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Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime

Ninth session

Vienna, 5-16 June 2000

Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Opening of the ninth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the additional international legal instrument against trafficking in persons, especially women and children.
4. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16.
5. Adoption of the report of the Ad Hoc Committee on its ninth session.

Annotations

1. Opening of the ninth session of the Ad Hoc Committee

The ninth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime will be convened on Monday, 5 June 2000, at 10 a.m.

2. Adoption of the agenda and organization of work

At its eighth session, held in Vienna from 21 February to 3 March 2000, the Ad Hoc Committee approved the provisional agenda and proposed organization of work for its ninth session (A/AC.254/L.175/Add.1). The Ad Hoc Committee decided that at its ninth session it would devote five days to the consideration of the draft text of the additional international legal instrument against trafficking in persons, especially women and children.

The Ad Hoc Committee also decided that at its ninth session it would devote four days to the consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16, dealing with the scope of application, the use of terms, measures to combat money-laundering, jurisdiction, extradition, the transfer of sentenced persons, mutual legal assistance, joint investigations, special investigative techniques and the transfer of proceedings.

The resources available to the Ad Hoc Committee at its ninth session will permit the holding of two plenary meetings per day with simultaneous interpretation in the six official languages of the United Nations.

The proposed organization of work contained in the annex to the present document provides more details on the meetings to be held in plenary at the ninth session of the Ad Hoc Committee.

The attention of the Ad Hoc Committee is drawn to the fact that Monday, 12 June, is an official United Nations holiday. The Vienna International Centre will be closed on that day.

3. Consideration of the additional international legal instrument against trafficking in persons, especially women and children

In its resolution 53/111 of 9 December 1998, the General Assembly decided to establish an ad hoc committee for the purpose of, *inter alia*, discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea; and requested the Ad Hoc Committee, in carrying out that work, to take into account, *inter alia*, Economic and Social Council resolutions 1998/18, 1998/19 and 1998/20 of 28 July 1998.

In its resolution 54/126 of 17 December 1999, the General Assembly decided that the additional international instrument being prepared by the Ad Hoc Committee addressing trafficking in women and children should address trafficking in all persons, but especially women and children, and requested the Ad Hoc Committee to make any corresponding changes to the draft instrument; requested the Ad Hoc Committee to continue its work, in accordance with resolutions 53/111 and 53/114 of 9 December 1998, and to intensify its

work in order to complete it in 2000; and also requested the Ad Hoc Committee to schedule sufficient time for the negotiation of the draft Protocols to the draft Convention, in order to enhance the possibility of their completion at the same time as the draft Convention.

At its second and fourth sessions, the Ad Hoc Committee carried out a first reading of articles 1-7 of the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. At its sixth session, the Ad Hoc Committee completed its first reading of the draft Protocol, aware of the discussion in the informal consultations held during that session on the common provisions between the draft Convention and the draft Protocols. At its seventh session, the Ad Hoc Committee devoted the informal consultations held from 18 to 21 January 2000 to the consideration of the draft Protocol and common provisions of that instrument and the additional international legal instrument against illegal trafficking in and transporting of migrants. In beginning its second reading of the draft Protocol, the Ad Hoc Committee will be assisted by the recommendations of the informal consultations held during its seventh session (see A/AC.254/L.145 and Add.1). For the convenience of delegations, the revised version of the draft Protocol that will be before the Ad Hoc Committee at its ninth session (A/AC.254/4/Add.3/Rev.6) incorporates the above recommendations of the informal consultations.

Documentation

Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.3/Rev.6)

Proposals and contributions received from Governments (A/AC.254/5/Add.24)

4. Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 *bis* (subparagraph (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16

At its first session, the Ad Hoc Committee concluded a first reading of articles 1-23 of the draft Convention (as contained in document A/AC.254/4). At its second session, the Ad Hoc Committee began a second reading of the draft Convention by considering articles 1-3, dealing with the objectives, the scope of application and definitions, and completed a first reading of articles 24-30. At its third session, the Ad Hoc Committee carried out a first reading of articles 4, 4 *bis*, 7 and 8. At its fourth session, the Ad Hoc Committee carried out a first reading of articles 4 *ter* and 17 *bis* and concluded a second reading of articles 5, 6, 9 and 14 (paras. 1-13). At its fifth session, the Ad Hoc Committee concluded the second reading of articles 4, 4 *bis*, 7, 7 *bis*, 7 *ter*, 10, 14 (paras. 14-22), 15-17 and 18-19. At its sixth session, the Ad Hoc Committee concluded its second reading of the draft Convention by considering articles 4 *ter*, 17 *bis* and 20-30. At its seventh session, the Ad Hoc Committee began the finalization of the draft Convention by considering articles 1-3, 5 and 6. At its eighth session, the Ad Hoc Committee considered articles 2, 2 *bis* (subparagraph (a) only), 4, 4 *ter*, 4 *quater*, 7, 7 *bis*, 7 *ter*, 17, 17 *bis*, 18, 18 *bis* and 18 *ter*. The Ad Hoc Committee postponed consideration of article 4 *bis* to its ninth session.

Also at its eighth session, the Ad Hoc Committee decided that at its ninth session it would consider articles 2, 2 *bis* (subparagraph (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16. That decision was made on the understanding that, should the Ad Hoc Committee finalize those articles with time remaining at its ninth session, it would proceed

to the negotiation of as many other articles of the draft Convention as possible. In view of that decision and in the event of early conclusion of the finalization of articles 2, 2 *bis* (subparagraph (a) only), 4 *bis*, 9, 10, 10 *bis*, 14, 14 *bis*, 15 and 16 of the draft Convention, the Ad Hoc Committee may wish to proceed with the negotiation of other articles. In the negotiation of articles 9 and 10, the Ad Hoc Committee will be assisted by the recommendations of the informal consultations held during its eighth session (see A/AC.254/L.176 and Add.1). For the convenience of delegations, the revised version of the draft Convention that will be before the Ad Hoc Committee at its ninth session (A/AC.254/4/Rev.8) incorporates the above recommendations of the informal consultations.

Documentation

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.8)

Proposals and contributions received from Governments (A/AC.254/5/Add.23)

Background documents

Analytical study on serious crime prepared by the Secretariat (A/AC.254/22 and Corr.1 and Add.1 and 2)

Informal consultations

At its fourth session, the Ad Hoc Committee decided that, in future, informal consultations should be organized in order to facilitate the implementation of its mandate (A/AC.254/17, para. 25). The holding of such consultations would depend on the availability of extrabudgetary resources and would meet the following conditions: (a) the informal consultations would be conducted strictly in accordance with the decisions of the General Assembly; (b) provision would be made for interpretation in all official languages of the United Nations; (c) the documentation and agenda for the informal consultations would be made available well in advance of the meetings and sufficient advance notice of the time and place of the meetings would be provided; (d) the informal consultations would be an open-ended and transparent mechanism to assist the Ad Hoc Committee, which would remain the only decision-making body, by making recommendations; (e) the informal consultations would be held only as parallel in-session meetings and their subjects would not overlap those being considered by the Ad Hoc Committee in plenary; (f) no more than two meetings, including the plenary, would be held at the same time during the sessions of the Ad Hoc Committee; and (g) the informal consultations could be assigned, *inter alia*, to translate into appropriate language the agreements reached in plenary or any other function determined by the Chairman of the Ad Hoc Committee.

The resources available to the Ad Hoc Committee at its fifth and sixth sessions permitted the holding of eight parallel informal consultations with simultaneous interpretation in the six official languages of the United Nations during the first week of each session. The resources available to the Ad Hoc Committee at its seventh session permitted the holding of 16 parallel informal consultations. The resources available to the Ad Hoc Committee at its eighth session permitted the holding of 16 parallel informal consultations from Tuesday, 22 February, to Thursday, 2 March 2000.

The resources available to the Ad Hoc Committee at its ninth session will permit the holding of 14 parallel informal consultations from Tuesday, 6 June, to Thursday, 15 June 2000. At its eighth session, the Ad Hoc Committee decided to devote the informal consultations to be held from Tuesday, 6 June, to Friday, 9 June 2000, to the consideration of articles 19-30 of the draft Convention, in preparation for the finalization of those articles by the Ad Hoc Committee at its tenth session. Also at its eighth session, the Ad Hoc Committee decided to devote the informal consultations to be held from Tuesday, 13 June, to Thursday, 15 June 2000, to the consideration of the additional international legal instrument against illegal trafficking in and transporting of migrants, including articles 7-7 *quater*.

The proposed organization of work contained in the annex to the present document provides more details on the informal consultations.

Documentation

Revised draft United Nations Convention against Transnational Organized Crime (A/AC.254/4/Rev.8)

Revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (A/AC.254/4/Add.1/Rev.5)

Proposals and contributions received from Governments (A/AC.254/5/Add.23)

Proposals and contributions received from Governments (A/AC.254/5/Add.25)

5. Adoption of the report of the Ad Hoc Committee on its ninth session

The Ad Hoc Committee is to adopt a report on its ninth session, the draft of which will be prepared by the Rapporteur.

Annex

Proposed organization of work of the ninth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, to be held in Vienna from 5 to 16 June 2000

A. Plenary

<i>Date</i>	<i>Time</i>	<i>Item</i>	<i>Title or description</i>
Monday, 5 June	10 a.m.-1 p.m.	1	Opening of the ninth session of the Ad Hoc Committee
		2	Adoption of the agenda and organization of work
		3	Consideration of the additional international legal instrument against trafficking in persons, especially women and children
	3-6 p.m.	3	Continuation of the discussion
Tuesday, 6 June-Friday, 9 June	10 a.m.-1 p.m. and 3-6 p.m.	3	Continuation and conclusion of the discussion
Tuesday, 13 June	10 a.m.-1 p.m. and 3-6 p.m.	4	Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 2, 2 <i>bis</i> (subparagraph (a) only), 4 <i>bis</i> , 9, 10, 10 <i>bis</i> , 14, 14 <i>bis</i> , 15 and 16
Wednesday, 14 June-Friday, 16 June	10 a.m.-1 p.m. and 3-6 p.m.	4	Continuation and conclusion of the discussion
		5	Adoption of the report of the Ad Hoc Committee on its ninth session

B. Informal consultations

<i>Date</i>	<i>Time</i>	<i>Subject</i>
Tuesday, 6 June-Friday, 9 June	10 a.m.-1 p.m. and 3-6 p.m.	Consideration of the revised draft United Nations Convention against Transnational Organized Crime, with particular emphasis on articles 19-30
Tuesday, 13 June-Thursday, 15 June	10 a.m.-1 p.m. and 3-6 p.m.	Consideration of the additional international legal instrument against illegal trafficking in and transporting of migrants, including articles 7-7 <i>quater</i>