



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

Distr.: Limited
26 January 2012

Original: English

Open-ended intergovernmental working group on the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

Second session

Vienna, 23-27 January 2012

Draft report

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 reviewing 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 from 17 to 19 May 2011, the working group completed the first reading of the text of the draft terms of reference of the mechanism for the review of implementation of the United Nations Convention against Transnational Organized Crime and 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 Gutierrez (Mexico), the Chair 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, conducted informal consultations from July to December 2011, with a view to advancing mutual understanding and to promote the resolution of outstanding issues on the review mechanism(s) for the Organized Crime Convention and the Protocols thereto.



II. Recommendations

4. At its second session held from 23 to 27 January 2012, the working group approved the following documents:

(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;¹

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

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

(d) The revised allocation of the articles of the Convention and the Protocols thereto*, as contained in CTOC/COP/WG.5/2012/CRP.9.²

5. Regarding the 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, no consensus was reached on paragraphs 41 and 54-57. States parties and signatories were urged to continue consultations on those outstanding issues prior to the sixth session of the Conference of the Parties.

6. The meeting considered documents CTOC/COP/WG.5/2012/CRP.3 and CTOC/COP/WG.5/2012/CRP.7, containing five scenarios for a possible review mechanism, as prepared by the Secretariat at the request of State parties and signatories, with the view to providing guidance on the budgetary process and to provide the Conference with elements for a decision. Several issues were discussed including inter alia (i) the anticipated P-3 posts to be placed in the UNODC regional offices; (ii) the possibility of reducing the duration of the Palermo Implementation Review Group; (iii) the option of subsuming some of the working groups into the Palermo Implementation Review Group, provided that the review mechanism is adopted; and (iv) reducing the volume of documentation and the number of country visits.

7. Furthermore, it was reiterated that the first cycle should begin in 2013 and that a possible review mechanism should be efficient, cost-effective, sustainable and impartial. It was also noted that such a mechanism shall not be unduly burdensome.

8. It was noted that it might be appropriate for the Secretariat to consider the issue of saving costs in the context of the review mechanism, as well as to regularly inform State 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 shall 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.

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

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

10. Regarding paragraph 21 of the 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, one delegation noted that reviewing States should be given the opportunity to decline playing that role without any conditions.

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 also explained that the preparation of the budget outline for 2014-15 by the Secretary-General will commence in mid-2012 and a recommendation by the intergovernmental working group on the anticipated requirements would facilitate the inclusion of such information. The Working Group agreed that the total preliminary estimates for Scenario 1 for a review mechanism as contained in document CTOC/COP/WG.5/2012/CRP.7 represented a ceiling within which the budget to be presented to the Conference should be prepared. The decision by the Conference on a budget for the review mechanism would have to be presented to the 5th 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, based on 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 it would be an important component of the review mechanism to be adopted by the Conference of the Parties. The Working Group also recommended that this tool could be improved on a continuing basis for the subsequent cycles.

13. It was agreed that the allocation of articles of the Convention and Protocols thereto as contained in conference room papers 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.

III. Organization of the meeting

A. Opening and duration of the meeting

14. The second session 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 was held in Vienna from 23 to 27 January 2012.

15. The meeting was opened by Ulises Canchola Gutiérrez (Mexico), Chair of the working group. The Chair addressed the meeting and presented an overview of the mandate of the group, its objectives and the subject matters under its consideration.

B. Adoption of the agenda and organization of work

16. At its first meeting, on 23 January 2012, the working group adopted by consensus the provisional agenda and organization of work:

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

17. The meeting was attended by representatives of 87 States parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto and 7 States signatories. A list of participants is contained in document CTOC/COP/WG.5/2012/INF.1/Rev.1.

D. Documentation

18. The working group had before it the following:

- (a) Provisional agenda and organization of work (CTOC/COP/WG.5/2012/1);
- (b) 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);
- (c) Revised draft guidelines for governmental experts and the secretariat in the conduct of country review (CTOC/COP/WG.5/2011/3/Rev.1);
- (d) Revised draft blueprint for country review reports and executive summaries (CTOC/COP/WG.5/2011/4/Rev.1);
- (e) Draft indicative thematic distribution of the Organized Crime Convention and the Protocols thereto (CTOC/COP/WG.5/2011/5);
- (f) Revised draft terms of reference as discussed during the informal consultations: Chair’s rolling text (CTOC/COP/WG.5/2012/CRP.1);
- (g) Allocation of the articles of the Convention and the Protocols thereto (CTOC/COP/WG.5/2012/CRP.2);
- (h) 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.3);

- (i) Status of the Omnibus survey software (CTOC/COP/WG.5/2012/CRP.4);
 - (j) Proposal regarding the International Cooperation and Allocation of the Articles of the Convention and the Protocols thereto (CTOC/COP/WG.5/2012/CRP.5);
 - (k) Proposal regarding the Allocation of Articles — First Cycle (CTOC/COP/WG.5/2012/CRP.6);
 - (l) 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.7);
 - (m) Allocation of the articles of the Convention and the Protocols thereto* (CTOC/COP/WG.5/2012/CRP.8).
 - (n) Allocation of the articles of the Convention and the Protocols thereto* (CTOC/COP/WG.5/2012/CRP.9).
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