



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

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Meeting for the purpose of defining the specific procedures and rules for the functioning of the review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Vienna, 24-26 April 2017

Item 2 of the provisional agenda*

**Consideration of a first draft of the procedures
and rules for a review mechanism based on the
elements contained in resolution 8/2**

Estimated financial requirements for the mechanism for the review of implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, including a breakdown of costs for its functioning

Note by the Secretariat

I. Introduction

1. In its resolution 8/2, entitled “Mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto”, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to continue the process of establishing the mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto based on the recommendations contained in the report on the intergovernmental meeting to explore all options regarding an appropriate and effective review mechanism for the Convention and the Protocols thereto, held in Vienna on 6 and 7 June 2016 (CTOC/COP/WG.8/2016/2).

2. In the same resolution, the Conference decided to elaborate specific procedures and rules for the functioning of the review mechanism for consideration and adoption by the Conference at its ninth session, which should be guided by the principles and characteristics set out in Conference resolution 5/5, and also decided to include certain elements, as listed in the resolution, in the specific procedures and rules.

* CTOC/COP/WG.9/2017/1.



3. Also in the same resolution, the Conference underscored that the specific procedures and rules for the functioning of the review mechanism should be defined taking into account all options regarding the funding model of such a review mechanism, including the option that the core activities of the mechanism should be funded through the existing regular budget resources, to be complemented if necessary by voluntary contributions for other activities, once clear options and their associated costs had been identified, and it had been determined whether additional resources would be appropriate, bearing in mind the need for the review mechanism to have reliable, sustainable and predictable resources, as well as the principle of cost-efficiency.

4. Also in its resolution 8/2, the Conference requested the Secretariat, within existing resources, to support the process of reviewing the implementation of the Convention and the Protocols thereto, in particular by providing adequate estimates of costs and indicating measures, where possible, that would allow for such costs to be funded from its existing resources and workload, where appropriate.

5. In the same resolution, the Conference requested the United Nations Office on Drugs and Crime to convene, within existing resources from the regular budget and without prejudice to other mandated activities, at least one open-ended intergovernmental meeting, with interpretation, for the purpose of defining the specific procedures and rules for the functioning of the review mechanism, and invited States parties to remain engaged in the process, including during the intersessional period.

6. The following estimated financial requirements for the mechanism for the review of implementation of the Organized Crime Convention and the Protocols thereto, including a breakdown of costs for its functioning, were prepared by the Secretariat pursuant to Conference resolution 8/2 for consideration by the open-ended intergovernmental meeting and with a view to facilitating further discussion. The present note complements the document containing the draft procedures and rules for the functioning of the mechanism ([CTOC/COP/WG.9/2017/2](#)) and should be read in conjunction with it.

II. Estimated financial requirements for the mechanism for the review of implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

A. Basic parameters for estimating financial requirements

7. The following basic parameters for estimating the financial requirements for the mechanism for the review of implementation of the Convention and the Protocols thereto are brought to the attention of the open-ended intergovernmental meeting for further consideration and with a view to facilitating the relevant deliberations:

(a) Pursuant to paragraph 8 of the draft procedures and rules for the functioning of the mechanism, the review shall be a gradual process consisting of one preparatory phase (years 1 and 2) and two review phases (years 3 to 10). Further, pursuant to paragraph 9, the preparatory phase shall be devoted to the definition of organizational matters and the development and finalization, in accordance with paragraph 16, of the self-assessment questionnaire within each of the working groups of the Conference of the Parties. Both review phases will last four years: the first review phase shall be held from year 3 to year 6 and the second shall be held from year 7 to year 10. The two review phases shall be conducted and concluded in line

with the multi-year workplan annexed to the draft procedures and rules. That workplan may, upon recommendation of the working groups, be amended by the Conference, if deemed appropriate for the efficient functioning of the mechanism;

(b) Pursuant to paragraph 10 of the draft procedures and rules for the functioning of the mechanism, half of the States that are parties to the Convention at the start of a review phase should finalize their reviews within the first two years of the review phase. The review of all States that are parties at the start of a review phase should be completed before the new review phase begins. In exceptional cases, however, the Conference may decide to launch a new review phase before the completion of all reviews of the previous phase. No State party shall undergo a review twice in the same review phase, without prejudice to the right of a State party to provide new information.

B. Paragraphs of the draft procedures and rules for the functioning of the mechanism that contain cost implications, and breakdown of costs

8. Under paragraphs 13, 17, 19, 25, 34, 36, 41 and 45 of the draft procedures and rules for the functioning of the mechanism, the following action with cost implications would be required:

(a) The secretariat shall, prior to the drawing of lots to select the reviewing States parties, compile, circulate and update, where necessary, a list of focal points of States parties under review entrusted with the task of coordinating their participation in the review (para. 13);

(b) Each State party under review shall provide the reviewing States parties with the information required by the Conference on its compliance with and implementation of the Convention and the Protocols thereto, using the self-assessment questionnaire for that purpose, which will be available on the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC). States parties shall provide complete, up-to-date, accurate and timely responses (para. 17);

(c) Each State party shall appoint as its governmental experts, for the purposes of the review of implementation of the Convention and the Protocols thereto, up to five experts with relevant expertise to examine the issues under evaluation, for each instrument under review. The secretariat shall, prior to the drawing of lots to select the reviewing States parties, compile and circulate a list of such governmental experts, which shall include information on their professional background, their current positions, relevant offices held and activities carried out and their areas of expertise as required for the relevant review phase. States parties shall endeavour to provide information necessary for the secretariat to compile that list and keep it up to date (para. 19);

(d) The secretariat shall facilitate, where appropriate, the establishment of open lines of communication among the governmental experts involved in the review process (para. 25);

(e) The country review report, including the executive summary, shall be finalized upon agreement between the reviewing States parties and the State party under review and shall be communicated to the secretariat (para. 34);

(f) The executive summaries of all finalized country review reports shall be translated into the six official languages of the United Nations and be made available

as documents of the appropriate working group of the Conference, for information purposes only (para. 36);

(g) As a follow-up to its country review, each State party shall submit directly to the appropriate working groups information on progress achieved in connection with the observations contained in the country review report and its executive summary (para. 41);

(h) The executive summaries of the country review reports shall, as documents of the Conference, be published in the six working languages of the mechanism (para. 45).

9. With regard to paragraphs 13 and 19 of the draft procedures and rules for the functioning of the mechanism (circulation and updating of a list of focal points of States parties under review, and compilation, circulation¹ and updating of a list of governmental experts), it is estimated that extrabudgetary resources in the amount of \$120,300 would be required to provide for one General Service (Other level) staff member for 12 working months, whose services would be required for at least eight years (first and second review phases of the review mechanism) for core secretariat functions, which will also include: functions relating to the administrative servicing of meetings, sessions and intersessional meetings of the Conference of the Parties and its working groups in accordance with paragraphs 4, 14, 20 and 22 of the draft procedures and rules for the functioning of the mechanism; functions relating to the formatting and processing of the executive summaries of all finalized country review reports, in accordance with paragraph 34 of the draft procedures and rules for the functioning of the mechanism; functions relating to the formatting of the information on progress achieved as a follow-up to a country review as stated in paragraph 41; and functions relating to publishing and uploading the executive summaries of the country review reports in the six working languages of the mechanism, in accordance with paragraph 45 of the draft procedures and rules for the functioning of the mechanism.

10. In addition, with regard to paragraph 25 of the draft procedures and rules for the functioning of the mechanism, it is estimated that extrabudgetary resources in the amount of \$120,300 would be required to provide for one General Service (Other level) staff for 12 working months for at least eight years, to provide administrative support to the open lines of communication among participants. This second General Service (Other level) staff will also be tasked with the assignments identified in paragraph 9 above.

11. With regard to paragraph 17 of the draft procedures and rules for the functioning of the mechanism, it is estimated that extrabudgetary resources in the amount of \$148,700 per year would be required to cover the development and maintenance of SHERLOC, with a view to addressing the review and information-gathering needs. That amount also includes the cost of the technical requirements for creating a secure forum to serve as the open line of communications among the governmental experts involved in the review process as stated in paragraph 25 of the draft procedures and rules.

12. It should be noted that the translation of replies and communication among the States parties under review and reviewing States parties within the context of reviews are not foreseen as elements and practical tools of the mechanism that require funding. Furthermore, the information to be submitted directly to the relevant working groups on progress achieved as a follow-up to a country review, as stated in paragraph 41 of the draft procedures and rules, will be circulated as received and therefore no translation is planned.

¹ The lists of focal point and governmental experts will be circulated as received (no translation).

13. With regard to paragraph 36 of the draft procedures and rules for the functioning of the mechanism, it is estimated that extrabudgetary resources in the amount of \$5,251,400 would be required for the editing and translation of 154 executive summaries as parliamentary documents of the relevant working group of the Conference within every two years, based on the current ratification status of 187 States parties to the Organized Crime Convention, 170 States parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 143 States parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air and 114 States parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. This number is analysed as follows: 94 executive summaries on the implementation of the Organized Crime Convention; 85 executive summaries on the implementation of the Trafficking in Persons Protocol; 72 executive summaries on the implementation of the Smuggling of Migrants Protocol; and 57 executive summaries on the implementation of the Firearms Protocol. The above is based on the assumption that the executive summaries of two country reviews will be included in one parliamentary document.

14. Activities relating to the implementation of the following paragraphs of the draft procedures and rules for the functioning of the mechanism would be carried out provided that the extrabudgetary resources are made available (the cost estimate will be provided in accordance with relevant requests, as accumulated in the course of functioning of the mechanism):

(a) The State party under review shall inform the secretariat of any technical assistance need that should be addressed to support its authorities in providing the information requested under the self-assessment questionnaire pursuant to section C. Assistance to address such need shall be subject to the availability of voluntary contributions. States parties and other interested donors are encouraged to provide resources for relevant technical assistance as a matter of priority (para. 15);

(b) The secretariat of the Conference, pursuant to article 33 of the Convention, shall be the secretariat of the mechanism and shall perform the tasks assigned to it for the efficient functioning of the mechanism, including providing to States parties in the course of the functioning of the mechanism, upon request and subject to the availability of voluntary contributions, technical and substantive support as well as training for governmental experts who participate in the review process (para. 42);

(c) The secretariat shall, if requested by the State party under review, endeavour to seek voluntary contributions to provide for translation and interpretation of the country reports into any other of the working languages of the mechanism, as well as into languages other than the six working languages of the mechanism (para. 46).

C. Absorption and cost-saving measures

15. The Secretariat plans to undertake the following cost-saving measures:

1. Information-gathering and self-assessment questionnaires

16. Pursuant to paragraph 16 of the draft procedures and rules for the functioning of the mechanism, in order to review each thematic cluster of articles of the Convention or Protocol thereto, the relevant working group shall define, with the assistance of the secretariat, a short, precise and focused self-assessment questionnaire.

17. The elaboration of draft questionnaires for further consideration and approval by the working groups will be undertaken by the secretariat within existing resources.

2. Meetings of the Conference and its working groups

18. Pursuant to paragraphs 4 and 14 of the draft procedures and rules for the functioning of the mechanism, the review of implementation of the Convention and the Protocols thereto and the mechanism shall be under the authority of the Conference of the Parties, in accordance with article 32 of the Convention. The country reviews shall be conducted within the Conference and its existing working groups, which shall add the matter as an item in their agendas, consistent with their areas of expertise and without prejudice to their existing mandates.

19. Furthermore, in accordance with paragraphs 20 and 22 of the draft procedures and rules for the functioning of the mechanism, the relevant working groups shall identify the reviewing States parties for each State party under review by drawing of lots and shall hold intersessional meetings open to all States parties, for the purpose of such drawing of lots. In order to ensure coordination and consistency in the review of the implementation of the Convention and the Protocols thereto, the Working Group on International Cooperation and the Working Group on Technical Assistance shall hold joint intersessional meetings for the purpose of the drawing of lots.

20. In terms of implementation of these paragraphs, the substantive servicing of the relevant meetings and sessions of the Conference of the Parties and its working groups will be carried out by substantive officers of the secretariat at the Professional level, as assigned and required and within existing resources. The intersessional meetings of the working groups for the purpose of the drawing of lots will be conducted in English only and without interpretation into the other official languages of the United Nations.

3. Preparation of a proposed biennial budget for the activities of the mechanism

21. Pursuant to paragraph 49 of the draft procedures and rules for the functioning of the mechanism, the secretariat shall be responsible for preparing a proposed biennial budget for the activities of the mechanism.

22. In terms of implementation of this paragraph, the documentation containing the proposed biennial budget for the activities of the mechanism will be part of the official documentation for the Conference of the Parties periodically at its future meetings, as appropriate.

4. Evaluation of the organization, functioning and performance of the review process

23. Pursuant to paragraph 5 of the draft procedures and rules for the functioning of the mechanism, the Conference shall conduct, when appropriate and upon recommendation of its working groups, an evaluation of the organization, functioning and performance of the review process, so as to amend and improve the existing mechanism.

24. In terms of implementation of the present paragraph, although the type of evaluation of the functioning and the performance of the review process will be defined at a later stage when sufficient knowledge and experience are accumulated through the performance of the review process, the documentation relating to this evaluation, including its findings, will be part of the official documentation for the Conference of the Parties at its future meetings, as appropriate.