



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

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## Fourth session

Vienna, 6-17 October 2008

Item 3 of the provisional agenda\*

### Technical assistance

## Report on the meeting of the Open-ended Interim Working Group of Government Experts on Technical Assistance held in Vienna from 3 to 5 October 2007

### I. Recommendations

1. The Open-ended Interim Working Group of Government Experts on Technical Assistance was established pursuant to decision 2/6 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. Pursuant to Conference decisions 2/6 and 3/4, the Working Group held a meeting in Vienna from 3 to 5 October 2007 and formulated a number of recommendations for consideration by the Conference at its fourth session. Those recommendations are reproduced below. The Working Group in addition requested the Secretariat to take a number of measures, which are also reproduced below.

#### A. Proposals for technical assistance activities designed to meet the needs identified in the priority areas determined by the Conference

##### 1. Gathering information on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

2. With regard to the gathering of information on the implementation of the United Nations Convention against Transnational Organized Crime,<sup>1</sup> the Working Group requested the Secretariat:

(a) To develop immediately an efficient and user-friendly information-gathering tool in the form of an interim computer-based checklist;

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\* CTOC/COP/2006/L.11.

<sup>1</sup> General Assembly resolution 55/25, annex I.



(b) To ensure that the checklist does not depart from the substantive content of the questionnaires instituted by the Conference under the two reporting cycles in order to avoid duplication of effort for States that have already reported through the questionnaires;

(c) To forward the checklist to States that have not responded to the existing questionnaires and encourage them to use it and to provide their responses sufficiently in advance of the fourth session of the Conference in order that the Secretariat may complete the analytical reports requested by the Conference;

(d) To begin developing comprehensive software-based information-gathering tools for the Convention and each of its Protocols,<sup>2</sup> accompanied by a guide facilitating the use of the tools, and to report on its efforts to the Conference at its fourth session.

## **2. Strengthening criminal justice responses to organized crime based on the Organized Crime Convention and the Protocols thereto**

3. With regard to the strengthening of criminal justice responses to organized crime based on the Organized Crime Convention and the Protocols thereto, the Working Group requested the Secretariat to submit to the Conference, at its fourth session, proposals for specific technical assistance activities, in particular in the following areas:

(a) Providing legal expertise and legislative assistance in key areas of the Convention and its Protocols and developing focused model legislation in such areas as appropriate;

(b) Developing legislative tools and training material to build the capacity of the criminal justice system;

(c) Building capacity and providing assistance in witness and victim protection procedure and practice;

(d) Building capacity in legislation, procedure and practice regarding joint investigations and special investigative techniques;

(e) Facilitating the exchange of information on good practices in criminal justice responses to organized crime, based on the Convention and its Protocols.

## **3. International cooperation and establishment or strengthening of central authorities for mutual legal assistance and extradition**

4. With regard to international cooperation and the establishment or strengthening of central authorities for mutual legal assistance and extradition, the Working Group requested the Secretariat to continue its current activities aimed at

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<sup>2</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II); Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Assembly resolution 55/25, annex III); and 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 (Assembly resolution 55/255, annex).

promoting international legal cooperation and to submit to the Conference, at its fourth session, proposals for specific technical assistance activities in the following areas:

(a) Providing legal expertise and legislative assistance to States in the implementation of the international cooperation provisions of the Convention;

(b) Building the capacity of central and other competent authorities and enhancing working relationships with and among them, in particular through the organization of regional and interregional workshops;

(c) Developing legislative and training tools and material in the area of international legal cooperation.

#### **4. Data collection**

5. With regard to data collection, the Working Group requested the Secretariat to submit to the Conference, at its fourth session, proposals for specific technical assistance activities in the following areas:

(a) Building the capacity of law enforcement authorities to collect and analyse data on organized crime;

(b) Building the capacity of States to manage knowledge on organized crime trends and threat assessments, bridging gaps in the coverage of existing data collection and analysis systems.

#### **5. Implementation of the Protocols to the Organized Crime Convention**

6. With regard to the implementation of the Protocols to the Organized Crime Convention, the Working Group requested the Secretariat to submit to the Conference, at its fourth session, proposals for specific technical assistance activities in the following areas:

(a) Providing assistance for the promotion and ratification of and accession to all three Protocols to the Organized Crime Convention, with particular attention to the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition;

(b) Providing legislative and capacity-building assistance for the implementation of the Protocols, with emphasis on the requirements for the full implementation of the provisions of the Migrants Protocol and the Firearms Protocol and taking into consideration other existing agreements in those areas.

#### **B. Coordination among technical assistance providers**

7. With regard to coordination among technical assistance providers, the Working Group recommended that the Conference, at its fourth session, should give thorough consideration to the issue of coordination and ways to obtain a global picture of the technical assistance provided and to the outcome of, best practices in and lessons learned from that assistance, including through the relevant reports of the Secretariat.

8. The Working Group recommended that States parties, in their capacity as members of international and regional organizations providing technical assistance to fight transnational organized crime, should relay to those organizations the need to coordinate with the Conference and its secretariat.

9. The Working Group recommended that States parties should continue to pursue coordination at the national and regional levels, in particular through existing in-country and regional coordination groups and other existing channels, including the communication of priorities and needs identified by the Conference.

10. The Working Group requested the Secretariat to organize, during the fourth session of the Conference, a round table for the technical assistance providers represented at the session to facilitate the exchange of information on technical assistance being provided and the promotion of and closer coordination in the delivery of such assistance; and to report to the Conference on the outcome of the discussion of the round table.

11. The Working Group recommended that the Secretariat should work with specialized agencies of the United Nations system and other international organizations to share experiences and provide information on established priorities.

### **C. Determination of performance indicators**

12. With regard to the determination of performance indicators, the Working Group recommended that the Conference should consider the use of assessment and evaluation tools, such as result-based management and performance indicators, in the design, management and implementation of technical assistance.

### **D. Mobilization of resources**

13. With regard to the mobilization of resources, the Working Group recommended that sufficient, sustainable and predictable funding be provided to the Secretariat.

## **II. Introduction\***

14. In its decision 3/4, the Conference endorsed the recommendations made during its third session by the Working Group. In those recommendations, the Working Group identified the following priority areas for technical assistance to support and promote the implementation of the Organized Crime Convention and the Protocols thereto:

(a) Criminalization of the offences covered by the Convention and its Protocols;

(b) International cooperation in criminal matters and for the purpose of confiscation, with special emphasis on extradition and mutual legal assistance,

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\* The report on the activities of the Working Group, prepared by its Chairman pursuant to Conference decision 2/6, is reflected in the paragraphs below.

paying particular attention to raising the awareness of and to the training of criminal justice practitioners and other relevant authorities, especially judges and prosecutors, regarding the forms of international cooperation;

(c) Assistance in the establishment and/or strengthening of central authorities dealing with requests for mutual legal assistance and/or extradition.

15. Also in those recommendations, the Working Group identified the following areas in which technical assistance could be provided to support and promote the implementation of the Protocols:

(a) Assistance in the implementation of the requirements of the Protocols regarding the needs of victims and of the requirements related to the repatriation of victims of trafficking in persons and the return of smuggled migrants;

(b) Assistance related to the implementation of the provisions on witness protection, noting that that was an area covered not only by the Protocols but also by the Convention;

(c) Assistance in the form of subregional or regional workshops involving the States of origin, transit and destination of victims of trafficking in persons and smuggled migrants, with particular emphasis on law enforcement and judicial personnel.

16. With regard to technical assistance for the implementation of the Firearms Protocol, the Working Group identified a particular need for assistance in implementing the requirements of the Protocol on deactivation, record-keeping and marking of firearms and the identification of competent authorities.

17. In its decision 3/4, the Conference requested its secretariat to develop proposals for technical assistance activities designed to meet the needs identified by the Working Group in the specified priority areas and submit such proposals to the Working Group for consideration at its meeting to be held before the fourth session of the Conference.

18. In its decision 3/3, the Conference urged States parties to identify and communicate to the secretariat their needs in technical assistance in order to assist it in developing proposals for effective and multidisciplinary anti-trafficking strategies and for effective anti-smuggling strategies.

19. In its decision 3/1, the Conference decided that the Working Group should, in its deliberations, give appropriate consideration to the final consolidated analytical reports on the first two reporting cycles and the final report covering the information on specific compliance issues provided by parties pursuant to individual requests.

### **III. Organization of the meeting**

#### **A. Opening of the meeting**

20. At the opening meeting, on 3 October 2007, the Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC) made a statement.

## **B. Adoption of the agenda and organization of work**

21. On 3 October, the Working Group adopted the following agenda (CTOC/COP/WG.2/2007/1):

1. Organizational matters:
  - (a) Opening of the meeting;
  - (b) Adoption of the agenda and organization of work.
2. Proposals of the Secretariat for technical assistance activities designed to meet needs identified in priority areas.
3. Coordination among technical assistance providers for the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
4. Consideration of the possibility of determining performance indicators for technical assistance and the best way to identify lessons learned from the provision of technical assistance, with a view to developing best practices.
5. Mobilization of resources.
6. Effectiveness and future of the Open-ended Interim Working Group of Government Experts on Technical Assistance.
7. Other matters.
8. Adoption of the report.

22. The Secretary of the Conference provided clarification on the documentation before the meeting, noting that background documents under agenda items 4 and 5 were to be finalized for the forthcoming session of the Conference as insufficient information had been received on those matters to date.

23. The Chairman, Peter Storr (United Kingdom of Great Britain and Northern Ireland), noted that progress had been made at the previous meeting of the Working Group in identifying key areas for technical assistance and that there was a need to reactivate political impetus with regard to the Convention. He questioned whether the response rate of the questionnaires for the two reporting cycles was sufficient to gauge the extent of implementation efforts and to provide a basis for the discussion of technical assistance needs.

## **C. Attendance**

24. The following States parties to the Convention were represented at the meeting of the Working Group: Afghanistan, Algeria, Argentina, Australia, Azerbaijan, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Guatemala, Kuwait, Latvia, Lebanon, Libyan Arab Jamahariya, Mexico, Morocco, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Oman, Panama, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa,

Spain, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom, United Republic of Tanzania, United States of America and Uruguay.

25. The European Community, a regional economic integration organization that is a party to the Convention, was represented at the meeting.

26. The following States signatories to the Convention were represented by observers: Andorra, Angola, Czech Republic, Indonesia, Iran (Islamic Republic of), Japan, Jordan, Pakistan and Republic of Korea.

27. Ghana, a State that is not a party or signatory to the Convention, was also represented by an observer.

28. The International Monetary Fund, a specialized agency of the United Nations system, was represented by an observer.

29. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, Commonwealth of Independent States, Council of Europe, International Association of Anti-Corruption Authorities and Organization for Security and Cooperation in Europe.

#### **IV. Proposals of the Secretariat for technical assistance activities designed to meet needs identified in priority areas**

30. For its consideration of agenda item 2, the Working Group had before it a background paper from the Secretariat containing proposals for technical assistance activities designed to meet the needs identified by the Working Group in priority areas (CTOC/COP/WG.2/2007/2) and a progress report on the preparation of the final consolidated analytical reports on the first two reporting cycles and of the final report covering the information on specific compliance issues provided by States pursuant to individual requests (CTOC/COP/WG.2/2007/CRP.1).

31. One speaker recalled that the Working Group had emphasized the need for coordination with other agencies providing technical assistance on matters falling within the ambit of the Convention. In that connection, the Secretary reported that an invitation to attend the meeting had been extended to other organizations, some of which were present and would have an opportunity to inform the Working Group of their technical assistance activities.

32. The Secretary briefed the Working Group on the status of adherence to the Convention and its Protocols, noting that additional ratifications and accessions had been elicited by the annual treaty event that had been organized in New York by the Office of Legal Affairs of the Secretariat on the occasion of the opening of the sixty-second session of the General Assembly.

33. With regard to the responses received to the questionnaires for the two reporting cycles, it was reported that since the third session of the Conference, held in October 2006, the Secretariat had received five more responses to the questionnaire on the Convention, six to the questionnaire on the Trafficking in Persons Protocol and six to the questionnaire on the Migrants Protocol. It was suggested that the number of additional responses received under the second reporting cycle was higher owing perhaps to the fact that the rate of response was comparatively lower to begin with. The Secretariat had received 22 additional

responses to the second questionnaire on the Convention, 18 to the questionnaire on the Trafficking in Persons Protocol and 12 to the questionnaire on the Migrants Protocol. In addition, the Secretariat had received 17 additional responses to the questionnaire on the Firearms Protocol, which had entered into force after the first reporting cycle. The overall response level was above 50 per cent for the first reporting cycle, but well below that mark for the second reporting cycle. Only 12 States had responded to the request by the Conference to identify focal points. The Secretary recalled that the Conference had opted not to receive the raw data contained in those responses but instead had requested the Secretariat to prepare analytical reports on the basis of those responses. That demonstrated the importance of receiving complete and accurate information so that the reports could provide a full picture of implementation to the Conference. Lastly, it was reported that the Secretariat had requested 31 States to provide clarification on compliance issues, but few responses had been received.

34. It was noted that the foregoing discussion underlined the continued existence of the situation of underreporting that had been observed by the Conference at its second and third sessions and had given rise to repeated calls for States to comply with their reporting obligations. That situation compromised the ability of the Conference to review the implementation of the Convention and to adequately assess technical assistance needs.

35. Many speakers emphasized that the low level of reporting should not be interpreted as an indication of lack of political will to implement the Convention. They stressed that the Convention continued to be as valuable as when it had been adopted, bearing in mind the ever-increasing proliferation of organized criminal activities. It was observed that the Convention had provided a global framework for the fight against organized crime and had led to progress being made, in particular through the establishment of a number of new criminal offences, such as participation in an organized criminal group, trafficking in persons and smuggling of migrants; and the provisions on international cooperation had proved to be especially useful.

36. With regard to the issue of underreporting, it was highlighted that the Convention and its Protocols were still relatively new instruments that had been in force for only a few years and that States were still in the process of ratifying or acceding to those instruments and incorporating their provisions into their national legal systems. It was mentioned that filling out the questionnaires was, moreover, a lengthy, detailed and cumbersome process that required collecting and coordinating input from a wide variety of competent national bodies. According to some speakers, the capacity of their countries to respond to such complex questionnaires simply did not exist.

37. Speakers noted that questions would need to be formulated in such a way as to elicit the most useful information possible and that any methods for gathering information had to be user-friendly. It was pointed out that the development of tools to facilitate the gathering of information would assist requesting States and donors in optimally identifying specific needs for technical assistance. Speakers underlined the need, in any event, to make good use of the work done by the significant number of States that had responded to the two cycles of questionnaires.

38. It was suggested that one way forward could be to draw inspiration from the self-assessment checklist developed for States to report on their implementation of the Convention against Corruption, in particular through the software tool that facilitated the completion of the self-assessment. The checklist was relatively shorter and simpler than the questionnaires and had yielded positive reporting results within a short period. The Secretary confirmed that the software tool designed for the checklist of the Convention against Corruption could be adapted for collecting information on the implementation of the Organized Crime Convention and its Protocols, subject to the availability of adequate resources.

39. Speakers noted that information provided on certain provisions that were similar in the two conventions, such as money-laundering and international cooperation, could be utilized in a cross-cutting way.

40. Speakers stressed the need to provide guidance as to how the Secretariat could proceed on an interim basis before the fourth session of the Conference with a view to reviving and improving the information-gathering process. In that connection, the Secretary presented some ideas for a two-pronged approach. In the interim, an adaptation of the software and checklist format used for the Convention against Corruption would be envisaged, without altering the content of the existing questionnaires. A longer-term approach would be to develop comprehensive, checklist-type tools for gathering information on the implementation of each of the conventions and the Protocols. Several steps needed to be taken in that respect. The need to involve experts on both substantive and technological issues was important, as was the need to have broad participation by States in all regions, including States that had not been in a position to respond to the questionnaires. Those tools should have a modular format incorporating both a horizontal approach, in terms of thematic areas, and a vertical approach, in terms of the level of detail.

41. During the discussion on agenda item 2, speakers noted that ratification of or accession to the Organized Crime Convention and its Protocols was a primary consideration in terms of technical assistance. Technical assistance had been provided for the ratification of or accession to those instruments, mainly through pre-ratification seminars. That was viewed as the first step of a continuum leading to the incorporation of the provisions of those instruments into national legal systems. The criminalization of the offences covered by the Convention and its Protocols was noted as a crucial element in order for States to be able to engage in international legal cooperation, particularly where dual criminality was a requirement. One speaker stressed the need to consider the Convention and its Protocols in their entirety, implementing the provisions on criminalization of offences together with the provisions on taking measures to provide assistance for victims and witnesses. Speakers emphasized the need to adopt a balanced approach to strengthening criminal justice responses when considering the priorities identified by the Conference and such cross-cutting areas as witness protection, while responding to identified needs in emerging fields such as cybercrime.

42. Speakers noted the usefulness of the legislative assistance provided by UNODC for the implementation of the Organized Crime Convention and its Protocols. In the area of legislative assistance, the Secretariat took into careful consideration the increase in calls for model legislation and noted that such model legislation needed to be specific and focused, in order to be readily adaptable to different national legal contexts. It was also noted that in that area there might be

areas of synergy with the Convention against Corruption. One speaker referred in that regard to model legislation on civil forfeiture, although it was noted that civil forfeiture was not a mandatory provision of either convention.

43. Speakers noted that, in addition to legislative development, there was a crucial need for building the capacity of and providing support for institutions and central authorities. Training and mentoring were particularly important for the implementation of the Organized Crime Convention and its Protocols, and technical assistance for capacity-building was conducive to such implementation. In particular, central authorities for mutual legal assistance and extradition needed to be adequately trained to ensure successful reliance on the Convention by States seeking to investigate and prosecute offences related to organized crime.

44. The representative of the Secretariat briefed the Working Group on the work of UNODC in the area of witness protection. Regional workshops had been held for the purpose of drafting good practices and guidelines for witness protection, which were to be published in 2007. UNODC had also held an expert group meeting that had developed a model witness protection law for Latin American States in cooperation with the Public Prosecutor's Office of Chile and the Ibero-American Association of Public Prosecutors. In addition, UNODC was planning to hold a separate expert group meeting to develop a model relocation agreement for use in witness protection programmes. Needs assessments had been conducted and technical assistance in legislative development had been provided in Honduras and technical assistance for capacity-building had been provided in Georgia, Guatemala and Panama.

45. On a more general level, speakers noted the importance of tailoring technical assistance activities in the different regions to the needs expressed with regard to criminal justice systems and stressed the need to avoid situations where technical assistance providers were working in a compartmentalized manner and duplicating effort. In that respect, it was suggested that national or even regional action plans could be formulated for States requesting technical assistance. One speaker suggested that UNODC continue its work in cooperation with the Organization of American States, which was implementing the Hemispheric Action Plan on Transnational Organized Crime, based on the Convention. It was noted that economies of scale could be achieved by identifying common activities, for example in the area of confiscation, involving both criminalization and international cooperation aspects.

46. The Working Group then turned its attention to proposals on technical assistance activities relating to international cooperation and the strengthening of central authorities responsible for mutual legal assistance and extradition. A representative of the Secretariat recalled the mandate under Conference decision 3/2 to implement the international cooperation provisions of the Organized Crime Convention. The Secretariat had been requested to organize regional workshops for central and other competent authorities to facilitate exchanges among counterparts and promote mutual legal assistance and extradition. A steering committee consisting of practitioners and experts in international legal cooperation had been formed to guide and assist the Secretariat in that task and had held two meetings, in June and October 2007. The conclusions of those meetings had been distributed to the Working Group.

47. A workshop had been held in Bogotá, in conjunction with a meeting of central authorities organized by the Organization of American States, and would be followed in 2007 by other regional workshops, to be held in Egypt and Malaysia. The Working Group expressed appreciation for the progress made in providing technical assistance in the area of international legal cooperation. Speakers recommended that the regional workshop organized in Latin America should be followed by similar initiatives in other regions. One speaker announced the decision of his Government to provide funding for the organization in 2008 of a workshop in the African region. Speakers emphasized the usefulness of the Organized Crime Convention as a basis for requesting and granting mutual legal assistance and extradition and the need to disseminate knowledge and an awareness of its potential. One speaker provided details on the successful use in his country of the international cooperation provisions of the Convention in mutual legal assistance and extradition procedures. The speaker noted that using the Convention as a legal basis broadened the range of offences that could be included in requests. In that connection, he stressed the importance of providing adequate training and updating for central authorities.

48. The issue was raised of the relationship between the two working groups established by the Conference: the Working Group on International Cooperation and the Working Group of Government Experts on Technical Assistance. Care should be taken so that those two bodies did not duplicate or interfere with each other's work. It was noted that the Working Group on International Cooperation would not meet before the fourth session of the Conference, to be held in 2008, at which point it would receive a report on relevant initiatives carried out by the Secretariat. In view of the fact that international legal cooperation and the strengthening of central authorities were among the technical assistance priorities defined by the Conference, it was agreed that the Working Group of Government Experts on Technical Assistance also had competence to address those issues and to forward to the Conference recommendations on relevant technical assistance activities.

49. A representative of the Secretariat briefed the Working Group on the issue of building capacity to collect data on organized crime, noting that the need to build capacity in that area had also been expressed by States in their responses to the questionnaires. It was pointed out that data collection and information exchange were addressed in articles 27-29 of the Convention, which covered building capacity for data collection to enable law enforcement authorities to adequately perform their functions in combating transnational organized crime and to assess trends in organized crime, the circumstances in which organized crime operated and the groups and technologies involved. Some speakers questioned whether the data collection effort was a wise use of scarce resources.

50. The representative of the Secretariat recalled that the need for information also applied to incidents involving so-called conventional crime, as it was necessary to assess whether those incidents also involved organized crime. She emphasized the need to establish systems for the identification of crime incidents and reports to check whether crimes committed might be related to organized crime. There was also a need to disseminate good practices in identifying markers indicating the presence of organized crime. The representative of the Secretariat further pointed out that the information acquired did not include sensitive information such as

national intelligence. The overall objective was to build the capacity of States to acquire knowledge that would enable them to assess trends and problems.

51. Speakers noted the importance of sharing analytical expertise and of providing assistance to set up systems for effectively collecting data. Some of the obstacles to effective data collection were described. Some speakers expressed concern about the feasibility of an overly ambitious attempt to gather, analyse and disseminate information on international criminal activities. Other speakers stressed that it was nevertheless necessary to gather such information. Some speakers noted that data on organized crime could be gathered from regional sources, as well as from international sources. In that connection, there was recognition of the usefulness of the experiences of European States with the European Police Office (Europol) and Eurojust in data collection and statistical analysis. One of the objectives of such data collection systems was to make it possible to assess the situation with regard to organized crime.

52. With regard to assistance for the implementation of the Protocols, speakers expressed their general support for the relevant proposals on technical assistance contained in the background paper prepared by the Secretariat (CTOC/COP/WG.2/2007/2).

53. With regard to the Trafficking in Persons Protocol, there was agreement on the importance of legislative assistance in drafting or revising national legislation on the implementation of the provisions of the Protocol, particularly the provisions on criminalization, as such legislation needed to be in place for effective prosecution and efficient international cooperation. The Secretary provided a brief overview of the activities of UNODC in that area, including the development of tools and model legislative provisions and ongoing efforts to work with parliamentarians, who were regarded as the main target group for raising awareness about legislative action and reform.

54. Some speakers asked for clarification regarding the relationship between the United Nations Global Initiative to Fight Human Trafficking and the activities geared towards the implementation of the Trafficking in Persons Protocol. Speakers questioned the institutional implications and parameters involved, particularly the interface between the Global Initiative and the work of the Conference in reviewing the implementation of the Protocol. It was recommended that the work under the Global Initiative should take into account the proposals and guidance of the Working Group on technical assistance activities to promote the implementation of the Protocol and that the outcome of the forum to be held under the auspices of the Global Initiative in Vienna in February 2008 should be reported to the Conference at its fourth session, to be held in October 2008.

55. Many speakers shared the concern raised by the Secretariat regarding the relatively low priority accorded thus far to the implementation of the Migrants Protocol. It was stressed that there was a need for more publicity and activities to raise awareness concerning the Protocol, particularly its key objective to combat the smuggling of migrants by organized criminal groups. In that context, reference was made to the Euro-African Ministerial Conference on Partnership for Migration and Development, held in Rabat in July 2006.

56. One speaker, noting that the number of States parties to the Migrants Protocol was lower than the number of States parties to the Convention or to the Trafficking

in Persons Protocol, stressed the need for technical assistance activities aimed at helping States to ratify the Migrants Protocol.

57. Some speakers pointed out that technical assistance with regard to the Migrants Protocol should embrace a broader range of activities that would strengthen the capacity of States to implement its provisions on criminalization and ensure effective prosecution of related crime. It was strongly recommended that States amend their national legislation as soon as possible to establish the criminal offences covered by the Protocol. One speaker proposed that activities be undertaken to facilitate a comparative overview of various legal systems and the development of tracking systems to assess whether those acts had been criminalized at the national level.

58. Other speakers underlined the need to pay similar attention to the provisions of the Protocol aimed at ensuring the protection of smuggled migrants. In that connection, reference was made to articles 5, 16 and 18 of the Migrants Protocol and the measures on protection and assistance mentioned in those articles.

59. Some speakers underscored the need to strengthen policies to prevent the smuggling of migrants and thus address the socio-economic root causes of irregular migration by developing programmes and economic cooperation at the national, regional and international levels. In that connection, reference was made to article 15, paragraph 3, of the Migrants Protocol and the relevant provision on prevention in the Convention.

60. Some speakers shared the Secretary's concern about the lower interest of Member States in the promotion of the Firearms Protocol. One speaker indicated that technical assistance activities in that area should primarily focus on issues related to the marking of firearms and the requirements for licensing or authorization systems for their export.

## **V. Coordination among technical assistance providers for the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

61. On the issue of coordination among technical assistance providers, concern was expressed about the inability of the Secretariat – owing to the lack of replies and information – to submit a report, pursuant to Conference decision 3/4, on the outcome of its consultation process with relevant departments or agencies of the United Nations, other international organizations, regional organizations and financial institutions such as the World Bank and other multilateral development banks. It was felt that the availability of such a report would have facilitated the discussion.

62. The observers for some organizations described a number of cooperation activities carried out with UNODC on issues related to the Convention. The observer for the Organization for Security and Cooperation in Europe (OSCE) emphasized the interest of OSCE in supporting the implementation of activities against organized crime and described the fruitful collaboration with UNODC in that regard. A joint workshop had been organized in 2006 to promote higher reporting levels among OSCE member States, and OSCE was participating in the

UNODC steering committee on international cooperation. In that context, the observer announced the organization of a meeting of police experts that would benefit from the expertise of UNODC and expressed the interest of OSCE in hosting, together with UNODC and with the co-sponsorship of Belgium and Norway, a workshop in 2008 on international cooperation for OSCE member States.

63. The European Commission provided information on the significant resources invested by that organization in support of activities dealing with issues related to the Convention and its Protocols, in the form of internal support to its member States and external support to third countries, and in such other domains as stability, security and development. It was noted that many of the activities relating to organized crime appeared in the most disparate projects and did not explicitly refer to the implementation of those instruments. It was also noted that at times the beneficiaries and the staff responsible for the delivery of technical assistance had little knowledge of the instruments. It was underlined that, while there had been some change in that respect in recent times, UNODC should provide more information and promote training on the Convention and its Protocols. In particular, UNODC should work with other international organizations and establish linkages in order to share experiences and provide information on priorities.

64. One representative noted that coordination among technical assistance providers needed to address both the need to have a complete picture of the assistance that was being provided – or could be provided – by international, regional, multilateral or bilateral donors in a given country and the need to know what the technical assistance requirements of that country were. Moreover, as it was often the case that different actors and institutions were implementing different activities related to organized crime, there was a need to seek clarity on those activities and look for areas of synergy among all actors. To that end, a round table for technical assistance providers should be organized during the fourth session of the Conference. Another representative stressed the importance of mapping technical assistance needs and activities in order to develop subregional programmes and projects and exploit the comparative advantage of similar needs and legal systems.

65. Many speakers recognized the complexity of technical assistance on organized crime issues and the fact that often such assistance was not labelled as such and did not refer clearly to the implementation of the Convention. It was noted that it was important to achieve coordination at all levels – national, regional and global. Reference was made to the crucial role of focal points, diplomatic channels and in-country coordination groups in communicating and disseminating the priorities established by the Working Group, thereby further rationalizing the coordination of technical assistance.

66. Several representatives commended the interregional approach taken by the steering committee on international cooperation as an example of multilateral technical assistance, and the representatives of a number of donor States reiterated their Governments' interest in supporting those initiatives.

67. Several representatives welcomed the role of the Secretariat in gathering all the relevant information on technical assistance service providers and reporting to the Conference, while at the same time underscoring the responsibility of States and organizations to provide such information.

68. The Secretary clarified that the mandate of the Conference was to agree on mechanisms for cooperating with relevant regional and other organizations. He stressed the primary responsibility of States parties to coordinate with each other and to ensure, as members of different relevant international organizations and governing bodies, that the efforts undertaken by the Secretariat to reach out to other organizations were met by an equal effort from the other side to respond to those initiatives.

69. Some speakers highlighted the responsibility of recipient States to promote the exchange of information and coordination at the national level in order to avoid duplication of effort and the overlapping of activities. It was suggested that the Convention should be mainstreamed into information-sharing and coordination efforts at the national level through in-country coordination groups and the sharing of best practices. It was also suggested that the support of UNODC would enhance the added value of such an exercise.

70. Participants agreed on the relevance of ensuring the quantity and, more importantly, the quality of technical assistance coordination and recommended that such coordination should take into account issues such as consistency, coherence, delivery of quality and accuracy, and consideration of the impact of the technical assistance provided. There was general recognition that coordination among technical assistance providers should go beyond the project level and include evaluations of the outcome and impact of such assistance in order to identify the lessons learned and improve the delivery of assistance.

## **VI. Consideration of the possibility of determining performance indicators for technical assistance and the best way to identify lessons learned from the provision of technical assistance, with a view to developing best practices**

71. A representative of the Secretariat informed the Working Group of the efforts made by UNODC to institutionalize result-based management, in particular in the context of the adoption of the strategy for the period 2008-2011 for UNODC. The strategy was intended as an integrated platform for the fight against crime, drugs and terrorism, providing tools and structures for measuring results and facilitating the alignment of results with resources.

72. Speakers commended UNODC for its efforts and encouraged it to continue to pursue the result-based approach to management. It was noted that technical assistance providers should embrace result-based tools inasmuch as they provided a basis for action and enabled coordination and evaluation. Proper use of those tools could lead to enhanced understanding of the needs of recipient States and early identification of obstacles or shortcomings in technical assistance projects. One speaker pointed out that the self-assessment approach adopted with regard to the Convention against Corruption already enabled States to identify their needs for technical assistance. The use of performance indicators was viewed as accentuating a more qualitative approach to the assessment and evaluation of technical assistance activities.

73. While it was noted that performance indicators and result-based management were important tools for designing effective, efficient and meaningful technical assistance programmes, it was also understood that the overall purpose was to make technical assistance programmes more responsive to the needs identified by recipient States. In that regard, it was necessary to strike a balance between assessing the delivery of technical assistance from the viewpoint of the project and from that of the recipient State. That would also make it possible to identify good practices with regard to the identification of technical assistance needs and the corresponding design of technical assistance projects.

## **VII. Mobilization of resources**

74. The Working Group recognized the pivotal role played by UNODC in mobilizing resources to support technical assistance activities aimed at the effective implementation of the Convention and its Protocols. The Working Group was of the view that the identification of specific technical assistance needs, including at the field level, and the development of activities tailored to meet those needs were prerequisites to mobilizing resources for funding purposes. Moreover, it was argued that, in order to achieve better results in mobilizing resources, it was necessary to raise awareness of the provisions and importance of the Convention and its Protocols and demonstrate that the envisaged technical assistance activities were geared towards fostering the achievement of the objectives of those instruments.

75. Particular emphasis was placed on the need to ensure that the Secretariat was provided with a basic level of sustainable and predictable funding through regular voluntary contributions in order to support the planning and design of technical assistance activities. In any case, it was deemed essential to establish clear priorities for the mobilization of additional funds.

76. It was suggested that partnerships with the private sector, including with such entities as banks and other financial institutions, should be actively pursued, coupled however with efforts to avoid potential conflicts of interest and to ensure that responsibility for setting the agenda remained with the Conference.

## **VIII. Effectiveness and future of the Working Group**

77. There was broad agreement that the Working Group should extend its work beyond the fourth session of the Conference and continue to provide guidance, advice and expertise in the area of technical assistance for the implementation of the Convention and its Protocols. It was therefore recommended that the Working Group should continue to constitute an indispensable component of the Conference.

78. One speaker stated that the Working Group, in continuing its deliberations on technical assistance, should focus primarily on taking stock of identified technical assistance needs; discussing the types of projects needed for the implementation of the Convention and sharing lessons learned in that regard; and developing a process for discussing best practices.

79. Speakers expressed the need to enlarge the group of States participating in the steering committee to provide guidance on the implementation of Conference

decision 3/2, entitled “Implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime,” particularly in relation to the organization of regional workshops on international legal cooperation under the Convention. In that connection, it was suggested that membership in the steering committee be open to more States, including beneficiaries of technical assistance in the area of international cooperation in criminal matters.

80. The participation of experts from developing countries in the proceedings of the Working Group was a source of concern. Many developing countries faced financial constraints that made it difficult for Government experts to attend meetings of the Working Group. It was therefore proposed to explore the possibility of holding future meetings of the Working Group at venues other than Vienna.

81. In response to a request, a representative of the Secretariat briefed the participants on the Automated Donor Assistance Mechanism (ADAM) software tool that had been developed to track drug control projects in Central Asia. It was noted that the software could be expanded to include a broader range of projects in other substantive areas and other regions, subject to the availability of extrabudgetary funds.

## **IX. Closure of the meeting**

82. On 5 October, the Working Group decided to transmit its recommendations to the Conference at its fourth session for consideration and action.

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