:

¹ See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

² In a communication received on 5 March 2008, the Government of Spain informed the Secretary-General of the following:

1. Gibraltar is a Non-Self-Governing Territory for whose international relations the Government of the United Kingdom is responsible and which is subject to a process of decolonization in accordance with the relevant decisions and resolutions of the General Assembly.

2. The Gibraltarian authorities are local in character, and exercise competences exclusively over internal affairs that originate in and are based on the powers allocated to and conferred on them by the United Kingdom, in accordance with its domestic legislation and in its capacity as the sovereign State upon which depends the said Non-Self-Governing Territory.

3. Consequently, any involvement by the Gibraltarian authorities in the implementation of this Convention shall be understood to take place exclusively within the framework of the internal affairs of Gibraltar and shall not be considered to affect in any way the content of the two preceding paragraphs.