

E4J University Modules Series: Organized Crime

Module 14:

United Nations Convention against Transnational Organized Crime and Related International Instruments

Model UN Simulation of a Working Group to the Conference of the Parties to the Organized Crime Convention

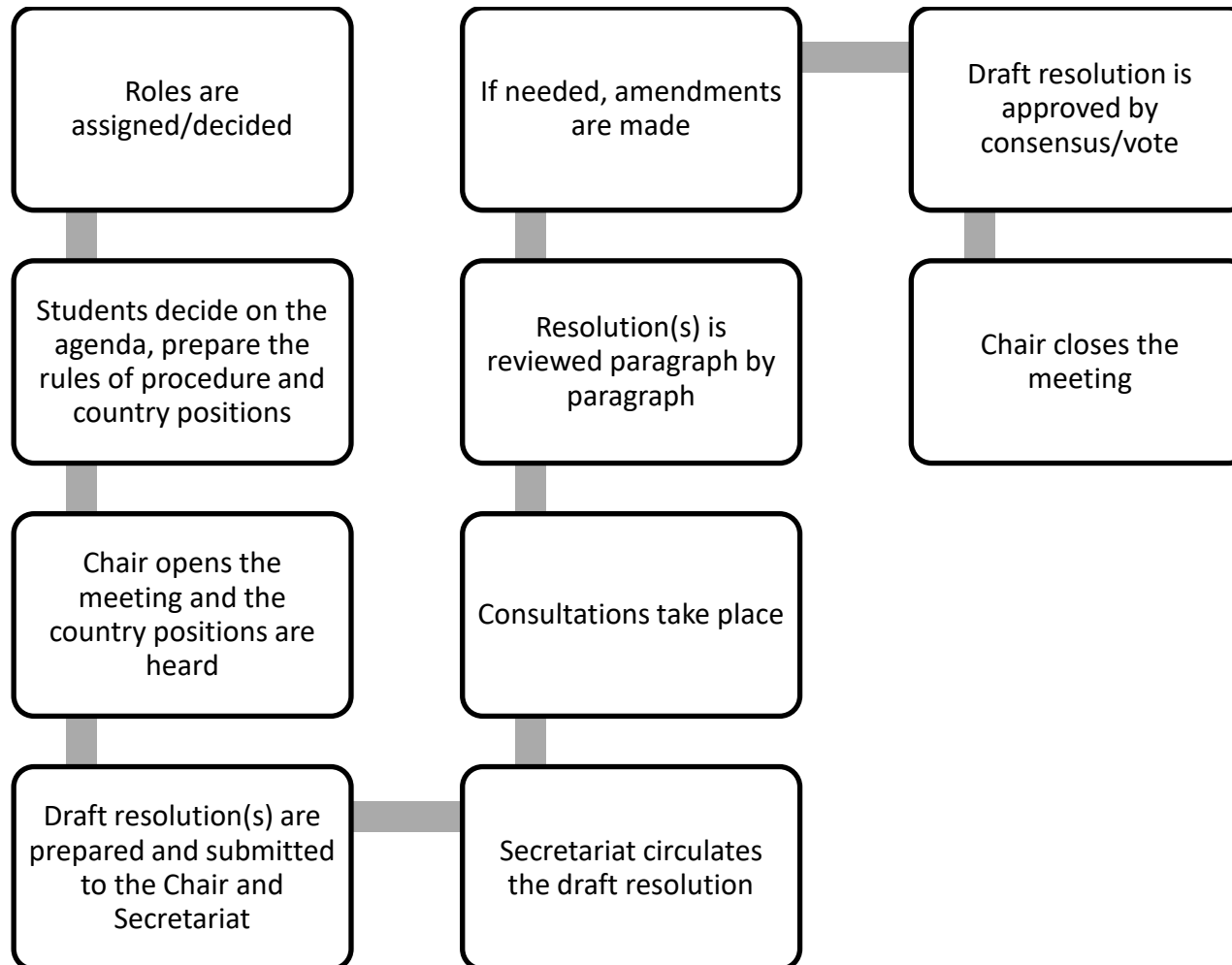
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Roles of the Simulation

Roles	Details	Role description	Suggested roles (examples)
States Parties (SPs)	States that have signed and ratified the Organized Crime Convention.	Attend meetings and deliver statements; Receive the documents of the Conference; Submit their views in writing and participate in the deliberative process; Adopt (vote on) decisions on substantive and procedural matters.	Choose a combination of developed and developing countries; ensure geographical diversity.
Observer States 1	States (or regional economic integration signatory) that have signed the Organized Crime Convention but have not ratified it.	Attend meetings and deliver statements; Receive the documents of the Conference; Submit their views in writing and participate in the deliberative process.	<ul style="list-style-type: none"> Congo and Iran
Observer States 2	States that have neither signed nor ratified the Organized Crime Convention. These are also non-Member States of the United Nations that have received a standing invitation to participate as observers in the sessions of the UN and its agencies.	Attend meetings and deliver statements; Receive the documents of the Conference; Submit their views in writing and participate in the deliberative process.	Vatican and Palestine
IGOs	IGOs that received a standing invitation from the General Assembly to participate as observers in the sessions of all international conferences convened under its auspices.	Attend meetings and deliver statements; Receive the documents of the Conference; Submit their views in writing to the Conference.	WCO, WHO, INTERPOL
NGOs	NGOs with consultative status with the Economic and Social Council (ECOSOC) and those without such status can apply to be observers.	Attend meetings and upon the invitation of the President and subject to the approval of the Conference, make oral statements on questions relating to their activities; Receive the documents of the Conference.	TRAFFIC, Global Heritage Fund, Amnesty International, etc.
Secretary-General	The Secretary-General of the simulation shall act in this capacity in all meetings. She or he may designate a member of the Secretariat to act as his or her representative.	Makes written or oral statements concerning any question; Calls the attention of the delegates and meet privately with the Bureau to revise the proper application of these rules and/or to review the course of the debate.	Secretary-General
Secretariat Officer(s)	Secretariat officers act as the organizing committee of the simulation and provides support to Secretary-General.	Distribute, publish and circulate as appropriate, preferably using electronic tools, every document required; Perform other duties that may be required before and during the meetings (e.g., drafting and distributing provisional agenda, creating roll call of speeches, etc.).	Secretariat Officers
Bureau	Before the beginning of the simulation, Secretariat will choose members of the Bureau: The Chair (or President), Vice-Chair (or Vice-President) and a Rapporteur. They are in charge of the conduct of business.	The Chair (or President) declares the opening and closing of meetings; Grants the right to speak; Directs speeches and deliberations; Ensures observance of procedural rules; Puts questions to the vote and announces decisions.	The Chair (or President)
		The Vice-Chair (or Vice-President) assists the Chair (or President).	Vice-Chair (or Vice-President)
		The Rapporteur maintains the list of speakers; Coordinates the order of draft resolutions and amendments; Verifies vote counts; Other procedural duties as required.	Rapporteur

Structure and Flow of the Working Group Meeting



Some Rules of Procedure

Motions	Consultations	Speeches and the Right of Reply	Point of Order	Voting
<p>Motions are specific actions requested by delegates to direct the debate in a certain direction or, more broadly, for Working Group to do something.</p> <p>Suspension of the meeting: During the discussion of an agenda item, a delegate may at any time request the suspension of the debate to proceed to consultations as per Rule 16. The request shall include the purpose for and the length of the suspension. The request is not debatable and must be put immediately for consideration to the delegates. Suspension may imply a call for consultations on the matter.</p> <p>Adjournment of the meeting: During the discussion of an agenda item, a delegate may at any time request the adjournment of the meeting for the purpose of resuming such meeting at the time proposed by the Chair (or President) or arranged by the organizing committee or secretariat of the simulation. It can be used, for instance, to proceed to lunch or for any other activity proposed by the secretariat.</p> <p>Adjournment of the debate: A delegate may also at any time request the adjournment of the debate on the item under discussion. If granted, deliberations on that item cannot take place during a specified period of time. The request is not debatable and must be put immediately for consideration to the delegates. When adjournment of the debate takes place, it is understood that the debate on the item under discussion is not exhausted but, instead, can later be resumed.</p> <p>Closure of the debate: The closure of debate on the item under discussion means that no further deliberation can be made on this item at any time. A delegate may at any time request this closure, whether or not another delegate has signalled her/his wish to speak. The request is not debatable and must be put immediately to the delegates for consideration. In this case, it is understood that the debate on the item has been exhausted and cannot be resumed.</p>	<p>Consultations must be held in private and can be either formal or informal, the latter being used mostly for line-by-line review or recommendations.</p> <p>One of the purposes of consultations could be the drafting of a resolution or a substantive discussion that cannot take place during the formal debate.</p> <p>Whenever possible during the simulation, these consultations should take place first and foremost within regional, political and collaborative blocs or groups of countries that already exist in the United Nations.</p>	<p>No one may address the Working Group without having previously obtained the permission of the Chair (or President).</p> <p>The debate shall be confined to the issue or question before the Working Group, and the Chair (or President) must call a speaker to order if the remarks are not relevant to the subject under discussion.</p> <p>Speeches can be made either seated or standing, depending on the preference of the Chair (or President).</p> <p>Speeches cannot reflect personal or private ideas, views or opinions but need to be in line with the position of the State in question.</p> <p>The time allocated to speakers (and the number of times a delegate of each State may speak on any question) may be limited. When a speaker exceeds the allotted time, the Chair (or President) shall call the delegate to order without delay.</p> <p>The right of reply shall be accorded by the Chair (or President) to the delegate of any State who requests it either in writing or with his or her country name plate. Usually the use of right of reply is restricted to very serious offences or inappropriate comments made by a delegate regarding another one or his/her country or its political leadership.</p>	<p>During the discussion of any matter, a delegate may at any time raise a point of order to indicate an improper procedure or the incorrect application of these rules. It cannot be used for factual errors or for any other purpose. A delegate may not, in raising a point of order, speak on the substance of the matter under discussion.</p> <p>This point shall be decided immediately by the Chair (or President). A delegate may appeal against the ruling of the Chair (or President).</p>	<p>If consensus cannot be reached, a voting process takes place. Each State in the simulation shall have one vote.</p> <p>Procedure: Voting will take place by show of hands or country name plates, as instructed by the Chair (or President). After the commencement of voting has been announced, no delegate may interrupt the voting except on a point of order in connection with the actual voting procedure.</p> <p>Roll-call vote: A delegate may request a roll-call, which if granted by the Chair (or President), shall be taken in the alphabetical order of the names of States represented, in the working language of the simulation. If this is the case, the Rapporteur will read aloud the names of each State. When a delegate's State is named, she or he will respond "yes," "no" or "abstain."</p> <p>Division of proposals: Parts of a draft resolution shall be voted on separately if a delegate requests it.</p> <p>Required majority: When voting on procedural questions, decisions shall be made by a simple majority. When voting on substantive questions such as on draft resolutions, decisions shall be made by a simple or qualified majority of the delegates, as accorded by the organizing committee or secretariat of the simulation.</p>

Sample Resolution of the COP UNTOC

(available at: <http://www.unodc.org/unodc/en/treaties/CTOC/resolutions-and-decisions-conference-of-the-parties-to-the-United-Nations-convention-against-transnational-organized-crime.html>)

Resolution 8/1

Enhancing the effectiveness of central authorities in international cooperation in criminal matters to counter transnational organized crime

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

Recalling that article 18, paragraph 1, of the United Nations Convention against Transnational Organized Crime¹ requires States parties to afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by the Convention, and that article 18, paragraph 13, requires States parties to designate a central authority with the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution,

Recognizing that General Assembly resolutions 69/193 of 18 December 2014 and 70/174 of 17 December 2015 and Economic and Social Council resolution 2014/17 of 16 July 2014 call attention to the growing and important role of central authorities in countering transnational crime, including transnational organized crime,

Convinced that “serious crime” and “organized criminal group”, as defined in article 2 of the Convention, enable a State party, in particular through its central authority, to request and provide assistance to other States parties with regard to a wide range of offences that are transnational in nature, and taking note of article 3 of the Convention,

Reaffirming the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,² especially its subparagraph 8 (a), in which Member States stated that they would strive to promote and strengthen international and regional cooperation to further develop the capacity of national criminal justice systems, including through efforts to modernize and strengthen national legislation, as appropriate, as well as joint training and upgrading of the skills of criminal justice officials, in particular to foster the development of strong and effective central authorities for international cooperation in criminal matters,

Recalling the recommendations of the Working Group on International Cooperation, particularly those that seek to strengthen and enhance the effectiveness of central authorities through direct contact; networks in a virtual environment; liaison activity, including consultations; case tracking; capacity-building and specialized training; and use of technology,

Taking note of the recommendations of the Working Group on International Cooperation that focus on strengthening the internal capacity of central authorities,

including by exercising quality control, enhancing coordination functions and directing matters to other channels of cooperation, such as police-to-police cooperation,

Expressing appreciation for the tools developed by the United Nations Office on Drugs and Crime to support implementation of the Convention by central authorities, including its directory of competent national authorities, the knowledge management portal known as Sharing Electronic Resources and Laws on Crime and the continued development of the Mutual Legal Assistance Request Writer Tool,

Recognizing that central authorities are most effective when they are properly staffed, equipped, empowered and engaged to carry out their core responsibilities regarding international cooperation under the Convention,

1. *Invites* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto³ and to effectively implement their provisions;

2. *Urges* 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;

3. *Reminds* States parties of their obligation to designate a central authority in criminal matters, pursuant to article 18, paragraph 13, of the Convention, and to notify the Secretariat of its designation for inclusion in the directory of competent national authorities;

4. *Encourages* States parties, consistent with their national legal frameworks, to make the widest possible use of the Convention as a basis for international cooperation;

5. *Requests* States parties, taking into account that the purpose of the Convention is to promote cooperation to prevent and combat transnational organized crime more effectively, to permit direct communication and transmission of requests between central authorities, and encourages them, when appropriate and feasible, to place liaison magistrates or officers in capitals of other States parties, to the fullest extent permitted under their domestic laws;

6. *Encourages* States parties to make the fullest and most effective use of available technology to facilitate cooperation between central authorities, including online resources developed at the national level and relevant tools created by the United Nations Office on Drugs and Crime, such as the knowledge management portal known as Sharing Electronic Resources and Laws on Crime and the Mutual Legal Assistance Request Writer Tool, and to develop virtual networks between and among central authorities and explore the feasibility of secure electronic communications;

¹ United Nations, Treaty Series, vol. 2225, No. 39574.

² General Assembly resolution 70/174, annex.

³ United Nations, Treaty Series, vols. 2225, 2237, 2241 and 2326, No. 39574.

Sample Preambular and Operative Clauses

Source: <http://www.unausa.org/global-classrooms-model-un/how-to-participate/model-un-preparation/resolutions/preambulatory-and-operative-clauses>

➤ *Preambular Clauses*

The preamble of a draft resolution states the reasons for which the committee is addressing the topic and highlights past international action on the issue. Each clause begins with a present participle (called a preambular phrase) and ends with a comma. Preambular clauses can include:

- References to the UN Charter;
- Citations of past UN resolutions or treaties on the topic under discussion;
- Mentions of statements made by the Secretary-General or a relevant UN body or agency;
- Recognition of the efforts of regional or nongovernmental organizations in dealing with the issue; and
- General statements on the topic, its significance and its impact.

➤ *Sample Preambular Phrases*

Affirming	Desiring	Noting with deep concern
Alarmed by	Emphasizing	Noting with satisfaction
Approving	Expecting	Noting further
Bearing in mind	Expressing its appreciation	Observing
Believing	Fulfilling	Reaffirming
Confident	Fully aware	Realizing
Contemplating	Further deploring	Recalling
Convinced	Further recalling	Recognizing
Declaring	Guided by	Referring
Deeply concerned	Having adopted	Seeking
Deeply conscious	Having considered	Taking into consideration
Deeply convinced	Having examined	Taking note
Deeply disturbed	Having received	Viewing with appreciation
Deeply regretting	Keeping in mind	Welcoming

➤ *Operative Clauses*

Operative clauses offer solutions to issues addressed earlier in a resolution through the perambulatory section. These clauses are action oriented and should include both an underlined verb at the beginning of your sentence followed by the proposed solution. Each clause should follow the following principals:

- Clause should be numbered;
- Each clause should support one another and continue to build your solution;
- Add details to your clauses in order to have a complete solution;

- Operative clauses are punctuated by a semicolon, with the exception of your last operative clause which should end with a period.

➤ *Sample Operative Phrases*

Accepts	Draws the attention	Notes
Affirms	Emphasizes	Proclaims
Approves	Encourages	Reaffirms
Authorizes	Endorses	Recommends
Calls	Expresses its appreciation	Regrets
Calls upon	Expresses its hope	Reminds
Condemns	Further invites	Requests
Confirms	Further proclaims	Solemnly affirms
Congratulates	Further recommends	Strongly condemns
Considers	Further reminds	Supports
Declares accordingly	Further requests	Takes note of
Deplores	Further resolves	Transmits
Designates	Has resolved	Trusts