

Address by Ambassador Luigi Lauriola
Chairman of the Ad Hoc Committee
on
The Elaboration of a Convention Against Transnational Organized Crime

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On 9 December 1998, the General Assembly voted to establish an open-ended intergovernmental Ad Hoc Committee for the purpose of elaborating a comprehensive Convention Against Organized Crime. To complement the Convention, the General Assembly also directed that three additional protocols be negotiated: one on illicit trafficking in women and children; a second on illicit trafficking in and transporting of migrants; and a third on illicit manufacturing and trafficking of fire arms, their parts and components and ammunition.

In its resolution 54/126 of December 1999, the General Assembly requested that the Ad Hoc Committee accelerate and complete its work by the year 2000 and submit the final text of the Convention and its Protocols to the Assembly for adoption prior to a High Level Signing Conference.

This High Level Signing Conference, in accordance with resolution 54/129 of 17 December 1999, is to be hosted by the Government of Italy and is now scheduled to take place in Palermo on 12-15 December.

Mr. President,

It is indeed a great privilege for me to speak to you today as Chairman of the Ad Hoc Committee elected by the UNGA and as a representative of my own country. As Chairman, I am here to present the text of the Convention on Organized Transnational Crime, along with two additional protocols: one, on illicit trafficking in persons, especially women and children; the other, on illegal trafficking and transporting of migrants.

These texts, which were intensively worked over during the eleven sessions of the Ad Hoc Committee, were finalized and unanimously agreed in less than two years (January 1999 to October 2000). That may sound like a surprisingly rapid rate of progress within a relatively short span of time. But the fact is that the seeds of this success were sown well before 1999.

The idea of preparing a United Nations Convention against Transnational Organized Crime was first formally raised at the World Ministerial Conference on Organized Transnational Crime held in Naples on 23 November 1994. In approving the Naples political declaration and its global action plan against transnational organized crime, the UNGA (res. 49/159) “urged States to implement them as a matter of urgency”.

There was a whole series of additional initiatives that helped to spark the awareness of the international community about the need to fight against transnational organized crime.

In particular, I want to underline the importance of 9th Congress on UN Crime Prevention held in Cairo (May 1994), the Regional Ministerial Workshop in Buenos Aires (Nov. 1995), the meeting in Palermo (April 1997), the African Regional Workshop in Dakar (July 1997), the Regional Workshop in Manila (March 1998), the Meeting of the Friends of the Chair in Rome in July 1998, in Buenos Aires during August and –September 1998, and in Vienna in November of 1998. Of special importance was the meeting of an open-ended Intergovernmental Group of experts held in Warsaw in February 1998.

Great credit is also due to the Government of Poland, which introduced the first actual draft of the Convention. This was followed by another draft submitted by the United States and by a summary of proposals by various countries prepared by the Max Plank Institute at the request of the UN Secretariat.

Those who have experience of multilateral conventions know that the negotiating process tends to be a long and difficult one. Governments inevitably bring to the negotiations basic differences in juridical concepts, in the unique features of their legal systems, not to mention the variety of political positions growing out of their domestic and foreign policy needs. This accumulated legal and political baggage has then to be painfully sorted through in the quest for compromise. Delay on each successive issue seems the order of the day.

In our case, the diversity of juridical language that characterized our initial efforts would have made the Tower of Babel sound like a monoglot of heavenly concord and mutual understanding!

Our success in concluding the negotiations in a relatively short span of time was certainly not due to the simplicity of the task or to the initial clarity of the concept or to an absence of political disagreement. We began in an atmosphere of skepticism and hesitation.

But, little by little, step by step, slowly but steadily, it was the political will of the participants to tackle transnational organized crime that began to make itself felt. Some of the ingredients of success were in place from the outset: almost 125 countries had sent a highly qualified cadre of delegates, drawn from the ranks of government officials as well as from academia, while NGO's and other international organizations like the Wassenaar Arrangement, the OSCE, and others added their experience and encouragement. And, what helped make possible the participation of so many delegations were the voluntary financial contributions of several states.

But it was this emerging political will, driven by newspaper headlines and public opinion, that was the catalyst that gave decisive impulse to the search for a global response to organized crime on a global level. In the final analysis, it was this will that animated our work and forged the good faith of participating states and the talent

of their representatives into an instrument able to overcome successive obstacles as they arose.

Practically every delegation had something to contribute. The ongoing pursuit of consensus put each delegation on an equal footing and brought home to each participant that he or she was a vital part of the process.

In the end, the pressure to succeed, the recognition of the international community's need for a Convention, the dynamic of the process of negotiation itself -- all became overwhelming. Countries which had been opposed even to the idea of discussing the possibility of an international instrument became some of the Convention's strongest supporters. Other countries like Italy, Poland and Argentina supported the process from the very beginning.

As someone once said: "It is not necessary to be sure to succeed in order to begin, nor to succeed in order to persevere".

For myself, I would say that:

- To start this process was an act of courage;
- To continue in the face of adversity was an act of faith;
- To conclude now by approving and ratifying the Convention would be an act of wisdom of which all the delegates who took part in the negotiations could be proud. Indeed, all of you should be proud of this achievement.

This Convention provides a framework and the tools for better international cooperation against organized crime without borders, but what will be critical will be its implementation. Now, it is your turn to provide the political will to put into practice the mechanisms of this Convention by adopting, signing and ratifying the three instruments before you as soon as possible.

I am referring not only to the Convention but also to the two protocols we have completed: the Protocol on Illicit Trafficking in Women and Children, and the Protocol on Illicit Trafficking in and Transporting of Migrants.

For the reasons I have indicated, I have submitted a resolution recommending the adoption by the UNGA of the Convention and these two Protocols. I hope that you will accept these recommendations and that as many of you as possible will be able to participate in the Signing Conference in Palermo hosted by the Italian Government.

Before I conclude, I need to recall that the mandate given to the Ad Hoc Committee included also the elaboration of a Protocol against Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components, and Ammunition. I regret to report that the Ad Hoc Committee was unable to complete its deliberations on this protocol in time for submission to the Assembly. While we were close to an agreement, a few points -- in particular marking -- needed additional consideration. For this reason, this protocol remains unfinished. Accordingly, the Ad Hoc Committee respectfully requests it be allowed to continue its work in conformity with resolutions 53/111, 53/114 and 54/126 so that it might have an opportunity to finalize

its work in the near future. To this end, we would envisage calling a meeting early in 2001. A paragraph to this effect has been inserted in the proposed resolution.

Finally Mr. President, allow me to express my sincere thanks to all the members of the 125 delegations that took part in the negotiations. I was particularly impressed by their knowledge, their expertise and their professionalism. They made it possible to conduct our deliberations in a positive, flexible and constructive spirit.

The members of the Bureau -- an expanded Bureau in this case -- deserve special mention (Ecuador, France, Japan, Mexico, Pakistan, Poland, Slovakia, Tunisia, Venezuela, and South Africa, which served as rapporteur). I am highly indebted to the Vice-Chairmen, who assisted me in the negotiation of the Convention (particularly, Ecuador, Venezuela, Pakistan, Tunisia) and of the Protocols: France and Poland for the Protocol on Migrants; Mexico and Slovakia, for the Protocol on Illicit Trafficking in Persons; and, for the Protocol on Firearms, Japan.

Let me as well convey my heartfelt thanks to the Secretary General for the support given to our Committee through the Vienna Center of the UN and to the members of the Secretariat (Mr. van Dijk, Mr. Laborde and in particular, the Secretary of the Committee, Mr. Vlassis) for their unfailing assistance.

Also, thanks to all the members of the staff, who assisted us with great dedication.

Looking back to where we started, my mind is drawn to a line of the Italian poet Dante, who wrote: "Poca favilla, gran fiamma seconda" -- which means: "From a small spark springs a majestic flame."

Well, we have come a long way. Not so long ago, governments tended to ignore crime beyond their borders. The statement made by 72 heads of state at the recent Tenth UN Congress on the Prevention of Crime marks the sea change that has occurred in the meantime. The dangers posed by organized crime to the individual citizen and to the international community have rightly risen to the top of the agenda. The first steps have been taken, but we still have a long way to go. Now it is up to you to develop and augment effective tools to give a global response to this global scourge.

Thank you.