



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

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Report on the meeting of the open-ended intergovernmental working group on the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto held in Vienna from 23 to 26 January 2012

I. Introduction

1. In its resolution 5/5, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to establish an open-ended intergovernmental working group to consider and explore options and make proposals for the establishment of a mechanism or mechanisms to assist the Conference in the review of the implementation of the Convention and the Protocols thereto, as well as to prepare terms of reference for such proposed review mechanism or mechanisms, guidelines for governmental experts and a blueprint for the country review reports, for consideration and possible adoption by the Conference at its sixth session.
2. At its meeting held in Vienna from 17 to 19 May 2011, the open-ended intergovernmental working group on the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto completed the first reading of the text of the draft terms of reference of the mechanism for the review of implementation of the Convention and the Protocols thereto, the draft guidelines for governmental experts and the Secretariat in the conduct of country reviews and the draft blueprint for country review reports and executive summaries.
3. Ulises Canchola Gutiérrez (Mexico), the Chair of the working group, conducted five rounds of informal consultations between July and December 2011, with a view to advancing mutual understanding and promoting the resolution of outstanding issues on the review mechanism or mechanisms for the Convention and the Protocols thereto. The discussions focused on: (a) the scope of the mechanism and the organization of cycles; (b) deferrals for reviewing States parties and the number of reviews a State party would need to perform; (c) the modalities of making the country review reports available; (d) issues of engagement with relevant



stakeholders in the process of preparation of the responses to the comprehensive self-assessment software (“omnibus survey software”) and in the course of country visits; (e) the nature and character of the Palermo Implementation Review Group; (f) the funding of the mechanism and the different options for ensuring its efficient, continued and impartial functioning; and (g) the participation of signatories in the mechanism “as a State under review on a voluntary basis”.

II. Recommendations

4. During the meeting, the working group approved the following:

(a) Revised draft terms of reference of the mechanism for the review of implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/WG.5/2011/2/Rev.1), except paragraphs 41 and 54-57, for which no consensus was reached;¹

(b) Revised draft guidelines for governmental experts and the Secretariat in the conduct of country reviews (CTOC/COP/WG.5/2011/3/Rev.1);

(c) Revised draft blueprint for country review reports and executive summaries (CTOC/COP/WG.5/2011/4/Rev.1);

(d) Revised allocation of the articles of the Convention and the Protocols thereto (CTOC/COP/WG.5/2012/CRP.9).²

5. States parties and signatories were urged to continue consultations on the outstanding issues mentioned in paragraph 4 (a) above prior to the sixth session of the Conference of the Parties.

6. The working group considered five different scenarios for the review mechanism contained in CTOC/COP/WG.5/2012/CRP.3 and CTOC/COP/WG.5/2012/CRP.7, as prepared by the Secretariat at the request of States parties and signatories, with a view to providing guidance on the budgetary process and providing the Conference with elements for a decision. Several issues were discussed, including the following: (a) the consideration of the expediency of the proposed P-3 posts to be placed in the regional offices of the United Nations Office on Drugs and Crime; (b) the possibility of reducing the duration of sessions of the Palermo Implementation Review Group; (c) the option of subsuming some of the working groups into the Palermo Implementation Review Group, provided that the review mechanism was adopted; (d) reducing the volume of documentation and the number of country visits; (e) the number of governmental experts to be trained; and (f) the need for any mechanism to be cost-effective.

7. It was recommended that the first cycle could possibly begin in 2013, and it was reiterated that the review mechanism should be effective, efficient, sustainable and impartial. It was noted that such a mechanism should not be unduly burdensome on States parties and the Secretariat.

¹ Revised draft terms of reference are to be issued subsequently as document CTOC/COP/WG.5/2011/2/Rev.2.

² To be issued subsequently as document CTOC/COP/WG.5/2011/5/Rev.1.

8. It was noted that it might be appropriate for the Secretariat to consider, without any prejudice to the effective implementation of the core functions of the mechanism, the issue of reducing costs in the context of the review mechanism and to regularly inform States parties and signatories of such savings.

9. It was emphasized that, when analysing implementation of the articles contained in the clusters, due attention and consideration should be given to technical assistance as a cross-cutting issue and hence as an important element for the effective implementation of the Convention and its Protocols.

10. Regarding paragraph 21 of the revised draft terms of reference of the mechanism for the review of implementation of the Convention and the Protocols thereto (CTOC/COP/WG.5/2012/CRP.1), one delegate noted that a State party picked as a reviewing State should be able to decline serving in that capacity, in which case the drawing of lots should be repeated.

11. A representative of the Secretariat stressed the importance of the adoption by the Conference, at its sixth session, of a resolution setting the requirements for a review mechanism. It was explained that the preparation of the budget outline for the biennium 2014-2015 by the Secretary-General would commence in mid-2012. The working group agreed that the total preliminary estimates for scenario 1 for a review mechanism, as contained in CTOC/COP/WG.5/2012/CRP.7, represented a ceiling within which the budget to be presented to the Conference should be prepared. The representative reported that, if adopted by the Conference, the decision on a budget for the review mechanism would have to be presented to the Fifth Committee for its consideration and inclusion, as appropriate, in the programme budget for 2013 and in the budget outline for 2014-2015.

12. Pursuant to resolution 5/5, the working group recommended that the omnibus survey software, as improved by the Secretariat using as a basis the comments received from States parties and signatories, would facilitate the gathering of information on the implementation of the Convention and the Protocols thereto and thus would be an important component of the review mechanism to be adopted by the Conference. The working group also recommended that the software, to be considered and approved by the Conference, could then be improved on a continuing basis for subsequent cycles.

13. It was agreed that the allocation of articles of the Convention and the Protocols thereto as contained in CTOC/COP/WG.5/2012/CRP.2 and CTOC/COP/WG.5/2012/CRP.8 would serve as a basis for future deliberations regarding subsequent cycles of the review mechanism.

14. The Chair presented a non-paper to the working group with a view to promoting a preliminary exchange of ideas on the way forward leading up to the Conference.

III. Organization of the meeting

A. Opening and duration of the meeting

15. The meeting of the working group was held in Vienna from 23 to 26 January 2012. The Chair of the Group of 77 and China delivered a statement.

16. The meeting was opened by the Chair of the working group.

B. Adoption of the agenda and organization of work

17. At its first meeting, on 23 January 2012, the working group adopted by consensus the provisional agenda and organization of work. The agenda was as follows:

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. Options and proposals for the establishment of a mechanism or mechanisms to assist the Conference in the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
3. Terms of reference for the proposed review mechanisms, guidelines for governmental experts and a blueprint for the country review reports.
4. Consideration of the comprehensive self-assessment software ("omnibus survey software").
5. Other matters.
6. Adoption of the report.

C. Attendance

18. The meeting was attended by representatives of 87 States parties to the Convention and the Protocols thereto and 7 States signatories. A list of participants is contained in document CTOC/COP/WG.5/2012/INF.1/Rev.2.

D. Documentation

19. The documents before the working group are listed in the annex.

Annex

List of documents before the working group at its meeting held in Vienna from 23 to 26 January 2012

<i>Document number</i>	<i>Title or description</i>
CTOC/COP/WG.5/2012/1	Provisional agenda and organization of work
CTOC/COP/WG.5/2011/2/Rev.1	Revised draft terms of reference of the mechanism for the review of implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
CTOC/COP/WG.5/2011/3/Rev.1	Revised draft guidelines for governmental experts and the Secretariat in the conduct of country reviews
CTOC/COP/WG.5/2011/4/Rev.1	Revised draft blueprint for country review reports and executive summaries
CTOC/COP/WG.5/2011/5	Draft indicative thematic distribution of the Organized Crime Convention and the Protocols thereto
CTOC/COP/WG.5/2012/CRP.1	Revised draft terms of reference as discussed during the informal consultations: Chair's rolling text
CTOC/COP/WG.5/2012/CRP.2	Allocation of the articles of the Convention and the Protocols thereto
CTOC/COP/WG.5/2012/CRP.3	Note by the Secretariat on different scenarios for possible review mechanism(s) of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the corresponding estimated financial requirements
CTOC/COP/WG.5/2012/CRP.4	Status of the omnibus survey software
CTOC/COP/WG.5/2012/CRP.5	Non-paper by Romania on a proposal regarding the international cooperation and allocation of the articles of the Convention and the Protocols thereto
CTOC/COP/WG.5/2012/CRP.6	Non-paper by Canada on a proposal regarding the allocation of articles – first cycle
CTOC/COP/WG.5/2012/CRP.7	Note by the Secretariat on different scenarios for possible review mechanism(s) of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the corresponding estimated financial requirements
CTOC/COP/WG.5/2012/CRP.8	Allocation of the articles of the Convention and the Protocols thereto
CTOC/COP/WG.5/2012/CRP.9	Allocation of the articles of the Convention and the Protocols thereto