



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

Distr.: General
2 August 2010

Original: English

Fifth session

Vienna, 18-22 October 2010

Provisional agenda and annotations

1. Organizational matters:
 - (a) Opening of the fifth session of the Conference;
 - (b) Election of officers;
 - (c) Adoption of the agenda and organization of work;
 - (d) Participation of observers;
 - (e) Adoption of the report of the Bureau on credentials;
 - (f) General discussion.
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;
 - (b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
 - (c) Expert consultation on the Protocol against the Smuggling of Migrants by Land, Sea and Air;
 - (d) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition.
3. Consideration of possible mechanisms to review implementation of the Convention and the Protocols thereto.
4. Technical assistance.
5. Expert consultation on the use of the Convention for combating emerging forms of crime.
6. 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.

V.10-55519 (E) 120810 130810



Please recycle The recycling symbol, consisting of three chasing arrows forming a triangle.

7. Financial and budgetary matters.

High-level segment

8. Opening of the high-level segment.
9. General debate of the high-level segment on new and emerging forms of crime.
10. Outcome and closure of the high-level segment.

* * *

11. Provisional agenda for the sixth session of the Conference.
12. Other matters.
13. Adoption of the report of the Conference on its fifth session.

Annotations

1. Organizational matters

(a) Opening of the fifth session of the Conference

The fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime will be opened on Monday, 18 October 2010, at 9.30 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 that have entered into force by the opening of the session. The bureau shall include at least two representatives of States that are parties to all the instruments that have entered into force by the opening of the session.

In accordance with the practice established by the Conference, the offices of the President and Rapporteur of the Conference are normally subject to rotation among the five regional groups. Thus, at the fifth session, the President of the Conference and one Vice-President would be nominated by the Group of African States; the Group of Western European and other States would be asked to nominate one Vice-President and the Rapporteur; and the other regional groups would be asked to nominate two Vice-Presidents each.

(c) Adoption of the agenda and organization of work

At its fourth session, held in Vienna from 8 to 17 October 2008, the Conference adopted the draft provisional agenda for its fifth session (CTOC/COP/2008/19, annex VII). It also adopted decision 4/8, entitled "Reorganization of the work of the

fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime”, in which it decided that the fifth session should take place over five working days with a total of 20 meetings and interpretation in the six official languages of the United Nations. A proposed organization of work is contained in the annex to this document.

Documentation

Provisional agenda and annotations (CTOC/COP/2010/1)

(d) Participation of observers

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 (i.e. without the right to vote) in the deliberations (i.e. plenary meetings) 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.

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

By its decision 4/7, the Conference amended rule 18, on submission of credentials, of its rules of procedure, 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

A sub-item entitled “General discussion” was included in the agenda to allow time 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 16 August 2010 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 18 October 2010. Inscription in 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 decision 4/1, the Conference reaffirmed that the purpose of the Convention is to promote cooperation to prevent and combat transnational organized crime more effectively; recalled article 32 of the Convention, pursuant to which, in particular, the Conference has the responsibility to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention; and also recalled articles 30 and 34 of the Convention, which set out the obligations of States parties with respect to the provision of cooperation and technical assistance and to the implementation of the Convention. The Conference further expressed its concern at persisting gaps in the implementation of the Convention and its Protocols.

Documentation

Report of the Secretariat on the development of tools to gather information from States on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/10)

Status of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and notifications, declarations and reservations thereto (CTOC/COP/2010/CRP.4)

Status of responses to the questionnaires and the checklist on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOP/COP/2010/CRP.6)

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

In its decision 4/4, the Conference underlined the need to continue to work towards a comprehensive and coordinated approach to address the problem of trafficking in persons through the appropriate national, regional and international mechanisms; and acknowledged that the Trafficking in Persons Protocol was the principal legally binding global instrument to combat trafficking in persons.

In the same decision, 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. The working group met on 14 and 15 April 2009 and from 27 to 29 January 2010, and it will meet again during the fifth session of the Conference. Pursuant to Conference decision 4/4, the working group should perform the following functions:

(a) Facilitate the implementation of the Trafficking in Persons Protocol through the exchange of experience and practices between experts and practitioners in this area, including by contributing to the identification of weaknesses, gaps and challenges;

(b) Make recommendations to the Conference on how States parties can better implement the provisions of the Trafficking in Persons Protocol;

(c) Assist the Conference in providing guidance to its secretariat on its activities relating to the implementation of the Trafficking in Persons Protocol;

(d) Make recommendations to the Conference on how it can better coordinate with the various international bodies combating trafficking in persons with respect to implementing, supporting and promoting the Trafficking in Persons Protocol.

Documentation

Report of the Secretariat on victim support, witness protection and participation of victims in the criminal justice system and other activities in support of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2010/5)

Activities of the Working Group on Trafficking in Persons: report submitted by the Chair of the Working Group (CTOC/COP/2010/6)

Report of the Secretariat on the Global Initiative to Fight Human Trafficking (CTOC/COP/2010/11)

Preliminary results of the independent evaluation of the Global Initiative to Fight Human Trafficking (CTOC/COP/2010/CRP.3)

Status of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and notifications, declarations and reservations thereto (CTOC/COP/2010/CRP.4)

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

In its decision 4/5, the Conference urged Member States that had not yet done so to consider ratifying or acceding to the Smuggling of Migrants Protocol; it decided to hold open-ended intergovernmental expert consultations during its fifth session in order to exchange, inter alia, experience and practices on the implementation of the Protocol; and urged States parties to consider the advisability of establishing an open-ended intergovernmental working group on the Protocol. The aforementioned expert consultations will be held during the plenary debate under this agenda item.

Documentation

Report of the Secretariat on activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2010/7)

Status of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and notifications, declarations and reservations thereto (CTOC/COP/2010/CRP.4)

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

In its decision 4/6, the Conference expressed concern regarding the increased levels of harm and violence that transnational criminal organizations generated in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition; noted that reducing the illicit manufacturing of and trafficking in firearms was one of the major components of the efforts to reduce the violence that accompanied the activities of transnational organized criminal groups; noted with concern the relatively low number of States parties to the Firearms Protocol; expressed its conviction that there was a need to strengthen international cooperation against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition; requested the Secretariat to develop technical assistance tools to assist States parties in the implementation of the Firearms Protocol; and urged States parties to consider the advisability of establishing an open-ended intergovernmental working group on the Firearms Protocol.

Documentation

Report of the Secretariat on activities of the United Nations Office on Drugs and Crime to promote and support the implementation 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 (CTOC/COP/2010/8)

Status of ratification of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and notifications, declarations and reservations thereto (CTOC/COP/2010/CRP.4)

3. Consideration of possible mechanisms to review implementation of the Convention and the Protocols thereto

In its decision 4/1, the Conference recalled article 32 of the Convention, pursuant to which, in particular, the Conference has the responsibility to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention, and is to agree, inter alia, upon mechanisms for achieving its objectives.

In addition, the Conference took note with satisfaction of improved information-gathering efforts since its third session with regard to the implementation of the Convention and the Protocols thereto, particularly the decision of the Open-ended Interim Working Group of Government Experts on Technical Assistance to develop a user-friendly checklist and the ongoing efforts of the United Nations Office on Drugs and Crime to develop a computer-based self-assessment tool.

The Conference also took into account that the review of the implementation of the Convention was an ongoing and gradual process, and considered that it was necessary to explore options regarding an appropriate and effective mechanism to assist the Conference in the review of the implementation of the Convention and the Protocols thereto.

The Conference requested the United Nations Office on Drugs and Crime to convene at least one open-ended intergovernmental meeting of experts, with interpretation, in Vienna by September 2009, said meeting to present a report to the Conference at its fifth session on mechanisms, as appropriate, for reviewing the implementation of the Convention and its Protocols. In that regard, the Secretariat convened two meetings of experts on possible mechanisms to review implementation of the Convention, on 30 September 2009 and on 25 and 26 January 2010.

Documentation

Report of the Secretariat on the development of tools to gather information from States on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/10)

Progress report and lessons learned from the pilot programme review of implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/CRP.1)

Status of responses to the questionnaires and the checklist on the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/CRP.6)

4. Technical assistance

In its decision 4/3, the Conference decided that the Open-ended Interim Working Group of Government Experts on Technical Assistance should be a constant element

of the Conference; and requested the Working Group, taking as a basis the recommendations contained in decision 4/3 as well as the proposals contained in the working paper prepared by the Secretariat on proposals for technical assistance activities designed to meet the needs identified in the priority areas determined by the Conference, to further reflect on ways and means to strengthen and better coordinate the scheme of technical assistance for the implementation of the Convention and its Protocols, and to submit recommendations in that regard to the Conference at its fifth session. As requested by the Conference, the Secretariat organized an intersessional meeting of the Working Group; that meeting was held in Vienna on 1 and 2 October 2009. The Working Group will hold another meeting during the fifth session of the Conference.

Documentation

Working paper prepared by the Secretariat on technical assistance programmes, proposals and future programmes envisaged in the priority areas determined by the Conference and the Open-ended Interim Working Group of Government Experts on Technical Assistance (CTOC/COP/2010/4)

Note by the Secretariat on technical assistance requested for the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2010/9)

5. Expert consultation on the use of the Convention for combating emerging forms of crime

At its fourth session, bearing in mind the nature of the threat of transnational organized crime and how it could be countered through the Convention framework, the Conference decided to include in the draft provisional agenda for the fifth session of the Conference an item on an expert consultation on emerging forms of transnational organized crime.

Documentation

Note by the Secretariat on activities of the United Nations Office on Drugs and Crime to address emerging forms of crime (CTOC/COP/2010/3)

Note by the Secretariat on the use of the United Nations Convention against Transnational Organized Crime for protection against trafficking in cultural property (CTOC/COP/2010/12)

6. 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 decision 4/2, the Conference recalled its decision 3/2, in which it had decided that an open-ended working group of Government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation would be a constant element of the Conference.

Taking note of the recommendation of the working group to consider the use of videoconferencing and the giving of evidence by video link, the Conference requested the Secretariat to seek ways to support such use of videoconferencing and

assist States in overcoming technical and legal obstacles, and to report to the Conference, at its fifth session, on the provision of such assistance.

The Conference also decided that an in-depth discussion on the application of articles 12, 13, 16 and 18 of the Convention should be held at the fifth session of the Conference, on the basis of clear, practical examples of the application of those articles; and requested the Secretariat to collect from States parties, prior to the fifth session of the Conference, examples of the application of the above-mentioned articles, in particular in the area of international cooperation for purposes of confiscation, including non-conviction-based confiscation.

The Conference welcomed the Mutual Legal Assistance Request Writer Tool designed by the United Nations Office on Drugs and Crime, which would assist criminal justice practitioners in drafting correct, complete and effective requests; encouraged central authorities to make use, as appropriate, of the tool and provide feedback to the Office on such use; welcomed also the establishment of the online directory of central authorities for mutual legal assistance and authorities designated to deal with extradition, as well as authorities designated under article 8 of the Smuggling of Migrants Protocol.

The Conference requested the Secretariat to provide its support to strengthening networking among authorities at the interregional level and to explore ways to facilitate communication and problem-solving among such authorities by considering the establishment of a discussion forum on a secure network and by ensuring the greatest possible participation by experts and practitioners in the relevant fields, by seeking funding for participation by experts from developing countries, in the deliberations of the working group at future sessions of the Conference. A meeting of the open-ended working group of Government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation will be held during the fifth session of the Conference.

Documentation

Report of the Secretariat on activities of the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime (CTOC/COP/2010/2)

Working paper submitted by the Secretariat on technical assistance programmes, proposals and future programmes envisaged in the priority areas determined by the Conference and the Open-ended Interim Working Group of Government Experts on Technical Assistance (CTOC/COP/2010/4)

Technical and legal obstacles to the use of videoconferencing (CTOC/COP/2010/CRP.2)

Catalogue of examples of cases of extradition, mutual legal assistance and other forms of international legal cooperation on the basis of the United Nations Convention against Transnational Organized Crime (CTOC/COP/2010/CRP.5)

7. 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 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 the Protocols thereto, 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/2010/13)

8. Opening of the high-level segment

The high-level segment will be opened on Monday, 18 October 2010, at 9.45 a.m.

9. General debate of the high-level segment

Pursuant to the recommendation made by the General Assembly in its resolution 64/179, a high-level segment will be held on the first day of the fifth session of the Conference to discuss new and emerging forms of crime and ways and means of enhancing the implementation of the Convention and the Protocols thereto. It is envisaged that one high-level speaker from each regional group will take part in the general debate of the high-level segment. The President of the Assembly has been invited to present to the Conference the outcome of the high-level meeting of the Assembly on transnational organized crime held in New York on 17 and 21 June 2010.

10. Outcome and closure of the high-level segment

The President of the Conference will present a summary of the outcome of the high-level segment and close the high-level segment.

* * *

11. Provisional agenda for the sixth session of the Conference

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

12. Other matters

Under item 12 of the agenda, the Conference may wish to review progress in the promotion of the ratification of or accession to the Convention with a view to

increasing the number of parties thereto and thus contributing to universal adherence to the instrument.

13. Adoption of the report of the Conference on its fifth session

The Conference is to adopt a report on its fifth 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, 18 October | | |
| 9.30 a.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 | |
| | High-level segment | |
| 9.45 a.m.-1 p.m. | Item 8. Opening of the high-level segment Item 9. General debate of the high-level segment on new and emerging forms of crime Item 10. Outcome and closure of the high-level segment | |
| | Normative segment | |
| 3-6 p.m. | Item 1 (d). Participation of observers Item 1 (e). Adoption of the report of the Bureau on credentials Item 1 (f). General discussion | |
| Tuesday, 19 October | | |
| 10 a.m.-1 p.m. | Item 2. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto: Item 2 (a). United Nations Convention against Transnational Organized Crime Item 2 (b). Trafficking in Persons Protocol | Working Group on Trafficking in Persons (item 2 (b)) |
| 3-6 p.m. | Item 2 (b) Trafficking in Persons Protocol (<i>continued</i>) Item 2 (c). Expert consultation on the Smuggling of Migrants Protocol Item 2 (d). Firearms Protocol | Open-ended Interim Working Group of Government Experts on Technical Assistance (item 4) |
| Wednesday, 20 October | | |
| 10 a.m.-1 p.m. | Item 2 (d). Firearms Protocol (<i>continued</i>) Item 3. Consideration of possible mechanisms to review implementation of the Convention and the Protocols thereto | Open-ended Interim Working Group of Government Experts on Technical Assistance (item 4) (<i>continued</i>) |

| <i>Date/time</i> | <i>Plenary</i> | <i>Parallel meeting</i> |
|-----------------------------|---|---|
| 3-6 p.m. | Item 3. Consideration of possible mechanisms to review implementation of the Convention and the Protocols thereto (<i>continued</i>) | Open-ended working group of Government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation (item 6) |
| | Item 4. Technical assistance | |
| Thursday, 21 October | | |
| 10 a.m.-1 p.m. | Item 4. Technical assistance (<i>continued</i>) | Open-ended working group of Government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation (item 6) (<i>continued</i>) |
| | Item 5. Expert consultation on the use of the Convention for combating emerging forms of crime | |
| 3-6 p.m. | Item 5. Expert consultation on the use of the Convention for combating emerging forms of crime (<i>continued</i>) | Open-ended working group of Government experts on extradition, mutual legal assistance and international cooperation for purposes of confiscation (item 6) (<i>continued</i>) |
| | Item 6. 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 | |
| Friday, 22 October | | |
| 10 a.m.-1 p.m. | Item 7. Financial and budgetary matters Item 11. Provisional agenda for the sixth session of the Conference Item 12. Other matters | |
| 3-6 p.m. | Item 13. Adoption of the report on the fifth session of the Conference | |