6 July 2020

To the President of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (UNTOC)

Excellency,

1. The Group of 77 and China would like to refer to the message sent by the Secretariat to the Members of the Extended Bureau of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (UNTOC) on 30 June 2020, regarding the organizational arrangements for the meetings of the subsidiary bodies of the Conference of Parties to UNTOC that will take place throughout July 2020.

2. In this regard, the Group recalls its letter of 27 May 2020 to the Executive Heads of the four main Vienna-based UN organizations, where it noted, among other things, the will of the Group to work closely with the VBOs to navigate the second half of the year; the necessity of adhering to the utmost transparency, objectivity, inclusiveness and close inter-states consultations; and the Group’s view that meetings to be conducted virtually or in hybrid format should have a clear view on the rules of procedure and methods of work and be more feasible for briefings, extended bureau meetings, or smaller group meetings.

3. In the referred letter, the Group also stated the difficulties of virtual and hybrid meetings when there is a need to negotiate outcomes and decisions, and also the need for States to have certainty on how business will be conducted.

4. In the 30 June 2020 message, Member States were informed that “The UNOV/UNODC management department advised that meetings without the physical presence of delegates at the VIC are still the format that is strongly recommended for all July meetings, to prevent and reduce health and safety risks stemming from the ongoing COVID-19 pandemic”. However, in person meetings have been convened by other VBOs and are already taking place in the VIC. Even more, the Vienna International Centre Crisis Management Team COVID-19 update of 1 July 2020 says that “the maximum number of meeting participants will be increased to 250”. The Group of 77 and China has consistently reiterated that an equal, uniform and consistent approach should be followed by all VBOs when organizing meetings. The Group would like to request the Secretariat, through you, Mr. President, to clarify the current guidance related to in-person meetings followed by Vienna VBOs.

His Excellency
Mr. Alessandro Cortese
Ambassador and Permanent Representative of Italy
President of the Conference of the States Parties (UNTOC)
Lugeck 1-2 (fifth floor)
1010 Vienna
5. The Group of 77 and China would also like to refer to the Annex 1 of the 30 June 2020 message. While recognizing the complexity and limited time frame for consideration of the “Organization of work for the July 2020 meetings of the subsidiary bodies of the Conference of Parties to the United Nations Convention against Transnational Organized Crime in view of COVID-19 restrictions”, the Group is of the view that timely information and consultations with States parties would have been necessary to better understand the organization of work proposed. The Group emphasizes that timely, transparent and inclusive consultations with all States Parties are essential, particularly when the decisions being taken may have implications on the established practices and rules of procedure of our meetings. Accordingly, the Group requests that before future meetings take place, States Parties are informed and consulted on the organization of work at least two weeks in advance of the meetings.

6. In Item 2 of Annex 1 “Preparation and adoption of the summary of deliberations” it was stated that “In the case of the IEG established in accordance with COP resolution 9/1, no summary of deliberations is needed, based on the nature of the meeting and past practice”, but no guidance is given on how the IEG established in accordance with COP resolution 9/1 will perform its mandate to finalize and harmonize the pending self-assessment questionnaires, and adopt its report, as it was agreed by the extended Bureau on 28 November 2019 when approving a second session for this Group.

7. Moreover, the Annex states that “For the open-ended intergovernmental Expert Group established in accordance with resolution 9/1, the same format is recommended due to health and safety risks stemming from the ongoing COVID-19 pandemic”. It is not clear to the Group how the IEG established in accordance with COP resolution 9/1 will be able to deliver on its mandate approved by the Conference of Parties.

8. In this regard, the Group of 77 and China would like express its support to the request referred in Annex 1 of the 30 June 2020 message, which reads “a few Member States have requested that the Secretariat should explore the option of having at least one person per delegation in the conference room during the meeting of the open-ended Intergovernmental Expert Group established in accordance with resolution 9/1”.

9. On Item 3 of Annex 1 “Preparation and adoption of the recommendations”, the Group of 77 and China again find there is lack of clarity on how the process will be followed. There is no sufficient information on how the recommendations will be distributed among States Parties during sessions and no assurances that there will be sufficient time for their proper, inclusive and transparent consideration. The Group considers that negotiated recommendations are at the core of the mandated tasks and one of the most important contributions of subsidiary bodies to the Conference of Parties. Therefore, the Group cannot support the possibility of having a Chair’s compilation of recommendations. Instead, the Group of 77 and China would like to propose that the report and recommendations of each session be circulated to all States Parties and adopted through silence procedure or a short and decision-oriented meeting of the subsidiary bodies dedicated solely for the adoption of the reports and recommendations. This meeting could take place after informal consultations to find consensus on recommendations, should they be necessary, and when in person meetings with at least one person per delegation could be present at the Vienna International Center.
10. Finally, the Group of 77 and China would like to express its concerns on the serious technical problems encountered by participants in previous virtual or hybrid meetings organized by UNODC. These challenges related to the communication and interpretation systems in the past meetings reinforce the positions expressed by the Group on the difficulties related to achieving negotiated outcomes and decisions in virtual settings. The Group reiterates its request to the Secretariat to provide solutions to these technical issues and ensure that the systems are working well before conducting any meetings.

11. The Group of 77 and China has acknowledged the difficulties posed by the current situation to multilateralism and will continue to work closely and to provide our full support and cooperation to overcome the current challenges that we are facing.

Please accept, Mr. President, the assurances of my highest consideration.

[Signature]
Maria Cleofe Natividad
Ambassador and Permanent Representative of the Philippines
Chairperson of the G-77 Vienna Chapter