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**Strategic management and programme questions:
assistance to least developed countries to ensure their
participation in the sessions of the Commission on Crime
Prevention and Criminal Justice and the sessions of
conferences of States parties**

Assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of conferences of States parties

Report of the Secretary-General

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* E/CN.15/2005/1.



I. Introduction

1. In its resolution 59/152 of 20 December 2004, entitled “Assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of conferences of States parties”, the General Assembly called upon Member States, international organizations and funding institutions to redouble their efforts to increase their voluntary contributions to assist the Secretary-General in covering the cost of travel and daily subsistence allowance for the participation of representatives of least developed countries in the sessions of the Commission on Crime Prevention and Criminal Justice and in the sessions of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption, and requested the Executive Director of the United Nations Office on Drugs and Crime (UNODC) to intensify efforts to ensure the increased participation of representatives of least developed countries in those meetings.
2. The list of least developed countries is provided in the annex to the present report, with an indication of membership in the Commission and ratification of the United Nations crime conventions.¹
3. The present report is submitted to the Commission on Crime Prevention and Criminal Justice at its fourteenth session in order to keep it apprised of progress in the implementation of resolution 59/152.

II. Commission on Crime Prevention and Criminal Justice

4. Article 2 of the Charter of the United Nations states that the Organization is based on the principle of sovereign equality of all its Members. The concerns of all States, whatever their size or level of development, deserve equal attention and should be taken into account in all activities in which the United Nations is engaged. As a functional commission of the Economic and Social Council, the Commission on Crime Prevention and Criminal Justice, which holds annual sessions in Vienna, has been designated the principal policy-making body of the United Nations in the field of crime prevention and criminal justice. It conducts in-depth policy dialogue on a broad spectrum of issues and provides its members with a forum for exchanging views and information and formulating recommendations in the area of crime prevention and criminal justice.
5. It should be recalled that, in its resolution 46/152 of 18 December 1991, entitled “Creation of an effective United Nations crime prevention and criminal justice programme”, the General Assembly decided that provisions should be made in the regular budget of the United Nations to defray the travel costs of the representatives of the least developed countries that are members of the Commission. The funding policy of the United Nations with respect to the functional commissions of the Economic and Social Council foresees the possibility of defraying from the regular budget of the United Nations, upon request, the cost of airfare for only one representative from each State member of the Commission that may not otherwise be represented at the sessions of the Commission. In that connection, no provisions exist for defraying the cost of subsistence expenses and

accommodation of States members of the Commission from the regular budget of the United Nations. With regard to States that are not members of the Commission, no provision exists for assisting least developed countries or other States with attendance at the sessions of the Commission.

6. Not all the least developed countries that were members of the Commission attended its last four sessions. At the tenth and eleventh sessions in 2001 and 2002, respectively, 4 out of the 5 least developed countries that were members of the Commission did not attend; at the twelfth session, in 2003, 5 out of the 10 least developed countries that were members of the Commission did not attend; while at the thirteenth session, in 2004, 3 out of the 8 least developed countries that were members of the Commission were absent. In that connection, it should be emphasized that a number of States members of the Commission, in particular least developed and developing countries, have indicated to the Secretariat that, even though assistance with travel was available from the regular United Nations budget, they were unable to attend the sessions of the Commission as they were unable to meet the local subsistence and accommodation costs related to attendance. Among the 50 least developed countries, the following 8 countries are members of the Commission at its fourteenth session: Burundi, Central African Republic, Comoros, Ethiopia, Gambia, Mauritania, Uganda and Zambia.

III. Conferences of States parties to the United Nations crime conventions

7. In its resolution 53/111 of 9 December 1998, entitled “Transnational organized crime”, the General Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of other international instruments; and invited donor countries to cooperate with developing countries to ensure their full participation in the work of the intergovernmental ad hoc committee. Likewise, in its resolutions 55/61 of 4 December 2000 and 56/260 of 31 January 2002, the General Assembly invited donor countries to assist the United Nations in ensuring the effective participation of developing countries, in particular least developed countries, in the work of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, including travel and local expenses.

8. In response to the requests of the General Assembly, the following States made voluntary contributions that made it possible for UNODC to support the participation of representatives of least developed countries in the sessions of the ad hoc committees or made such participation possible through direct assistance to the least developed countries concerned: Austria, France, Italy, Japan, Netherlands, Norway, Poland, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America.

9. At the fourth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, the Secretariat offered support to 25 least developed countries selected by or identified in consultation with the regional groups concerned. That support related to meeting the travel costs only of one representative from each of the countries concerned. Most of the countries to

which the Secretariat offered support indicated that they were willing to participate in the work of the Ad Hoc Committee, but were unable to cover subsistence expenses and accommodation costs for their representatives. In view of that experience and having reviewed the extrabudgetary resources at its disposal, the Secretariat offered, beginning with the fifth session of the Ad Hoc Committee, to provide further support, consisting of a lump sum intended to assist representatives with meeting the cost of accommodation. The lump sum option was selected for two reasons. Firstly, the Secretariat was keen to offer the opportunity of attendance to as many least developed countries as possible with the limited resources at its disposal, which were insufficient to offer assistance to all least developed countries. Secondly, the Secretariat was conscious of the need to preserve the spirit of the negotiation process, according to which full and active participation of delegations was deemed to be of equal benefit to the process and to the countries concerned. The above practice was applied with considerable success until the conclusion of the negotiation process for the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) and its Protocols and throughout the negotiation process of the United Nations Convention against Corruption (resolution 58/4, annex).

10. An average of 23 least developed countries participated from the fourth to the thirteenth session of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime and an average of 19 least developed countries participated throughout the seven sessions of the Ad Hoc Committee for the Negotiation of a Convention against Corruption.

11. The resulting broad participatory process of negotiation of those instruments allowed the two conventions to address concerns of both developed and developing countries, including those of least developed countries, as regards transnational organized crime and corruption and contributed to the prompt entry into force of the Organized Crime Convention and two of its Protocols, and is making it possible for the United Nations Convention against Corruption to receive ratifications at an even faster pace than the Organized Crime Convention. It should also be recalled that both Conventions address the importance of enhancing financial and material assistance to support the efforts of developing countries to fight transnational organized crime and corruption effectively and to help them implement the instruments successfully. A list of least developed countries that are parties to the United Nations crime conventions is provided in the annex to the present report.

12. A Conference of the Parties was established pursuant to article 32 of the Organized Crime Convention to improve the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention and the Protocols thereto. Within one year of the entry into force of the Convention, the Conference of the Parties held its first session, in Vienna from 28 June to 8 July 2004, with the participation of 57 States parties, 42 signatories and 4 non-signatory States. The Conference of the States Parties to the United Nations Convention against Corruption, which at the time of writing needed 12 additional ratifications for its entry into force, is expected to be established in 2006, in accordance with article 63 of the Convention.

13. The process of undertaking an effective and high-quality review of the implementation of the instruments at the conferences of States parties stands to

benefit from the participation of all States parties to the instruments in a simpler manner than the negotiation process.

14. At present rates and applying the same practice established during the negotiation process, the resource requirements for providing travel costs and a lump sum to assist representatives in meeting local costs to one representative from each of the 18 least developed countries that are parties to the Organized Crime Convention for attendance at the second session of the Conference of the Parties would amount to approximately \$110,000. Estimates for assistance towards participation in the Conference of the States Parties to the United Nations Convention against Corruption are not possible at this time.

IV. Towards increased participation of least developed countries

15. Least developed countries can not only express their perspectives and concerns but also obtain important information and knowledge by participating in the meetings of the Commission on Crime Prevention and Criminal Justice and the conferences of States parties to the United Nations crime conventions, which will help them develop their capacity for crime prevention and criminal justice. This will be reflected in those meetings in turn and contribute to in-depth discussion from various viewpoints and a convergence in the approach towards criminal justice in the various regions of the world.

16. Thus, the need for more efforts by Member States, international organizations and funding institutions to increase their voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund to assist participation of representatives of least developed countries should be reiterated.

Notes

¹ The list of least developed countries is established by the General Assembly, upon the recommendation of the Economic and Social Council, which regularly reviews the list on the basis of criteria defined by its Committee for Development Policy. The list currently includes 50 States.

Annex

Least developed countries as determined by the General Assembly: membership of the Commission on Crime Prevention and Criminal Justice at its fourteenth session and ratifications of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and of the United Nations Convention against Corruption, as at 4 March 2005

	<i>Membership of the Commission on Crime Prevention and Criminal Justice, 2005</i>	<i>United Nations Convention against Transnational Organized Crime^a</i>	<i>Protocol to Prevent, Suppress or Punish Trafficking in Persons, Especially Women and Children^b</i>	<i>Protocol against the Smuggling of Migrants by Land, Sea or Air^c</i>	<i>Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition^d</i>	<i>United Nations Convention against Corruption^e</i>
Afghanistan		X				
Angola						
Bangladesh						
Benin		X	X	X	X	X
Bhutan						
Burkina Faso		X	X	X	X	
Burundi	X					
Cambodia						
Cape Verde		X	X	X	X	
Central African Republic	X	X				
Chad						
Comoros	X	X				
Democratic Republic of the Congo						
Djibouti						
Equatorial Guinea		X	X			
Eritrea						
Ethiopia	X					
Gambia	X	X	X	X		
Guinea		X	X			
Guinea-Bissau						
Haiti						
Kiribati						

	<i>Membership of the Commission on Crime Prevention and Criminal Justice, 2005</i>	<i>United Nations Convention against Transnational Organized Crime^a</i>	<i>Protocol to Prevent, Suppress or Punish Trafficking in Persons, Especially Women and Children^b</i>	<i>Protocol against the Smuggling of Migrants by Land, Sea or Air^c</i>	<i>Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition^d</i>	<i>United Nations Convention against Corruption^e</i>
Lao People's Democratic Republic		X	X	X	X	
Lesotho		X	X	X	X	
Liberia		X	X	X	X	
Madagascar						X
Malawi						
Maldives						
Mali		X	X	X	X	
Mauritania	X					
Mozambique						
Myanmar		X	X	X		
Nepal						
Niger		X	X			
Rwanda		X	X			
Samoa						
Sao Tome and Principe						
Senegal		X	X	X		
Sierra Leone						X
Solomon Islands						
Somalia						
Sudan		X				
Timor-Leste						
Togo		X				
Tuvalu						
Uganda	X					X
United Republic of Tanzania						
Vanuatu						
Yemen						
Zambia	X					
Total	8	19	14	10	7	4

^aGeneral Assembly resolution 55/25, annex I.

^bResolution 55/25, annex II.

^cResolution 55/25, annex III.

^dResolution 55/255, annex.

^eResolution 58/4, annex.