



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

Distr.: General
27 May 2016

Original: English

Eighth session

Vienna, 17-21 October 2016

Annotated provisional agenda

Provisional agenda

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 - (c) Protocol against the Smuggling of Migrants by Land, Sea and Air;
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7. Provisional agenda for the ninth session of the Conference.
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Annotations

1. Organizational matters

(a) Opening of the eighth session of the Conference

The eighth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime will be opened on Monday, 17 October 2016, at 10 a.m.

(b) Election of officers

In accordance with rule 22 of the rules of procedure for the Conference, at the opening of each session a President, eight Vice-Presidents and a Rapporteur shall be elected from among the representatives of the States parties that are present at the session. In electing the officers of the session, each of the five regional groups shall be represented by two officers, one of whom shall be from among the representatives of the States that are parties to the United Nations Convention against Transnational Organized Crime and to one or more, and if possible all, of the Protocols to the Convention. The Bureau shall include at least two representatives of States that are parties to all the instruments.

In accordance with paragraph 3 of the same rule of the rules of procedure for the Conference, the offices of President and Rapporteur of the Conference shall normally be subject to rotation among the five regional groups. Thus, at the eighth session, the President of the Conference and one Vice-President would be nominated by the Latin American and Caribbean States; the Eastern European States would be asked to nominate one Vice-President and the Rapporteur; and States of the other regions would be asked to nominate two Vice-Presidents each.

(c) Adoption of the agenda and organization of work

At its seventh session, held in Vienna from 6 to 10 October 2014, the Conference adopted the provisional agenda for its eighth session in decision 7/1 (CTOC/COP/2014/13, chap. I.B).

Also at its seventh session, the Conference adopted decision 7/2 on the organization of the work of the eighth session of the Conference, in which it decided that the eighth session should take place over five working days; that the number of meetings should remain the same as for the previous sessions, that is, 20 meetings, with interpretation in the six official languages of the United Nations; and that a decision should be taken at the end of the eighth session on the duration of the ninth session.

Furthermore, in its decision 6/3 on the organization of work for future sessions of the Conference, the Conference decided that, starting with the seventh session, the firm deadline for the submission of draft resolutions would be two weeks prior to

the commencement of the relevant session, and that the deadline for the submission of draft resolutions emanating from the working groups, which meet concurrently with the plenary of the Conference, would be on Thursday at noon, provided that the duration of the session was five working days.

Also in its decision 6/3, the Conference decided that, for future sessions of the Conference, starting with the seventh session, the Conference would be preceded by informal pre-session consultations, without interpretation, to be held on the working day preceding the first day of the Conference, which would provide an opportunity for States to engage in informal consultations on draft resolutions and, inter alia, the provisional agenda for the subsequent session of the Conference.

In accordance with Conference decision 6/3, the firm deadline for the submission of draft resolutions for consideration at the eighth session of the Conference is Monday, 3 October 2016. The informal pre-session consultations will be held on Friday, 14 October. Draft resolutions should be submitted as early as possible in order to enable productive discussions during the pre-session consultations.

At its meeting held on 12 April 2016, the extended Bureau of the Conference agreed on the proposed organization of work of the eighth session of the Conference (see annex).

Documentation

Annotated provisional agenda (CTOC/COP/2016/1)

(d) Participation

Rule 14 of the rules of procedure for the Conference provides that, subject to prior written notification to the Secretary-General, any State or regional economic integration organization that is a signatory to the Convention in accordance with its article 36, paragraphs 1 and 2, shall be entitled to participate in the Conference as an observer.

Rule 15 of the rules of procedure provides that any other State or regional economic integration organization that has not signed the Convention in accordance with its article 36, paragraphs 1 and 2, may apply to the Bureau for observer status, which shall be accorded unless otherwise decided by the Conference.

Rule 16 of the rules of procedure provides that, subject to prior written notification to the Secretary-General, representatives of entities and organizations that have received a standing invitation from the General Assembly to participate as observers in the sessions and work of all international conferences convened under its auspices, representatives of United Nations bodies, specialized agencies and funds, as well as representatives of functional commissions of the Economic and Social Council, shall be entitled to participate as observers in the deliberations of the Conference. Representatives of any other relevant intergovernmental organization may also apply to the Bureau for observer status, which shall be accorded unless otherwise decided by the Conference. At its fifth session, the Conference decided that the intergovernmental organizations listed in conference room paper CTOC/COP/2010/CRP.7 would receive a standing invitation under rule 16, paragraph 2, of the rules of procedure, to attend future sessions of the Conference.

Rule 17 of the rules of procedure provides that relevant non-governmental organizations having consultative status with the Economic and Social Council may apply to the Bureau for observer status, which should be accorded unless otherwise decided by the Conference. Should relevant non-governmental organizations not having consultative status with the Council apply for observer status, the secretariat will circulate a list of such organizations in accordance with rule 17. Furthermore, at its fifth session, the Conference decided to continue to allow non-governmental organizations to participate in the sessions of the Conference, in line with the rules of procedure and past practice (see CTOC/COP/2010/17, chap. II.D).

(e) Adoption of the report of the Bureau on credentials

By its decision 4/7, the Conference amended rule 18 of its rules of procedure, on submission of credentials, by modifying paragraph 3 and adding a new paragraph 4 to read as follows:

“3. The credentials shall be issued by the Head of State or Government, by the Minister for Foreign Affairs or by the Permanent Representative to the United Nations of the State party in accordance with its domestic law or, in the case of a regional economic integration organization, by the competent authority of the organization.

“4. When the Conference is to consider proposals for amendments to the Convention in accordance with article 39 of the Convention and rule 62 of the rules of procedure for the Conference, the credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs of the State party or, in the case of a regional economic integration organization, by the competent authority of that organization.”

According to rule 19 of the rules of procedure, the Bureau shall examine the credentials of representatives of each State party and the names of the persons constituting the State party's delegation and submit its report to the Conference. According to rule 20 of the rules of procedure, pending a decision of the Bureau on their credentials, representatives shall be entitled to participate provisionally in the session. Any representative of a State party to whose admission another State party has made objection shall be seated provisionally with the same rights as other representatives of States parties until the Bureau has reported and the Conference has given its decision.

(f) General discussion

Under the sub-item entitled “General discussion”, time is allowed for statements to be made on matters of a general nature that are related to the implementation of the Convention and that may be of interest to the Conference. A list of speakers will be opened by the Secretariat on 19 September 2016, and all States are invited to indicate their intention to address the Conference under the sub-item. The list of speakers will remain open until noon on 17 October 2016. Inscription on the list will be on a first-come, first-served basis on the understanding that priority will be given to representatives of ministerial or similar rank. Speakers are requested to limit their statements to three minutes.

2. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

(a) United Nations Convention against Transnational Organized Crime

In its resolution 7/1 on strengthening the implementation of the Organized Crime Convention and the Protocols thereto, the Conference reaffirmed the importance of the Convention and its Protocols as the main tools available to the international community to fight transnational organized crime.

In the same resolution, the Conference underlined that the review of the implementation of the Convention and the Protocols thereto is an ongoing and gradual process and that it is necessary to explore all options regarding an appropriate and effective mechanism to assist the Conference in that review.

Also in resolution 7/1, the Conference requested the United Nations Office on Drugs and Crime (UNODC) 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, to include government officials with practical expertise related to the implementation of the Convention and its Protocols, with a view to analysing options and submissions by States parties, and to submit to the Conference at its eighth session a report containing concrete recommendations for reviewing, through a possible mechanism or mechanisms, the implementation of the Convention and the Protocols thereto, and recommendations for cooperating with relevant international and regional organizations and non-governmental organizations, in line with article 32 of the Convention and as guided by the principles and characteristics contained in its resolution 5/5.

At the meeting of the extended Bureau of the Conference held on 27 March 2015, the President of the Conference welcomed Hussam Abdullah Hasan Ghodayeh Al Hussein (Jordan) to the meeting of the extended Bureau in his role as Chair of the open-ended intergovernmental meeting to explore all options regarding an appropriate and effective review mechanism for the Convention and the Protocols thereto.

The first open-ended intergovernmental meeting to explore all options regarding an appropriate and effective review mechanism was held from 28 to 30 September 2015 and the second on 6 and 7 June 2016. The reports emanating from those meetings will be transmitted to the Conference at its eighth session (CTOC/COP/2016/11).

Also in its resolution 7/1, the Conference decided to continue to include in its agenda an item on the review of the implementation of the Convention and the Protocols thereto that would allow States parties, and other interested Member States to take stock of the activities of the working groups and to assess their functioning and effectiveness, including cost-effectiveness, and requested the Secretariat to prepare, within existing resources, a report for the working groups, setting out specific efficiency and cost-saving measures that the Conference may consider adopting. Such a report of the Secretariat will be before the Conference for its consideration (CTOC/COP/2016/12).

Furthermore, in its resolution 7/1, the Conference requested UNODC to report to the Conference at its eighth session on the progress achieved in the implementation of that resolution. The Conference will have before it for its consideration a report of

the Secretariat on the progress achieved in the implementation of resolution 7/1 (CTOC/COP/2016/13).

Under this agenda item, the Conference will also have before it information on the status of ratification of the Organized Crime Convention and its Protocols and notifications, declarations and reservations thereto.

Documentation

Note by the Secretariat transmitting the reports emanating from the open-ended intergovernmental meetings to explore all options regarding an appropriate and effective review mechanism for the Convention and the Protocols thereto held in Vienna from 28 to 30 September 2015 and from 6 to 7 June 2016 (CTOC/COP/2016/11)

Report of the Secretariat prepared for the working groups setting out specific efficiency and cost-saving measures that the Conference of the Parties may consider adopting (CTOC/COP/2016/12)

Report of the Secretariat on the progress achieved in the implementation of resolution 7/1 (CTOC/COP/2016/13)

Status of ratification of the United Nations Convention against Transnational Organized Crime and its Protocols and notifications, declarations and reservations thereto (CTOC/COP/2016/CRP.1)

(b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

In its decision 4/4, the Conference decided to establish an open-ended interim working group to advise and assist it in the implementation of its mandate with regard to the Trafficking in Persons Protocol.

In its resolution 7/1, the Conference decided that the Working Group on Trafficking in Persons would be a constant element of the Conference of the Parties, forwarding its reports and recommendations to the Conference, and requested the Secretariat to continue assisting the working groups in the performance of their functions.

The Working Group on Trafficking in Persons held its sixth meeting from 16 to 18 November 2015; the report on that meeting will be transmitted to the Conference at its eighth session (CTOC/COP/2016/5).

In addition, the Conference will have before it for its consideration a report of the Secretariat on the activities of UNODC to promote and support the implementation of the Trafficking in Persons Protocol (CTOC/COP/2016/2).

Documentation

Report of the Secretariat on the activities of UNODC to promote and support the implementation of the Trafficking in Persons Protocol (CTOC/COP/2016/2)

Note by the Secretariat transmitting the report on the meeting of the Working Group on Trafficking in Persons held in Vienna from 16 to 18 November 2015 (CTOC/COP/2016/5)

(c) Protocol against the Smuggling of Migrants by Land, Sea and Air

In its resolution 6/3 on the implementation of the Smuggling of Migrants Protocol, the Conference called upon States parties to continue to review and, as appropriate, strengthen their relevant legislation, including criminal legislation, and establish as criminal offences the acts covered by the Smuggling of Migrants Protocol and the Organized Crime Convention, including by introducing appropriate sanctions commensurate with the nature and gravity of the offence. The Conference requested UNODC to continue its technical assistance and capacity-building efforts, in coordination and cooperation with bilateral assistance providers and other relevant international organizations that assist States parties, upon request, in implementing the Smuggling of Migrants Protocol, and to assist States, upon request, in ratifying or acceding to the Protocol.

The Conference will have before it for its consideration a report of the Secretariat on the activities of UNODC to promote and support the implementation of the Smuggling of Migrants Protocol (CTOC/COP/2016/3).

In its resolution 7/1, the Conference decided that the Working Group on the Smuggling of Migrants would be a constant element of the Conference of the Parties, forwarding its reports and recommendations to the Conference. In the same resolution, the Conference requested the Secretariat to continue assisting the working groups in the performance of their functions.

The Working Group on the Smuggling of Migrants held its third meeting from 18 to 20 November 2015. The report emanating from that meeting will be transmitted to the Conference at its eighth session (CTOC/COP/2016/6).

Documentation

Report of the Secretariat on the activities of UNODC to promote and support the implementation of the Smuggling of Migrants Protocol (CTOC/COP/2016/3)

Note by the Secretariat transmitting the report on the meeting of the Working Group on the Smuggling of Migrants held in Vienna from 18 to 20 November 2015 (CTOC/COP/2016/6)

(d) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition

In its resolution 7/2 on the importance of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, the Conference noted that reducing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition is one of the major components of the efforts to reduce the violence that accompanies the activities of transnational organized criminal groups, and expressed the conviction that there is a need to strengthen international cooperation and the sharing of information to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Also in resolution 7/2, the Conference recalled that the Convention and in particular the Firearms Protocol, were among the principal global legal instruments to combat

the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

In the same resolution, the Conference noted the activities carried out by UNODC regarding awareness-raising on, dissemination of and support for national legislation, aimed at supporting the ratification of the Organized Crime Convention and its Firearms Protocol, and requested UNODC, through its Global Programme on Firearms, to continue to assist requesting States in their efforts to ratify or accede to and implement the Firearms Protocol.

Furthermore, in the same resolution, the Conference took note with appreciation of the study of the transnational nature of and routes used in trafficking in firearms carried out by UNODC in accordance with the mandate given in Conference resolutions 5/4 and 6/2, requested the Office to finalize and disseminate the study and to continue gathering information from States parties on illicit trafficking in firearms on a regular basis, and directed the Working Group on Firearms to consider the outcomes of the study, with a view to making recommendations to the Conference, at its eighth session, on the future of the study, including the question of whether the study should be repeated and/or updated and improved upon.

For its consideration of this item, the Conference will have before it a report of the Secretariat on the activities of UNODC to promote and support the implementation of the Firearms Protocol (CTOC/COP/2016/4).

In its resolution 7/1, the Conference decided that the Working Group on Firearms would be a constant element of the Conference of the Parties, forwarding its reports and recommendations to the Conference, and requested the Secretariat to continue assisting the working groups in the performance of their functions.

The Working Group on Firearms held its third meeting on 9 June 2015 and its fourth meeting on 18 and 19 May 2016. The reports emanating from those meetings will be transmitted to the Conference at its eighth session (CTOC/COP/2016/7).

Documentation

Report of the Secretariat on the activities of UNODC to promote and support the implementation of the Firearms Protocol (CTOC/COP/2016/4)

Note by the Secretariat transmitting the reports on the meetings of the Working Group on Firearms held in Vienna on 9 June 2015 and on 18 and 19 June 2016 (CTOC/COP/2016/7)

3. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime

In its resolution 6/1, the Conference noted with concern the emergence of new forms and dimensions of transnational organized crime, reaffirmed that the Convention, as a global instrument with wide adherence, offered broad scope for cooperation to address existing and emerging forms of transnational organized crime, and recognized the need for accurate information on global crime trends and patterns, including on new and emerging forms of organized crime, and the need to improve the quality, scope and completeness of data relating to organized crime.

In addition, in its resolution 7/4, entitled “Implementation of the international cooperation provisions of the United Nations Convention against Transnational Organized Crime”, the Conference expressed concern that transnational organized crime had diversified globally and that new and emerging forms required effective responses that depended upon strengthened international cooperation in criminal matters, including through the development of channels for timely cooperation.

No documentation is currently foreseen under this agenda item.

4. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities

In its resolution 6/1, the Conference recognized that the Convention offered expanded opportunities for international cooperation in various areas of the fight against transnational organized crime and that it had potential that was yet to be fully explored in that regard. In the same resolution, the Conference welcomed the activities carried out by the Working Group on International Cooperation and requested UNODC, in conjunction with Member States, to continue to establish networks and other mechanisms to facilitate formal and informal cooperation, including through regional and interregional meetings and exchanges of experience among practitioners, with a view to taking stock of and sharing knowledge acquired through those instruments and mechanisms and the Working Group.

In its resolution 7/4, the Conference emphasized the particular relevance of the Organized Crime Convention as a basis for international cooperation in extradition, mutual legal assistance and international cooperation for the purpose of confiscation, as well as for measures to enhance cooperation among law enforcement authorities.

In the same resolution, the Conference noted that international cooperation was a fundamental part of the work carried out by UNODC to support Member States in the effective implementation of the Organized Crime Convention and the Protocols thereto.

For its consideration of this item, the Conference will have before it a report of the Secretariat on the activities of UNODC to promote the implementation of the provisions on international cooperation in the Convention (CTOC/COP/2016/8).

In its decision 3/2 on the implementation of the provisions on international cooperation in the Organized Crime Convention, the Conference decided that an open-ended working group on international cooperation would be a constant element of the Conference of the Parties. In its resolution 7/1, the Conference requested the Secretariat to continue assisting the working groups in the performance of their functions. The Working Group on International Cooperation held its sixth meeting on 27 and 28 October 2015. As requested by the extended Bureau of the Conference on 12 April 2016, the report on that meeting will be transmitted to the Conference at its eighth session (CTOC/COP/2016/9).

The seventh meeting of the Working Group will be held from 19 to 21 October 2016, in parallel with the eighth session of the Conference of the Parties. October 2016 also marks the tenth anniversary of the commencement of the work of the Working Group.

Documentation

Report of the Secretariat on the activities of UNODC to promote the implementation of the provisions on international cooperation in the Convention (CTOC/COP/2016/8)

Note by the Secretariat transmitting the report on the meeting of the Working Group on International Cooperation held in Vienna on 27 and 28 October 2015 (CTOC/COP/2016/9)

5. Technical assistance

In its resolution 7/3, entitled “Implementation of the provisions on technical assistance of the United Nations Convention against Transnational Organized Crime”, the Conference noted that technical assistance was a fundamental part of the work carried out by UNODC to assist Member States in the effective implementation of the Convention and the Protocols thereto.

For its consideration of the item, the Conference will have before it a report of the Secretariat on the provision of technical assistance to States in the implementation of the Convention and the Protocols thereto (CTOC/COP/2016/10).

Also in its resolution 7/3, the Conference reaffirmed its decision 4/3, in which it had decided that the Working Group on Technical Assistance should be a constant element of the Conference.

Furthermore, in the same resolution, the Conference endorsed the recommendations adopted by the Working Group of Government Experts on Technical Assistance at its meetings held from 28 to 30 October 2013 and on 6 and 7 October 2014.

The ninth meeting of the Working Group of Government Experts on Technical Assistance will be held from 17 to 19 October 2016, in parallel with the eighth session of the Conference.

Documentation

Report of the Secretariat on the provision of technical assistance to States in the implementation of the Convention and the Protocols thereto (CTOC/COP/2016/10)

6. Financial and budgetary matters

In its resolution 55/25, the General Assembly decided that, until the Conference decided otherwise, the account referred to in article 30 of the Organized Crime Convention would be operated within the United Nations Crime Prevention and Criminal Justice Fund, and encouraged Member States to begin making adequate voluntary contributions to the above-mentioned account for the provision to developing countries and countries with economies in transition of the technical assistance that they might require for the implementation of the Convention and its Protocols, including for the preparatory measures needed for that implementation.

In accordance with rule 72 (Preparation of a budget) of the rules of procedure for the Conference, the secretariat is to prepare a budget for the financing of the activities of the Conference related to technical cooperation undertaken in accordance with articles 29-32 of the Convention, article 10 of the Trafficking in Persons Protocol, article 14 of the Smuggling of Migrants Protocol and article 14 of

the Firearms Protocol and communicate it to the States parties at least 60 days in advance of the opening of the regular session at which the budget is to be adopted. In accordance with rule 73 (Adoption of the budget) of the rules of procedure, the Conference shall consider and decide on the budget prepared pursuant to rule 72.

Documentation

Note by the Secretariat on financial and budgetary matters (CTOC/COP/2016/14)

7. Provisional agenda for the ninth session of the Conference

The Conference is to consider and approve a provisional agenda for its ninth session, which shall be drawn up by the Secretariat in consultation with the Bureau.

8. Other matters

As no issues to be raised under item 8 have come to the attention of the Secretariat, no documentation regarding this item is currently foreseen.

9. Adoption of the report of the Conference on its eighth session

The Conference is to adopt a report on its eighth session, the draft of which will be prepared by the Rapporteur.

Annex

Proposed organization of work

<i>Date/time</i>	<i>Plenary</i>	<i>Parallel meeting</i>
Monday, 17 October		
10 a.m.-1 p.m.	Item 1 (a). Opening of the session Item 1 (b). Election of officers Item 1 (c). Adoption of the agenda and organization of work Item 1 (d). Participation Item 1 (e). Adoption of the report of the Bureau on credentials Item 1 (f). General discussion	
3-6 p.m.	Item 2. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto Item 2 (a). Organized Crime Convention	Working Group of Government Experts on Technical Assistance
Tuesday, 18 October		
10 a.m.-1 p.m.	Item 2 (b). Trafficking in Persons Protocol	Working Group of Government Experts on Technical Assistance (<i>continued</i>)
3-6 p.m.	Item 2 (c). Smuggling of Migrants Protocol	Working Group of Government Experts on Technical Assistance (<i>continued</i>)
Wednesday, 19 October		
10 a.m.-1 p.m.	Item 2 (d). Firearms Protocol	Working Group of Government Experts on Technical Assistance (<i>continued</i>)
3-6 p.m.	Item 3. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime	Working Group on International Cooperation
Thursday, 20 October		
10 a.m.-1 p.m.	Item 4. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities	Working Group on International Cooperation (<i>continued</i>)
3-6 p.m.	Item 5. Technical assistance	Working Group on International Cooperation (<i>continued</i>)

<i>Date/time</i>	<i>Plenary</i>	<i>Parallel meeting</i>
Friday, 21 October		
10 a.m.-1 p.m.	Item 5. Technical assistance (<i>continued</i>)	Working Group on International Cooperation (<i>continued</i>)
3-6 p.m.	Item 6. Financial and budgetary matters Item 7. Provisional agenda for the ninth session of the Conference Item 8. Other matters Item 9. Adoption of the report of the Conference on its eighth session	
