



Economic and Social Council

Distr.: General
9 July 2001

Original: English

Commission on Crime Prevention and Criminal Justice

Resumed tenth session
Vienna, 6 and 7 September 2001

Provisional agenda

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4. Adoption of the report of the Commission on its resumed tenth session.

Annotations

1. Adoption of the agenda and organization of work

Rule 7 of the rules of procedure of the Economic and Social Council provides that the Commission on Crime Prevention and Criminal Justice shall, at the beginning of each session, adopt the agenda for that session on the basis of the provisional agenda.

In its decision 1997/232, the Economic and Social Council decided that the Commission, from its seventh session onwards, in addition to plenary meetings, should be provided with full interpretation services for a total of 12 meetings for informal consultations on draft proposals and for meetings of open-ended working groups, with the precise allocation of time for the different types of meeting to be determined by the Commission under the agenda item entitled "Adoption of the agenda and organization of work", on the understanding that no more than two meetings would be held concurrently, in order to ensure maximum participation of delegations.

In its decision 2000/239, the Economic and Social Council took note of the report of the Commission on its ninth session and approved the provisional agenda for the tenth session of the Commission.

Following the adoption of the agenda for its resumed tenth session, the Commission may wish to establish a timetable for the session and agree on the organization of its work.

2. Draft terms of reference for the negotiation of an international legal instrument against corruption

In its resolution 54/128, entitled “Action against corruption”, the General Assembly requested the Office for Drug Control and Crime Prevention to report to the Commission on Crime Prevention and Criminal Justice no later than at its tenth session on the progress made in the implementation of the resolution and the steps taken by Member States to combat corruption and its proceeds, and invited Member States to examine the adequacy of their domestic legal regimes in terms of guarding against corruption and providing for the forfeiture of the proceeds of corruption.

The measures undertaken by the Secretariat pursuant to resolution 54/128, the contribution of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention in initiating the negotiation of an international legal instrument against corruption and the activities of the Centre in developing an effective global programme to provide technical assistance to fight corruption have been brought to the attention of the Commission in the report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2001/2 and Corr.1).

At its seventh session, held in Vienna from 17 to 28 January 2000, in considering the implementation of resolution 54/128, the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was of the view that an independent international instrument against corruption was desirable. It agreed that work on such an instrument should begin after the completion of the draft United Nations convention against transnational organized crime and the protocols thereto (see A/AC.254/25, para. 21).

In its resolution 55/61, entitled “An effective international legal instrument against corruption”, the General Assembly recognized the desirability of an international legal instrument against corruption and decided to begin the negotiation of such an instrument in Vienna at the Centre for International Crime Prevention; requested the Secretary-General to prepare a report analysing all relevant international instruments, other documents and recommendations addressing corruption; and requested the Commission, at its tenth session, to review and assess the report and, on that basis, to provide recommendations and guidance as to future work on the development of a legal instrument against corruption. The report of the Secretary-General was before the Commission at its tenth session (E/CN.15/2001/3).

In its resolution 55/61, the General Assembly requested the Secretary-General to convene an intergovernmental open-ended expert group to examine and prepare draft terms of reference for the negotiation of the future legal instrument against corruption; and requested the intergovernmental open-ended expert group to submit the draft terms of reference, through the Commission on Crime Prevention and

Criminal Justice and the Economic and Social Council, to the Assembly at its fifty-sixth session for adoption.

In its resolution 55/188, entitled “Preventing and combating corrupt practices and illegal transfer of funds and repatriation of such funds to the countries of origin”, the General Assembly reiterated its request to the Secretary-General, as contained in resolution 55/61, to convene an intergovernmental open-ended expert group to examine and prepare, on the basis of the report of the Secretary-General and of recommendations of the Commission on Crime Prevention and Criminal Justice at its tenth session, draft terms of reference for the negotiation of the future legal instrument against corruption, and invited the expert group on the same basis to examine the question of illegally transferred funds and the repatriation of such funds to the countries of origin.

The Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption was convened in Vienna from 30 July to 3 August 2001. The Expert Group had before it for guidance the report of the Secretary-General and the relevant excerpts of the report of the Commission on Crime Prevention and Criminal Justice on its tenth session. The conclusions and recommendations of the Expert Group will be before the Commission at its resumed tenth session for consideration.

Documentation

Report of the Secretary-General on existing international instruments, recommendations and other documents addressing corruption (E/CN.15/2001/3)

Report of the Executive Director on the work of the Centre for International Crime Prevention (E/CN.15/2001/2 and Corr.1)

Conclusions and recommendations of the Meeting of the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption, held in Vienna from 30 July to 3 August 2001

3. Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders: draft plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

Pursuant to General Assembly resolution 53/110, entitled “Preparations for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders”, the Commission on Crime Prevention and Criminal Justice, at its eighth session, drew up a preliminary draft of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century. In its decision 1999/261, the Economic and Social Council decided to transmit the preliminary draft declaration to the Tenth Congress. In its resolution 54/125, the Assembly requested the Tenth Congress to submit, through the Commission and the Council, its declaration to the Millennium Assembly for consideration and action; and requested the Commission to give priority attention at its ninth session to the conclusions and recommendations of the Tenth Congress, with a view to recommending, through the Council, appropriate follow-up by the Assembly at its fifty-fifth session.

In its resolution 55/59, the General Assembly endorsed the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. In its resolution 55/60, the Assembly requested the Commission to continue at its tenth session its consideration of the findings and recommendations embodied in the Vienna Declaration and, as appropriate, the report of the Tenth Congress, and to take appropriate action; and requested the Secretary-General to prepare, in consultation with Member States, draft plans of action to include specific measures for the implementation of and follow-up to the commitments undertaken in the Declaration for consideration and action by the Commission at its tenth session.

At the first part of the tenth session of the Commission, held in Vienna from 8 to 17 May 2001, the Committee of the Whole completed consideration of the first six draft plans of action, namely, those against transnational organized crime, corruption, trafficking in persons, smuggling of migrants, the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and money-laundering (see E/CN.15/2001/5). There remained outstanding a question concerning the plan of action against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition because representatives had not had adequate time to consider a proposal relating to one part of the text of that plan of action. With that exception, the Committee of the Whole had reached consensus on the draft plans of action listed above. However, because of the extent and scope of the document and the complexity of the objectives in the draft plans of action, the Committee of the Whole was not able to complete its consideration of the remaining plans of action.

The Commission decided that the draft plans of action should be approved and adopted as a package and decided, accordingly, to hold an inter-sessional meeting from 3 to 5 September 2001 to examine the remaining draft plans of action, starting, for practical reasons, with those draft plans of action which had not been discussed by the Committee of the Whole. The Secretariat was requested to prepare a revised text of the draft plans of action for the implementation of the Vienna Declaration (2001-2005) that would reflect and take into account the discussion in the Committee of the Whole on the draft plans of action. Those Governments which had submitted additional proposals for the consideration of the Commission were requested to resubmit them in a succinct form, in line with the new format agreed upon in the Committee of the Whole.

The inter-sessional meeting should present the outcome of its work to the Commission at its resumed tenth session.

Documentation

Revised draft plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century (E/CN.15/2001/14)

4. Adoption of the report of the Commission on its resumed tenth session

It is expected that the Commission will adopt the report on its resumed tenth session on the afternoon of the last day of the session.
