

# Revised tentative cost estimates for a review mechanism for the UNTOC and the Protocols thereto

*Non-paper prepared by the Secretariat with guidance from the President of the Conference of the Parties to UNTOC*

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## I. Introduction

1. The present tentative cost estimates were prepared on the basis of the outcome of the discussions of the second open-ended intergovernmental meeting for the purpose of defining the specific procedures and rules for the functioning of the review mechanism for the Organized Crime Convention (UNTOC) and the Protocols thereto, held in Vienna from 30 October to 1 November 2017, as contained in document CTOC/COP/WG.9/2018/CRP.1<sup>1</sup>. They are a revised version of the preliminary/tentative cost estimates that had been prepared by the Secretariat and circulated to Member States on 22 December, 2017 and endeavour to take into account the various comments and views expressed by Member States in relation to that document. The present document has also benefitted from the guidance of the H.E. Mrs. Pilar Saborio de Rocafort, President of the eighth session of the Conference.

2. The present tentative cost estimates envisage an effective and sustainable funding for a review mechanism for the UNTOC and its Protocols, taking into account that four legal instruments would be reviewed, each with high levels of adherence, over a period of 16 years.

3. The present document contains information on the following:

- reductions vis-à-vis the preliminary/tentative cost estimates of 22 December, 2017;
- existing resources within UNDOC that will be used for the review mechanism;
- an overview of tasks to be carried out by the Secretariat based on the current draft procedures and rules;
- the yearly staff and other requirements for servicing the review mechanism;
- the estimated total financial requirements per year;
- a cost comparison with the review mechanisms of other UN instruments;
- and a section containing other relevant considerations.

## II. Reductions vis-à-vis the preliminary/tentative cost estimates of 22 December, 2017

4. The present cost estimates have **eliminated** certain staff requirements that were contained in the 22 December 2017 cost estimates, as follows:

- (a) One P-4 post for servicing annual meetings of the Working Groups on Trafficking in Persons and Smuggling of Migrants;
- (b) One P-3 post for servicing annual meetings of the Working Group on Firearms;
- (c) One General Temporary Assistance post at the P-3 level to carry out general tasks associated with an increase in adherence status, as required.

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<sup>1</sup> Available at <http://www.unodc.org/unodc/en/treaties/CTOC/open-ended-specific-procedures-and-rules-for-the-functioning-of-the-review-mechanism-oct-2017.html>

### III. Existing resources within UNDOC that will be used for the review mechanism

5. The present cost estimates take into account all currently existing Regular Budget resources within the Organized Crime and Illicit Trafficking Branch (OCB) of UNODC, which substantively services the Conference and its working groups, as well as the Regular Budget resources allocated to the Conference of the Parties and its working groups and which are managed by UNOV Conference Management Service.

6. In particular, the following resources would be used by the review mechanism at no additional cost:

(a) **The biennial Regular Budget entitlements for the Conference and its working groups**, i.e. 64 documents per biennium (8,500 words each) and 52 formal meetings entitlements (equal to 26 days of meetings). This is roughly equal to US\$ 2,172,800 in documents and US\$ 800,800 in meetings per year (US\$ 2,973,600 in total).

(b) **The full substantive servicing of annual or biennial meetings of the Working Groups on International Cooperation and Technical Assistance**, including: substantive planning and organization of the meetings via support to the extended Bureau of the Conference, logistical organization of the meetings, preparation of substantive pre-session documents, preparation of in-session documents including the final report on the meeting, direct substantive and procedural support to Chairs, coordination and support to panellists, substantive support to meeting participants during discussions, communication with Member States as needed on inquiries related to the meetings. This is carried out by 2 P-4 staff, 1 P-3 staff, 2 G-S staff and supervised by 1 D-1 staff under the Regular Budget and roughly amounts to US\$ 241,400 per year.

(c) **The partial substantive servicing of annual or biennial meetings of the Working Group on Firearms**, including: substantive planning and organization of the meetings via support to the extended Bureau of the Conference, partial logistical organization of the meetings, direct procedural support to Chairs, coordination of panellists, communication with Member States as needed on inquiries related to the meetings. This is carried out by 1 P-5 staff, 1 P-4 staff, 1 P-3 staff and 1 G-S staff, and supervised by 1 D-1 staff under the Regular Budget and roughly amounts to US\$ 221,600 per year.

(i) In addition, the Working Group on Firearms currently relies on the *ad hoc* substantive support of staff of the UNODC Global Firearms Programme, whose salaries emanate from extrabudgetary, earmarked resources and who carry out Conference-related tasks in addition to their obligations under the Global Programme. Tasks carried out by these staff include: servicing of working group meetings through the preparation of substantive pre-session documents, preparation of in-session documents including the final report on the meeting and substantive support to the Chair, panellists and participants; servicing of regular sessions of the Conference through the preparation of substantive pre-session documents, serving as introduction officers at the Plenary, facilitating consultations and negotiations on relevant resolutions, drafting the in-session report related to the Firearms item on the Conference agenda.

(d) **The partial substantive servicing of annual or biennial meetings of the Working Groups on Trafficking in Persons and Smuggling of Migrants**, including: substantive planning and organization of the meetings via support to the extended Bureau of the Conference, partial logistical organization of the meetings, direct procedural support to Chairs, coordination of panellists, communication with Member States as needed on inquiries related to the meetings. This is carried out by 1 P-3 staff and 1 G-6 staff, and supervised by 1 D-1 staff under the Regular Budget and roughly amounts to US\$122,400 per year.

(i) In addition, the Working Groups on Trafficking in Persons and Smuggling of Migrants currently rely on the *ad hoc* substantive support of staff of the Global Programmes under the Human Trafficking and Migrant Smuggling Section of OCB, whose salaries emanate from extrabudgetary, earmarked resources and who carry out Conference-related tasks in addition to their obligations under the Global Programmes. The tasks carried out by these staff in relation to the Conference include: servicing of working group meetings through the preparation of substantive pre-session documents, preparation of in-session documents including the final report on the meeting and substantive support to the Chair, panellists and participants; servicing of regular sessions of the Conference through the preparation of substantive pre-session documents, serving as introduction officers at the Plenary, facilitating consultations and negotiations on relevant resolutions, drafting the in-session report related to the Trafficking in Persons and Smuggling of Migrants items on the Conference agenda.

(e) Overall supervision and coordination of the running of the review mechanism, carried out by 1 D-1 staff and 1 P-5 staff under the Regular Budget and roughly amounts to US\$ 186,300 per year.

- Total existing resources that will be used for the review mechanism roughly amount to: US\$ 3,745,300 per year.

#### **IV. Overview of tasks to be carried out by the Secretariat based on the current draft procedures and rules**

7. The following is a list of the tasks that would be carried out by States parties and by the Secretariat in the review mechanism, based on the current version of the draft procedures and rules:

**(a) Tasks that would be carried out by States:** replying to questionnaires, communicating with other relevant States through the future secure SHERLOC module, putting together the country review report based on a template (blueprint), coordinating with other experts to finalize the report, submit the report to the Secretariat for processing.

**(b) Tasks that would be carried out by the Secretariat:**

(i) Substantive editing of the country review reports: carrying out quality control of texts to meet UN official documentation standards, consulting with States on editing queries, ensuring consistency among documentation in preparation for meetings;

- (ii) Replying to substantive queries to assist in the completion of questionnaires as needed;
- (iii) Providing training to States for using the new SHERLOC module, replying to queries on the new SHERLOC module;
- (iv) Assisting States to classify their laws, legislation, case law, etc. as needed in order to upload it to SHERLOC;
- (v) Preparing, servicing and following up on the drawing of lots for the country reviews;
- (vi) Reminding States about upcoming deadlines for the submission of reports in preparation for intergovernmental meetings;
- (vii) Maintaining an overview of the number of reviews being carried out and general statistics related to the review process.

**(c) Tasks that would not be carried out by the Secretariat:**

- (i) Drafting country review reports, i.e. assisting States in preparing the reports and checking the substantive content of the reports for coherence, quality and accuracy in the interpretation/application of the laws;
- (ii) Keeping constant communication with experts from reviewed and reviewing States to assist substantively in the review process;
- (iii) Carrying out desk reviews of a State's level of compliance/implementation of the instruments;
- (iv) Delivering direct technical assistance for participating in reviews through, for instance, training courses for experts at HQ and/or in the field;
- (v) Drawing up recommendations/observations for follow up action by States as a result of the reviews;
- (vi) Carrying out translations of communications or of feedback, comments or replies to questionnaires made in the process of the country reviews.

**V. Yearly staff and other requirements for servicing the review mechanism**

8. To carry out the tasks envisaged in para. 7(b) above for the review of the four instruments, the yearly staff requirements are the following:

- (a) **2 General Service staff posts:** To support the running of all annual or biennial intergovernmental meetings; provide documents and meetings support (formatting documents, processing documents using DCPMS, liaising and coordinating with Conference Management Service, carrying out procurement for printing and other services as needed); register participants (pre-registration, preparing the badge system, processing emails, checking correct format of registration credentials, handing out badges during the meeting, troubleshooting during the meeting, preparing the list of participants); manage website and emails; archive; keep track of general statistics related to the review mechanism; reply to queries from Member States related to the

review mechanism; general administrative assistance to P-level staff as needed for the preparation of meetings and documents.

**(b) 1 P-3 staff post to manage the new secure module to be hosted by the SHERLOC platform:** To carry out information gathering and to serve as focal point for all matters related to the new secure module; manage the new secure module on a daily basis and assist States parties to access it, use it and to sort/classify their laws, legislation and case law, including providing substantive support in answering queries related to legislation; provide e-training for experts and delegates; troubleshoot and liaise with UNOV Information Technology Service as needed to resolve technical matters; organize, service and keep track of the drawing of lots and of country pairings; assist States with queries related to the lists of country focal points and reviewing experts; set up and manage information centres related to the new secure module at intergovernmental meetings; assist in preparing presentations for meetings and statistical reports on the new module.

**(c) 4 P-3 posts** to support the review mechanism, **one for each instrument (the Convention and its 3 Protocols)** as described in paragraph 7(b) above.

9. The financial requirements for staff are detailed in **Annex 1**.

10. The staff levels indicated were determined on the basis of the necessary academic, language and professional experience requirements for the posts as well as the level of responsibilities that each staff member would have in order to efficiently and effectively support the review mechanism, and to do so with minimum supervision.

11. In addition to the staff requirements, the following amounts would be required for the development and maintenance of a new module to be hosted by the SHERLOC portal: US\$ 297,000 (Regular Budget) or US\$ 335,600 (from extrabudgetary resources) for the first year (development and setting up of the software) and US\$ 89,000 (Regular Budget) or US\$ 100,600 (from extrabudgetary resources) for each subsequent year (constant maintenance of the software and system for functionality and security).

## **VI. Estimated total financial requirements per year**

12. Given the descriptions provided in paragraph 8 above, the estimated total yearly financial requirements for the review mechanism, under each funding model, are as follows (**Annex 2** contains the calculations):

(i) Total annual financial requirements for the first year, under the Regular Budget: US\$766,300.

(ii) Total annual financial requirements for the first year, funded from extra-budgetary resources: US\$1,477,500.

(iii) Total annual financial requirements for subsequent years, under the Regular Budget: US\$904,400.

(iv) Total annual financial requirements for subsequent years, funded from extra-budgetary resources: US\$1,242,500.

## **VII. Cost comparison with the review mechanisms of other UN instruments**

13. For reference purposes, the following is a comparison of yearly costs of other review mechanisms within the UN:

- Human Rights Treaty Bodies: Approximately US\$ 5.5 million yearly per each of the 9 instruments.
- UNCAC review mechanism: Approximately US\$ 4.5 million yearly for the Convention.

## **VIII. Other considerations**

14. Other considerations that States may wish to keep in mind before finalizing the procedures and rules, and which could have additional cost implications, are the following:

(a) There could be a need for additional documentation entitlements if adherence to any instrument increases throughout the years.

(b) When calculating how many reports will be needed yearly for the country reviews, States should bear in mind that each intergovernmental meeting requires a minimum of two documents entitlements that cannot be foregone, i.e. one annotated provisional agenda and one final report on the meeting is needed for each meeting.

(c) The procedures and rules should be clear on how the translation of written feedback/communication from reviewing and reviewed States parties during the conduct of the reviews will work, i.e. the length of such communication, how the costs for translation will be funded and/or how long the translation process will take.

(d) In their current version, the draft procedures and rules provide no clear indication of the role that the working groups will play in the review mechanism and how much documentation they will need in order to consider agenda items not related to the review mechanism. In order to calculate realistic costs for documentation, the procedures and rules should ideally indicate how often working groups are expected to meet and how many documents each of those meetings will be entitled to.

### **Annexes:**

- **Annex 1:** Table with calculations of staff hours needed for the tasks listed in para. 7(b)
- **Annex 2:** Calculations of total yearly financial requirements

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