



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Vienna, 15–19 October 2018

Annotated provisional agenda

Provisional agenda

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3. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime.
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Annotations

1. Organizational matters

(a) Opening of the ninth session of the Conference

The ninth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime will be opened on Monday, 15 October 2018, at 10 a.m.

At the opening of the session, time will be allowed for opening statements by the Chairs of the regional groups and high-level speakers. These statements are to be made from the podium.

Requests to register a high-level speaker for the opening session may be addressed to the secretariat via email using the contact email address provided in the invitations. Requests should be sent at the latest by noon on Friday, 5 October 2018, as protocol arrangements for the high-level speakers need to be made in advance.

(b) Election of officers

In accordance with rule 22 of the rules of procedure for the Conference, at the opening of each session, a President, eight Vice-Presidents and a Rapporteur are to be elected from among the representatives of the States parties that are present at the session and are to serve as the officers of the session. In electing the officers of the session, each of the five regional groups shall be represented by two officers, one of whom is to be from among the representatives of the States that are parties to the Organized Crime Convention and to one or more, and if possible all, of the Protocols to the Convention. The Bureau shall include at least two representatives of States that are parties to all the instruments.

In accordance with paragraph 3 of rule 22, the offices of President and Rapporteur of the Conference shall normally be subject to rotation among the five regional groups. Thus, at the ninth session, the President of the Conference and one Vice-President is to be nominated by the Group of Western European and other States; the Group of Latin American and Caribbean States is to be asked to nominate one Vice-President and the Rapporteur; and States of the other regions are to be asked to nominate two Vice-Presidents each.

(c) Adoption of the agenda and organization of work

At its eighth session, held in Vienna from 17 to 21 October 2016, the Conference adopted the provisional agenda for its ninth session in decision 8/1 ([CTOC/COP/2016/15](#), chap. I.B).

Also at its eighth session, the Conference adopted decision 8/2 on the organization of the work of the ninth session of the Conference, in which it decided that the ninth session should take place over five working days; that the number of meetings should remain the same as for the previous sessions, that is, 20 meetings, with interpretation in the six official languages of the United Nations; and that a decision should be taken at the end of the ninth session on the duration of the tenth session.

Furthermore, in its decision 6/3 on the organization of work for future sessions of the Conference, the Conference decided that, starting with the seventh session, the firm deadline for the submission of draft resolutions would be two weeks prior to the commencement of the relevant session, and that the deadline for the submission of draft resolutions emanating from the working groups, which meet concurrently with the plenary of the Conference, would be on Thursday at noon, provided that the duration of the session was five working days.

Also in its decision 6/3, the Conference decided that, for future sessions of the Conference, starting with the seventh session, the Conference would be preceded by informal pre-session consultations, without interpretation, to be held on the working day preceding the first day of the Conference, which would provide an opportunity

for States to engage in informal consultations on draft resolutions and, inter alia, the provisional agenda for the subsequent session of the Conference.

In accordance with Conference decision 6/3, the firm deadline for the submission of draft resolutions for consideration at the ninth session of the Conference is Monday, 1 October 2018. The informal pre-session consultations will be held on Friday, 12 October 2018. Draft resolutions should be submitted as early as possible in order to enable productive discussions during the pre-session consultations.

At its meeting held on 25 May 2018, the extended Bureau of the Conference agreed on the proposed organization of work of the ninth session of the Conference (see annex).

Documentation

Annotated provisional agenda (CTOC/COP/2018/1)

(d) Participation

Rule 14 of the rules of procedure for the Conference provides that, subject to prior written notification to the Secretary-General, any State or regional economic integration organization that is a signatory to the Convention in accordance with its article 36, paragraphs 1 and 2, shall be entitled to participate in the Conference as an observer.

Rule 15 of the rules of procedure provides that any other State or regional economic integration organization that has not signed the Convention in accordance with its article 36, paragraphs 1 and 2, may apply to the Bureau for observer status, which shall be accorded unless otherwise decided by the Conference.

Rule 16 of the rules of procedure provides that, subject to prior written notification to the Secretary-General, representatives of entities and organizations that have received a standing invitation from the General Assembly to participate as observers in the sessions and work of all international conferences convened under its auspices, representatives of United Nations bodies, specialized agencies and funds, as well as representatives of functional commissions of the Economic and Social Council, shall be entitled to participate as observers in the deliberations of the Conference. Representatives of any other relevant intergovernmental organization may also apply to the Bureau for observer status, which shall be accorded unless otherwise decided by the Conference. At its fifth session, the Conference decided that the intergovernmental organizations listed in conference room paper CTOC/COP/2010/CRP.7 would receive a standing invitation under rule 16, paragraph 2, of the rules of procedure, to attend future sessions of the Conference.

Rule 17 of the rules of procedure provides that relevant non-governmental organizations having consultative status with the Economic and Social Council may apply to the Bureau for observer status, which should be accorded unless otherwise decided by the Conference. Should relevant non-governmental organizations not having consultative status with the Council apply for observer status, the secretariat will circulate a list of such organizations in accordance with rule 17. Furthermore, at its fifth session, the Conference decided to continue to allow non-governmental organizations to participate in the sessions of the Conference, in line with the rules of procedure and past practice (see [CTOC/COP/2010/17](#), chap. II.D).

(e) Adoption of the report of the Bureau on credentials

Rule 18 of the rules of procedure, on the submission of credentials, sets out the following:

“1. The credentials of representatives of each State Party and the names of the persons constituting the State Party’s delegation shall be submitted to the secretariat if possible not later than twenty-four hours in advance of the opening of the session.

“2. Any later change in the composition of the delegation shall also be submitted to the secretariat.

“3. The credentials shall be issued by the Head of State or Government, by the Minister for Foreign Affairs or by the Permanent Representative to the United Nations of the State party in accordance with its domestic law or, in the case of a regional economic integration organization, by the competent authority of that organization.

“4. When the Conference is to consider proposals for amendments to the Convention in accordance with article 39 of the Convention and rule 62 of the rules of procedure for the Conference, the credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs of the State party or, in the case of a regional economic integration organization, by the competent authority of that organization.”

Under rule 19 of the rules of procedure, the Bureau shall examine the credentials and submit its report to the Conference.

Under rule 20 of the rules of procedure, pending a decision of the Bureau on their credentials, representatives shall be entitled to participate provisionally in the session. Any representative of a State party to whose admission another State party has made objection shall be seated provisionally with the same rights as other representatives of States parties until the bureau has reported and the Conference has given its decision.

During the eighth session of the Conference, the extended Bureau of the Conference considered the issue of credentials in accordance with rule 19 and decided that the parties that had not yet submitted their credentials by the end of the eighth regular session would have an additional four weeks after the conclusion of that session to do so. At its meeting on 21 October 2016, the extended Bureau also decided that, at future sessions of the Conference, such an extension would not be provided. Therefore, for the ninth session of the Conference, States parties are kindly reminded that proper credentials should be presented at the time of registration; States parties that wish to participate provisionally in the ninth session will have until noon on Friday, 19 October 2018 to present proper credentials to ensure that their participation is recorded officially. Templates for the preparation of proper credentials will be made available on the dedicated pages of the ninth session of the Conference on the UNODC website.

(f) General discussion

Under sub-item 1 (f), entitled “General discussion”, time will be allowed for statements on general matters related to the implementation of the Convention that may be of interest to the Conference. These statements are to be made from the floor.

A list of speakers for the general discussion will be kept by the secretariat; the list will be opened on Monday, 3 September and closed promptly at noon on Monday, 15 October 2018. Requests for inclusion in the list of speakers for the general discussion may be addressed to the secretariat via email using the contact email address provided in the invitations.

Speakers will be added to the list on a first-come, first-served basis on the understanding that priority will be given to representatives of ministerial or similar rank. Speakers are requested to limit their statements to three minutes.

2. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

(a) United Nations Convention against Transnational Organized Crime

In its resolution 8/2 on the mechanism for the review of the implementation of the Organized Crime Convention and the Protocols thereto, the Conference recalled that the Convention and its Protocols represented the principal worldwide legal

instruments to combat the scourge of transnational organized crime, which affected individuals and societies in all countries, and reaffirmed their importance as the main tools available to the international community for that purpose.

In the same resolution, the Conference reaffirmed that the purpose of the Convention and the Protocols thereto was, *inter alia*, to promote cooperation to prevent and combat transnational organized crime more effectively, and stressed the need to take additional concerted action to reinforce the implementation of the Convention and the Protocols thereto by States parties and to identify related technical assistance needs.

Also in its resolution 8/2, the Conference decided to continue the process of establishing the mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto based on the recommendations contained in the report on the open-ended intergovernmental meeting to explore all options regarding an appropriate and effective review mechanism for Convention and the Protocols thereto, held in Vienna on 6 and 7 June 2016.

Furthermore, in the same resolution, the Conference requested the United Nations Office on Drugs and Crime (UNODC) to convene, within existing resources from the regular budget and without prejudice to other mandated activities, at least one open-ended intergovernmental meeting, with interpretation, for the purpose of defining the specific procedures and rules for the functioning of the review mechanism, and invited States parties to remain engaged in the process, including during the intersessional period.

On 11 April 2017, the President of the eighth session of the Conference, Pilar Saborío de Rocafort (Costa Rica), confirmed that she would be chairing the open-ended intergovernmental meeting for the purpose of defining the specific procedures and rules for the functioning of the review mechanism that was to be held in Vienna from 21 to 23 March 2018, with the support of Maria Assunta Accili Sabbatini (Italy), Vice-President of the Conference.

Meetings for the purpose of defining the specific procedures and rules for the functioning of the review mechanism for the Convention and the Protocols thereto have been convened three times in Vienna, from 24 to 26 April 2017, from 30 October to 1 November 2017 and from 21 to 23 March 2018. The reports on those meetings will be made available to the Conference at its ninth session (see [CTOC/COP/2018/7](#)).

Under agenda item 2, the Conference will have before it information on the status of ratification of the Convention and the Protocols thereto, and related notifications, declarations and reservations (CTOC/COP/2018/CRP.1).

In addition, also in accordance with the mandate contained in Conference resolution 8/2, the working groups of the Conference have begun preparing self-assessment questionnaires to review the implementation of the Organized Crime Convention and its three Protocols. Further information on that work will be provided in the reports on the meetings of the working groups, which will be made available to the Conference at its ninth session.

Documentation

Note by the Secretariat on the reports on the meetings for the purpose of defining the specific procedures and rules for the functioning of the review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto, held in Vienna from 24 to 26 April 2017, from 30 October to 1 November 2017 and from 21 to 23 March 2018 ([CTOC/COP/2018/7](#))

Conference room paper entitled “Status of ratification of the United Nations Convention against Transnational Organized Crime and its Protocols and notifications, declarations and reservations thereto” (CTOC/COP/2018/CRP.1)

(b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

In its decision 4/4, the Conference decided to establish an open-ended interim working group to advise and assist it in the implementation of its mandate with regard to the Trafficking in Persons Protocol.

In its resolution 7/1, the Conference decided that the Working Group on Trafficking in Persons would be a constant element of the Conference of the Parties, forwarding its reports and recommendations to the Conference, and requested the Secretariat to continue assisting the working groups of the Conference in the performance of their functions.

The Working Group on Trafficking in Persons held its seventh meeting from 6 to 8 September 2017 and its eighth meeting on 2 and 3 July 2018. In accordance with resolution 7/1, the report on those meetings will be made available to the Conference at its ninth session (see CTOC/COP/2018/5).

In addition, the Conference will have before it for its consideration a report of the Secretariat on the activities of UNODC to promote and support the implementation of the Trafficking in Persons Protocol (CTOC/COP/2018/2).

Documentation

Report of the Secretariat on the activities of UNODC to promote and support the implementation of the Trafficking in Persons Protocol (CTOC/COP/2018/2)

Note by the Secretariat on the reports on the meetings of the Working Group on Trafficking in Persons held in Vienna from 6 to 8 September 2017 and on 2 and 3 July 2018 (CTOC/COP/2018/5)

(c) Protocol against the Smuggling of Migrants by Land, Sea and Air

In its resolution 6/3 on the implementation of the Smuggling of Migrants Protocol, the Conference called upon States parties to continue to review and, as appropriate, strengthen their relevant legislation, including criminal legislation, and establish as criminal offences the acts covered by the Smuggling of Migrants Protocol and the Organized Crime Convention, including by introducing appropriate sanctions commensurate with the nature and gravity of the offence. The Conference requested UNODC to continue its technical assistance and capacity-building efforts, in coordination and cooperation with bilateral assistance providers and other relevant international organizations that assist States parties, upon request, in implementing the Smuggling of Migrants Protocol, and to assist States, upon request, in ratifying or acceding to the Protocol.

In its resolution 7/1, the Conference decided that the Working Group on Smuggling of Migrants would be a constant element of the Conference of the Parties, forwarding its reports and recommendations to the Conference, and requested the Secretariat to continue assisting the working groups of the Conference in the performance of their functions.

The Working Group on the Smuggling of Migrants held its fourth meeting from 11 to 13 September 2017 and its fifth meeting on 4 and 5 July 2018. Both were held in Vienna. The reports will be made available to the Conference at its ninth session (see CTOC/COP/2018/6).

In addition, the Conference will have before it a report of the Secretariat on the activities of UNODC to promote and support the implementation of the Smuggling of Migrants Protocol (CTOC/COP/2018/3).

Documentation

Report of the Secretariat on the activities of UNODC to promote and support the implementation of the Smuggling of Migrants Protocol (CTOC/COP/2018/3)

Note by the Secretariat on the reports on the meetings of the Working Group on the Smuggling of Migrants held in Vienna from 11 to 13 September 2017 and on 4 and 5 July 2018 (CTOC/COP/2018/6)

(d) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition

In its resolution 7/2 on the importance 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, the Conference noted that reducing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is one of the major components of the efforts to reduce the violence that accompanies the activities of transnational organized criminal groups, and expressed the conviction that there is a need to strengthen international cooperation and the sharing of information to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Also in resolution 7/2, the Conference recalled that the Convention and, in particular, the Firearms Protocol were among the principal global legal instruments to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

In its resolution 8/3, the Conference welcomed the commitment made by Member States in the 2030 Agenda for Sustainable Development to significantly reduce illicit arms flows in their efforts to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

In the same resolution, the Conference requested UNODC to continue to assist States parties, upon request, in their efforts to strengthen their firearms control regime, consistent with the Firearms Protocol, in particular in the areas of legislative development; firearms identification, seizure, confiscation and disposal; technical support for marking, record-keeping and tracing; and training and capacity-building in the investigation and prosecution of related crimes, with a view to preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

For its consideration of sub-item 2 (d), the Conference will have before it a report of the Secretariat on the activities of UNODC to promote and support the implementation of the Firearms Protocol (CTOC/COP/2018/4).

Moreover, the reports on the fifth meeting of the Working Group on Firearms, held in Vienna from 8 to 10 May 2017, and on its sixth meeting, held in Vienna on 2 and 3 May 2018, will be made available to the Conference at its ninth session (see CTOC/COP/2018/8).

Documentation

Report of the Secretariat on the activities of UNODC to promote and support the implementation of the Firearms Protocol (CTOC/COP/2018/4)

Note by the Secretariat on the reports on the meetings of the Working Group on Firearms held in Vienna on 8 to 10 May 2017 and on 2 and 3 May 2018 (CTOC/COP/2018/8)

3. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime

In its resolution 6/1, the Conference noted with concern the emergence of new forms and dimensions of transnational organized crime, reaffirmed that the Convention, as a global instrument with wide adherence, offered broad scope for cooperation to address existing and emerging forms of transnational organized crime, and recognized

the need for accurate information on global crime trends and patterns, including on new and emerging forms of organized crime, and the need to improve the quality, scope and completeness of data relating to organized crime.

In addition, in its resolution 7/4, entitled “Implementation of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime”, the Conference expressed concern that transnational organized crime had diversified globally and that new and emerging forms required effective responses that depended upon strengthened international cooperation in criminal matters, including through the development of channels for timely cooperation.

Moreover, in its resolution 7/3, the Conference endorsed the recommendation adopted by the Working Group of Government Experts on Technical Assistance at its meeting held from 28 to 30 October 2013 that UNODC, subject to the availability of extrabudgetary resources, should continue the development of technical assistance tools, for the Convention and the Protocols thereto and on specialized issues. In accordance with that recommendation, UNODC has prepared a guide on drafting legislation to combat wildlife crime, which is aimed at facilitating States’ review and amendment of existing legislation and adoption of new legislation to counter wildlife crime in line with the Organized Crime Convention and other relevant international conventions. It is envisaged that the guide will be formally launched during the ninth session of the Conference.

No documentation is currently foreseen under agenda item 3.

4. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities

In its resolution 8/1, entitled “Enhancing the effectiveness of central authorities in international cooperation in criminal matters to counter transnational organized crime”, the Conference urged States parties to afford one another the greatest measure of assistance, in accordance with the provisions of the Convention, as well as their domestic laws, and encouraged States parties, consistent with their national legal frameworks, to make the widest possible use of the Convention as a basis for international cooperation.

In the same resolution, the Conference strongly encouraged States parties to facilitate engagement between and among central authorities in person, including through regional networks, or by virtual means, and urged States parties, including in collaboration with UNODC, to promote training and technical assistance to facilitate international cooperation under the Convention.

Also in resolution 8/1, the Conference requested the Secretariat to report to the Conference at its ninth session on the implementation of that resolution.

For its consideration of agenda item 4, the Conference will have before it a report of the Secretariat on the activities of UNODC to promote the implementation of the provisions on international cooperation in the Convention (CTOC/COP/2018/10).

Moreover, in its resolution 7/1, the Conference requested the Secretariat to continue assisting the working groups in the performance of their functions and encouraged the working groups to consider meeting on an annual basis, as needed, and to hold their meetings consecutively, in order to ensure the effective use of resources.

The eighth meeting of the Working Group on International Cooperation and the tenth meeting of the Working Group of Government Experts on Technical Assistance were held back to back in Vienna from 9 to 13 October 2017; the ninth and eleventh meetings of those working groups, respectively, were held back to back in Vienna from 28 to 31 May 2018. The reports on those meetings will be made available to the Conference at its ninth session (see CTOC/COP/2018/9).

The tenth meeting of the Working Group on International Cooperation will be held in Vienna on 16 October 2018, in parallel with the ninth session of the Conference.

Documentation

Note by the Secretariat on the reports on the meetings of the Working Group on International Cooperation and the Working Group on Technical Assistance held in Vienna from 9 to 13 October 2017 and from 28 to 31 May 2018 (CTOC/COP/2018/9)

Report of the Secretariat on the activities of UNODC to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2018/10)

5. Technical assistance

In its resolution 7/3, entitled “Implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime”, the Conference noted that technical assistance was a fundamental part of the work carried out by UNODC to assist Member States in the effective implementation of the Convention and the Protocols thereto.

For its consideration of agenda item 5, the Conference will have before it a report of the Secretariat on the provision of technical assistance to States in the implementation of the Convention and the Protocols thereto (CTOC/COP/2018/11).

Moreover, the Conference will have before it the reports on the meetings of the Working Group on International Cooperation and the Working Group on Technical Assistance held in Vienna from 9 to 13 October 2017 and from 28 to 31 May 2018, as mentioned under agenda item 4 above (see CTOC/COP/2018/9).

Documentation

Note by the Secretariat on the reports on the meetings of the Working Group on International Cooperation and the Working Group on Technical Assistance held in Vienna from 9 to 13 October 2017 and from 28 to 31 May 2018 (CTOC/COP/2018/9)

Report of the Secretariat on the provision of technical assistance to States in the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2018/11)

6. Financial and budgetary matters

In its resolution 55/25, the General Assembly decided that, until the Conference decided otherwise, the account referred to in article 30 of the Organized Crime Convention would be operated within the United Nations Crime Prevention and Criminal Justice Fund, and encouraged Member States to begin making adequate voluntary contributions to the above-mentioned account for the provision to developing countries and countries with economies in transition of the technical assistance that they might require for the implementation of the Convention and its Protocols, including for the preparatory measures needed for that implementation.

In accordance with rule 72 (Preparation of a budget) of the rules of procedure for the Conference, the secretariat is to prepare a budget for the financing of the activities of the Conference related to technical cooperation undertaken in accordance with articles 29–32 of the Convention, article 10 of the Trafficking in Persons Protocol, article 14 of the Smuggling of Migrants Protocol and article 14 of the Firearms Protocol and communicate it to the States parties at least 60 days in advance of the opening of the regular session at which the budget is to be adopted. In accordance with rule 73 (Adoption of the budget) of the rules of procedure, the Conference shall consider and decide on the budget prepared pursuant to rule 72.

Documentation

Note by the Secretariat on financial and budgetary matters (CTOC/COP/2018/12)

7. Provisional agenda for the tenth session of the Conference

The Conference is to consider and approve a provisional agenda for its tenth session, which is to be drawn up by the secretariat in consultation with the Bureau.

8. Other matters

As no issues to be raised under agenda item 8 have come to the attention of the secretariat, no documentation regarding this item is currently foreseen.

9. Adoption of the report of the Conference on its ninth session

The Conference is to adopt a report on its ninth session, the draft of which will be prepared by the secretariat in coordination with the Rapporteur.

Annex

Proposed organization of work

<i>Date/time</i>	<i>Plenary</i>	<i>Parallel meeting</i>
Monday, 15 October		
10 a.m.–1 p.m.	Item 1 (a). Opening of the session Item 1 (b). Election of officers Item 1 (c). Adoption of the agenda and organization of work Item 1 (d). Participation Item 1 (e). Adoption of the report of the Bureau on credentials Item 1 (f). General discussion	
3–6 p.m.	Item 2. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto Item 2 (a). Organized Crime Convention	
Tuesday, 16 October		
10 a.m.–1 p.m.	Item 2 (b). Trafficking in Persons Protocol	Working Group on International Cooperation
3–6 p.m.	Item 2 (c). Smuggling of Migrants Protocol	Working Group on International Cooperation (<i>continued</i>)
Wednesday, 17 October		
10 a.m.–1 p.m.	Item 2 (d). Firearms Protocol	
3–6 p.m.	Item 3. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime	
Thursday, 18 October		
10 a.m.–1 p.m.	Item 4. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities	
3–6 p.m.	Item 5. Technical assistance	
Friday, 19 October		
10 a.m.–1 p.m.	Item 5. Technical assistance (<i>continued</i>)	
3–6 p.m.	Item 6. Financial and budgetary matters Item 7. Provisional agenda for the tenth session of the Conference Item 8. Other matters Item 9. Adoption of the report of the Conference on its ninth session	