

**For discussion
on 4 February 2025**

Legislative Council Panel on Security

Proposed Amendments to the Firearms and Ammunition Ordinance - Implementation of 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

Purpose

The Security Bureau intends to amend the Firearms and Ammunition Ordinance (Cap. 238) (the Ordinance) to implement 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 Firearms Protocol), with a view to improving the regulation of firearms (including their component parts or ammunition) in Hong Kong. This paper seeks the views of the Panel on the proposed amendments.

Background

Existing Regulatory Framework for Firearms and Ammunition

2. In Hong Kong, a stringent regulatory framework for arms and ammunition, including firearms (including their component parts or ammunition) has been put in place under the Ordinance. The Ordinance regulates the possession of and dealing in firearms or ammunition and makes it an offence to possess and deal in any firearms or ammunition without a licence.

3. The Hong Kong Police Force (HKPF) and the Customs and Excise Department (C&ED) have all along been taking strict enforcement actions against illegal possession, manufacturing and trafficking of firearms or ammunition in accordance with the Ordinance. The HKPF gathers intelligence, conducts cyber patrols and raid operations to combat illegal possession and dealing in of firearms or ammunition by criminals. Through risk assessment, the C&ED inspects cargoes, postal packages,

passengers and their luggage at various immigration control points, incoming and outgoing vessels, and post offices to prevent illegal movement of firearms into and out of Hong Kong. At the same time, law enforcement agencies conduct joint operations to pursue those who illegally possess and deal in firearms, and communicate closely with Mainland and overseas law enforcement agencies, including the relevant authorities of places of origin of firearms, to intercept illegal firearms into Hong Kong, so as to prevent firearms from falling into the hands of criminals.

The Firearms Protocol of the United Nations

4. The Firearms Protocol (see **Annex**) came into effect on 3 July 2005. Supplementing the United Nations Convention against Transnational Organized Crime, the Firearms Protocol is an important legal document in the field of international regulation of conventional weapons. As a major global legal document in preventing and combatting illicit distribution of firearms and ammunition, the Firearms Protocol seeks to strengthen control of the State Parties on lawful firearms and prevent their entry into illicit channels, as well as to facilitate enforcement cooperation in this regard. The Firearms Protocol provides a framework for states to control and monitor movement of lawful firearms and ammunition, and prevent their entry into illicit channels by requiring the State Parties to establish illicit manufacturing as a criminal offence and stipulating marking requirements for firearms.

5. The Firearms Protocol was ratified by the Central People's Government on 19 December 2023 and has been applicable to the People's Republic of China (PRC) with effect from 18 January 2024. It is an important initiative of the Central People's Government to actively implement the Global Security Initiative, practice multilateralism, and safeguard international and regional peace and stability. As the Firearms Protocol applies to the PRC (including the Hong Kong Special Administrative Region (HKSAR)), the HKSAR Government is obliged to review the local legislation to ensure that it can fully implement the requirements of the Firearms Protocol.

Proposed legislative amendments

6. Having reviewed the local legislation, we propose to amend the Ordinance to ensure that the local legislation can fully implement the requirements of the Firearms Protocol. Details of the proposed legislative

amendments are set out below.

Illicit manufacturing of firearms (including their component parts or ammunition)

7. Article 5 of the Firearms Protocol requires that illicit manufacturing of firearms (including their components parts or ammunition) regardless of purpose, including manufacturing and assembly of firearms from component parts illicitly trafficked, and manufacturing of firearms without a licence, be established as a criminal offence.

8. Under the existing regulatory framework and pursuant to the Ordinance, any person who in any form possesses or **by way of trade or business** deals in any firearms (including their component parts or ammunition) commits an offence unless he is granted a licence for possession and a dealer's licence issued by the Commissioner of Police respectively. The maximum penalty is a fine at level 6¹ and imprisonment for 14 years². Any person who **by way of trade or business** manufactures any firearms or ammunition, unless he holds a relevant dealer's licence³, breaches the Ordinance. The maximum penalty is a fine at level 6 and imprisonment for 10 years. According to the definition in the Ordinance, the meaning of "deal in" includes to manufacture, store, sell, let on hire, part with possession of, supply, import, export, procure, purchase, take on hire, take possession of, transport, repair, test, prove or to offer to do any of the foregoing; or to expose for sale or hire or to have in possession for storage, sale, hire, supply, transport, repairing, testing or proving.

9. To implement the requirements of the Firearms Protocol, we propose making amendments to the Ordinance to establish the **illicit manufacturing of firearms (including their component parts or ammunition)**, regardless of purposes, as a separate offence, so as to state more clearly the criminal liability. In other words, the acts of illicit manufacturing will no longer be confined to those carried out for trade or business purposes. Upon the amendment of the Ordinance, no person shall manufacture firearms or ammunition unless he does so by way of

¹ The amount is \$100,000 at present.

² Under section 13 of the Ordinance, no person shall have in his possession any firearms or ammunition unless he holds a licence for possession of such firearms or ammunition or a dealer's licence therefor. Offenders are liable on conviction upon indictment to a fine at level 6 and to imprisonment for 14 years. Under section 14 of the Ordinance, no person shall by way of trade or business deal in any firearms or ammunition unless he holds a dealer's licence authorizing him to do so. Offenders are liable on conviction upon indictment to a fine at level 6 and to imprisonment for 10 years.

³ At present, no dealer's licence for licit manufacturing of firearms is issued in Hong Kong.

trade or business and holds a dealer's licence. Offenders shall commit a criminal offence and the imprisonment terms are proposed to be 20 years.

Illicit trafficking in firearms or ammunition

10. Article 5 of the Firearms Protocol requires the establishment of illicit trafficking in firearms (including their component parts) or ammunition as a criminal offence. Relevant acts of trafficking include the import, export, acquisition, sale, delivery, movement or transfer of firearms from or across the territory of one State Party to that of another State Party without authorisation.

11. Currently, as illicit trafficking in firearms or ammunition is not established as a separate offence under the Ordinance, enforcement authorities have to resort to the offences of possession of or dealing in firearms or ammunition without licence under the Ordinance in taking law enforcement actions. In view of this, we propose amending the Ordinance by establishing the above-mentioned acts of illicit trafficking in firearms specified in the Firearms Protocol as a separate offence, so as to implement the requirements of the Firearms Protocol more accurately.

Marking of firearms

12. Article 8 of the Firearms Protocol sets out the requirements for marking of firearms, stipulating the marking of firearms at the time of manufacture and at the time of import. Article 5 of the Firearms Protocol also requires the criminalisation of falsifying or illicitly obliterating, removing or altering the markings on firearms.

13. Under the existing regulatory framework, the Commissioner of Police, in accordance with the Firearms and Ammunition Regulations (Cap. 238A), administratively requires the applicants of a licence for possession or a dealer's licence in respect of firearms and ammunition to provide information on the firearms or ammunition concerned, including the brand, model, calibre and serial number. Applicants are also required to submit photographs showing the serial numbers marked on the firearms or ammunition concerned, catalogues of firearms made by the manufacturers, purchase receipts, etc. The information relating to the approved applications will be permanently recorded in the Police's computer system with all the supporting documents kept by the Police Licensing Office. The Ordinance does not provide for the marking of firearms and the requirements for such markings.

14. In accordance with the requirements of the Firearms Protocol, we propose setting out the requirements for the marking of firearms in the Ordinance to ensure that the information specified in the Firearms Protocol is marked on firearms for identification. These include:

- (a) at the time of manufacture of firearms, the name of the manufacturer, the country of manufacture and the serial number shall be marked on the firearms; and
- (b) the country of import and the year of import⁴ shall be marked on imported firearms.

15. It shall be a criminal offence to breach the requirements for marking firearms. The proposed penalty is imprisonment for two years. Meanwhile, we also propose to establish falsifying or illicitly obliterating, removing or altering the markings on firearms as a criminal offence, with a proposed penalty of imprisonment for two years.

The way forward

16. The Bill will be introduced into LegCo in April 2025.

Views sought

17. Members are invited to give their views on the proposed legislative amendments.

Security Bureau
February 2025

⁴ According to the Firearms Protocol, the relevant acts are also regarded as illicit trafficking in firearms.

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

Preamble

The States Parties to this Protocol,

Aware of the urgent need to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, owing to the harmful effects of those activities on the security of each State, region and the world as a whole, endangering the well-being of peoples, their social and economic development and their right to live in peace,

Convinced, therefore, of the necessity for all States to take all appropriate measures to this end, including international cooperation and other measures at the regional and global levels,

Recalling General Assembly resolution 53/111 of 9 December 1998, in which the Assembly 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 of, inter alia, an international instrument combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition,

Bearing in mind the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Convinced that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition will be useful in preventing and combating those crimes,

Have agreed as follows :

I. General provisions

Article 1 Relation with the United Nations Convention against Transnational Organized Crime

1. This Protocol supplements the United Nations Convention against Transnational Organized Crime. It shall be interpreted together with the Convention.

2. The provisions of the Convention shall apply, *mutatis mutandis*, to this Protocol unless otherwise provided herein.

3. The offences established in accordance with article 5 of this Protocol shall be regarded as offences established in accordance with the Convention.

Article 2 Statement of purpose

The purpose of this Protocol is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Article 3 Use of terms

For the purposes of this Protocol:

(a) “Firearm” shall mean any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas. Antique firearms and their replicas shall be defined in accordance with domestic law. In no case, however, shall antique firearms include firearms manufactured after 1899;

(b) “Parts and components” shall mean any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;

(c) “Ammunition” shall mean the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles,

that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party;

(d) “Illicit manufacturing” shall mean the manufacturing or assembly of firearms, their parts and components or ammunition:

- (i) From parts and components illicitly trafficked;
- (ii) Without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place; or
- (iii) Without marking the firearms at the time of manufacture, in accordance with article 8 of this Protocol;

Licensing or authorization of the manufacture of parts and components shall be in accordance with domestic law;

(e) “Illicit trafficking” shall mean the import, export, acquisition, sale, delivery, movement or transfer of firearms, their parts and components and ammunition from or across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this Protocol or if the firearms are not marked in accordance with article 8 of this Protocol;

(f) “Tracing” shall mean the systematic tracking of firearms and, where possible, their parts and components and ammunition from manufacturer to purchaser for the purpose of assisting the competent authorities of States Parties in detecting, investigating and analysing illicit manufacturing and illicit trafficking.

Article 4 *Scope of application*

1. This Protocol shall apply, except as otherwise stated herein, to the prevention of illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to the investigation and prosecution of offences established in accordance with article 5 of this Protocol where those offences are transnational in nature and involve an organized criminal group.

2. This Protocol shall not apply to state-to-state transactions or to state transfers in cases where the application of the Protocol would prejudice the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

Article 5
Criminalization

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct, when committed intentionally:

(a) Illicit manufacturing of firearms, their parts and components and ammunition;

(b) Illicit trafficking in firearms, their parts and components and ammunition;

(c) Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms required by article 8 of this Protocol.

2. Each State Party shall also adopt such legislative and other measures as may be necessary to establish as criminal offences the following conduct:

(a) Subject to the basic concepts of its legal system, attempting to commit or participating as an accomplice in an offence established in accordance with paragraph 1 of this article; and

(b) Organizing, directing, aiding, abetting, facilitating or counselling the commission of an offence established in accordance with paragraph 1 of this article.

Article 6
Confiscation, seizure and disposal

1. Without prejudice to article 12 of the Convention, States Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of firearms, their parts and components and ammunition that have been illicitly manufactured or trafficked.

2. States Parties shall adopt, within their domestic legal systems, such measures as may be necessary to prevent illicitly manufactured and trafficked firearms, parts and components and ammunition from falling into the hands of unauthorized persons by seizing and destroying such firearms, their parts and components and ammunition unless other disposal has been officially authorized, provided that the firearms have been marked and the methods of disposal of those firearms and ammunition have been recorded.

II. Prevention

Article 7 Record-keeping

Each State Party shall ensure the maintenance, for not less than ten years, of information in relation to firearms and, where appropriate and feasible, their parts and components and ammunition that is necessary to trace and identify those firearms and, where appropriate and feasible, their parts and components and ammunition which are illicitly manufactured or trafficked and to prevent and detect such activities. Such information shall include:

(a) The appropriate markings required by article 8 of this Protocol;

(b) In cases involving international transactions in firearms, their parts and components and ammunition, the issuance and expiration dates of the appropriate licences or authorizations, the country of export, the country of import, the transit countries, where appropriate, and the final recipient and the description and quantity of the articles.

Article 8 Marking of firearms

1. For the purpose of identifying and tracing each firearm, States Parties shall:

(a) At the time of manufacture of each firearm, either require unique marking providing the name of the manufacturer, the country or place of manufacture and the serial number, or maintain any alternative unique user-friendly marking with simple geometric symbols in combination with a numeric and/or alphanumeric code, permitting ready identification by all States of the country of manufacture;

(b) Require appropriate simple marking on each imported firearm, permitting identification of the country of import and, where possible, the year of import and enabling the competent authorities of that country to trace the firearm, and a unique marking, if the firearm does not bear such a marking. The requirements of this subparagraph need not be applied to temporary imports of firearms for verifiable lawful purposes;

(c) Ensure, at the time of transfer of a firearm from government stocks to permanent civilian use, the appropriate unique marking permitting identification by all States Parties of the transferring country.

2. States Parties shall encourage the firearms manufacturing industry to develop measures against the removal or alteration of markings.

Article 9
Deactivation of firearms

A State Party that does not recognize a deactivated firearm as a firearm in accordance with its domestic law shall take the necessary measures, including the establishment of specific offences if appropriate, to prevent the illicit reactivation of deactivated firearms, consistent with the following general principles of deactivation:

(a) All essential parts of a deactivated firearm are to be rendered permanently inoperable and incapable of removal, replacement or modification in a manner that would permit the firearm to be reactivated in any way;

(b) Arrangements are to be made for deactivation measures to be verified, where appropriate, by a competent authority to ensure that the modifications made to a firearm render it permanently inoperable;

(c) Verification by a competent authority is to include a certificate or record attesting to the deactivation of the firearm or a clearly visible mark to that effect stamped on the firearm.

Article 10
General requirements for export, import and transit licensing or authorization systems

1. Each State Party shall establish or maintain an effective system of export and import licensing or authorization, as well as of measures on international transit, for the transfer of firearms, their parts and components and ammunition.

2. Before issuing export licences or authorizations for shipments of firearms, their parts and components and ammunition, each State Party shall verify:

(a) That the importing States have issued import licences or authorizations; and

(b) That, without prejudice to bilateral or multilateral agreements or arrangements favouring landlocked States, the transit States have, at a minimum, given notice in writing, prior to shipment, that they have no objection to the transit.

3. The export and import licence or authorization and accompanying documentation together shall contain information that, at a minimum, shall include the place and the date of issuance, the date of expiration, the country of export, the country of import, the final recipient, a description and the quantity of the firearms, their parts and components and ammunition and, whenever there is transit, the countries of transit. The information contained in the import licence must be provided in advance to the transit States.

4. The importing State Party shall, upon request, inform the exporting State Party of the receipt of the dispatched shipment of firearms, their parts and components or ammunition.

5. Each State Party shall, within available means, take such measures as may be necessary to ensure that licensing or authorization procedures are secure and that the authenticity of licensing or authorization documents can be verified or validated.

6. States Parties may adopt simplified procedures for the temporary import and export and the transit of firearms, their parts and components and ammunition for verifiable lawful purposes such as hunting, sport shooting, evaluation, exhibitions or repairs.

Article 11
Security and preventive measures

In an effort to detect, prevent and eliminate the theft, loss or diversion of, as well as the illicit manufacturing of and trafficking in, firearms, their parts and components and ammunition, each State Party shall take appropriate measures:

(a) To require the security of firearms, their parts and components and ammunition at the time of manufacture, import, export and transit through its territory; and

(b) To increase the effectiveness of import, export and transit controls, including, where appropriate, border controls, and of police and customs transborder cooperation.

Article 12
Information

1. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant case-specific information on matters such as authorized producers, dealers, importers, exporters and,

whenever possible, carriers of firearms, their parts and components and ammunition.

2. Without prejudice to articles 27 and 28 of the Convention, States Parties shall exchange among themselves, consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

(a) Organized criminal groups known to take part or suspected of taking part in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition;

(b) The means of concealment used in the illicit manufacturing of or trafficking in firearms, their parts and components and ammunition and ways of detecting them;

(c) Methods and means, points of dispatch and destination and routes customarily used by organized criminal groups engaged in illicit trafficking in firearms, their parts and components and ammunition; and

(d) Legislative experiences and practices and measures to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

3. States Parties shall provide to or share with each other, as appropriate, relevant scientific and technological information useful to law enforcement authorities in order to enhance each other's abilities to prevent, detect and investigate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to prosecute the persons involved in those illicit activities.

4. States Parties shall cooperate in the tracing of firearms, their parts and components and ammunition that may have been illicitly manufactured or trafficked. Such cooperation shall include the provision of prompt responses to requests for assistance in tracing such firearms, their parts and components and ammunition, within available means.

5. Subject to the basic concepts of its legal system or any international agreements, each State Party shall guarantee the confidentiality of and comply with any restrictions on the use of information that it receives from another State Party pursuant to this article, including proprietary information pertaining to commercial transactions, if requested to do so by the State Party providing the information. If such confidentiality cannot be maintained, the State Party that provided the information shall be notified prior to its disclosure.

Article 13
Cooperation

1. States Parties shall cooperate at the bilateral, regional and international levels to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

2. Without prejudice to article 18, paragraph 13, of the Convention, each State Party shall identify a national body or a single point of contact to act as liaison between it and other States Parties on matters relating to this Protocol.

3. States Parties shall seek the support and cooperation of manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms, their parts and components and ammunition to prevent and detect the illicit activities referred to in paragraph 1 of this article.

Article 14
Training and technical assistance

States Parties shall cooperate with each other and with relevant international organizations, as appropriate, so that States Parties may receive, upon request, the training and technical assistance necessary to enhance their ability to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including technical, financial and material assistance in those matters identified in articles 29 and 30 of the Convention.

Article 15
Brokers and brokering

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

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

(b) Requiring licensing or authorization of brokering; or

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

2. States Parties that have established a system of authorization regarding brokering as set forth in paragraph 1 of this article are encouraged to include information on brokers and brokering in their exchanges of information under article 12 of this Protocol and to retain records regarding brokers and brokering in accordance with article 7 of this Protocol.

III. Final provisions

Article 16 Settlement of disputes

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Protocol through negotiation.

2. Any dispute between two or more States Parties concerning the interpretation or application of this Protocol that cannot be settled through negotiation within a reasonable time shall, at the request of one of those States Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Protocol, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation.

4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 17 Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open to all States for signature at United Nations Headquarters in New York from the thirtieth day after its adoption by the General Assembly until 12 December 2002.

2. This Protocol shall also be open for signature by regional economic integration organizations provided that at least one member State of

such organization has signed this Protocol in accordance with paragraph 1 of this article.

3. This Protocol is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

4. This Protocol is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Protocol. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Protocol. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

Article 18
Entry into force

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.

Article 19
Amendment

1. After the expiry of five years from the entry into force of this Protocol, a State Party to the Protocol may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon

communicate the proposed amendment to the States Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The States Parties to this Protocol meeting at the Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties to this Protocol present and voting at the meeting of the Conference of the Parties.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa.

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties.

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.

5. When an amendment enters into force, it shall be binding on those States Parties which have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Protocol and any earlier amendments that they have ratified, accepted or approved.

Article 20 Denunciation

1. A State Party may denounce this 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.

2. A regional economic integration organization shall cease to be a Party to this Protocol when all of its member States have denounced it.

Article 21 Depositary and languages

1. The Secretary-General of the United Nations is designated depositary of this Protocol.

2. The original of this Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Protocol.