



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

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**Technical assistance activities\***

## Technical assistance activities

### Working paper prepared by the Secretariat

#### *Summary*

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its first session requested the Secretariat to prepare a working paper on technical assistance activities for submission to the Conference at its second session.

The present paper contains a review of technical assistance activities and the financing thereof under treaty implementation mechanisms. It also provides a list of elements that the Conference of the Parties may wish to take into account in considering ways and means of discharging its mandate on technical assistance. The list includes the following elements: needs, priorities and target groups; approaches; time frame; forms of assistance; resource requirements; and follow-up to technical assistance activities.

\* CTOC/COP/2005/1.



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- I. Summary of technical assistance activities relevant to the United Nations Convention against Transnational Organized Crime and the Protocols thereto by international entities
- II. Status of responses to the questionnaire submitted by the Secretariat to States parties to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention
- III. Voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund in support of the negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the promotion of their ratification, 1999-2005

## I. Introduction

1. The United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) contains several technical assistance provisions, in particular in articles 29 (Training and technical assistance) and 30 (Other measures: implementation of the Convention through economic development and technical assistance).

2. In accordance with article 32, paragraph 3 (a), of the Organized Crime Convention, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime should agree upon mechanisms for achieving its objectives, including facilitating activities by States parties under articles 29, 30 and 31 of the Convention, including by encouraging the mobilization of voluntary contributions.

3. At its first session, the Conference of the Parties adopted decision 1/4, in which it requested the Secretariat to prepare a working paper for submission to the Conference at its second session and to provide informal briefings to States parties and signatories with a view to obtaining further input to that working paper. The working paper would contain:

(a) Information on technical assistance provided by the Secretariat, including assistance funded through the special account established pursuant to article 30 of the Organized Crime Convention and General Assembly resolution 55/25 of 15 November 2000;

(b) A description of the methodology applied by the Secretariat in providing such assistance;

(c) Readily available information on technical assistance provided by other relevant international and regional organizations;

(d) Information on action taken by bodies similar to the Conference of the Parties in dealing with matters related to technical cooperation;

(e) Information on the methods used and experience gained by bodies similar to the Conference of the Parties in the financing of their technical cooperation activities.

4. In view of the above, the Secretariat has prepared the present working paper, which contains a summary of technical assistance activities and the financing of such activities under selected treaty implementation mechanisms or bodies for which information was readily available or was provided by the secretariats concerned, followed by a list of elements that the Conference of the Parties may wish to take into account in exploring ways and means of fulfilling its mandate on technical assistance, without prejudice to any other issues or methods that the Conference may wish to consider.

5. The annexes to this working paper are presented in an addendum (CTOC/COP/2005/6/Add.1). They include a summary of the information provided by international organizations on their technical assistance activities (annex I), a table showing the status of responses to the questionnaire submitted by the Secretariat to States parties to the Organized Crime Convention and two of the Protocols thereto (annex II) and a table listing the voluntary contributions provided

to the United Nations Crime Prevention and Criminal Justice Fund since 1999 in support of the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime and activities of the United Nations Office on Drugs and Crime (UNODC) to promote the ratification of the Organized Crime Convention and the Protocols thereto (annex III).

## **II. Technical assistance activities of the United Nations Office on Drugs and Crime**

6. Detailed information on technical assistance activities of UNODC is provided in reports of the Secretary-General submitted to the General Assembly (A/58/165, A/59/204 and A/60/131) and the Commission on Crime Prevention and Criminal Justice (E/CN.15/2002/10, E/CN.15/2003/5, E/CN.15/2004/5 and E/CN.15/2005/6).

## **III. Technical assistance activities and the financing of such activities under treaty implementation mechanisms**

7. Pursuant to decision 1/4 of the Conference of the Parties, the Secretariat carried out research and collected information on the methods and means used by other bodies responsible for promoting and reviewing the implementation of international conventions. The Secretariat attempted to identify bodies bearing similarity with the Conference of the Parties, in order to enhance the comparability of the information to be brought to the attention of the Conference.

### **A. Technical assistance to enable States parties to meet their reporting obligations**

8. In several cases where treaty bodies request States parties to provide information on their implementation of the relevant treaties, assistance has been provided to States parties unable to meet their reporting obligations. The rationale for that assistance has consistently been that, for the purpose of effectively reviewing treaty implementation, it is crucial for those bodies to receive accurate and comprehensive reports from States parties in a timely fashion.

9. In fact, several treaty bodies encourage those States parties experiencing difficulties in fulfilling their reporting obligations to request technical assistance to remedy that situation. For example, several United Nations bodies that review the implementation of human rights instruments encourage States parties to request technical assistance in preparing their reports from the Office of the United Nations High Commissioner for Human Rights and the Division for the Advancement of Women of the Secretariat.<sup>1</sup> Recently, those bodies have made efforts to reduce repetition and overlap in the information provided by States parties by harmonizing reporting obligations, including by streamlining reports on the implementation of provisions common to all or several human rights treaties.<sup>2</sup> Under the Montreal Protocol on Substances that Deplete the Ozone Layer,<sup>3</sup> developing countries are requested to inform the Secretariat of any difficulties faced in fulfilling their reporting obligations so that assistance might be provided.<sup>4</sup>

## **1. Forms of assistance**

### **(a) Guidelines**

10. A number of bodies monitoring the implementation of treaties develop and issue guidelines on reporting with a view to ensuring that reports are prepared and presented in a uniform manner so that those bodies can obtain a complete picture of the situation of each State party with respect to the implementation of the relevant treaty.

### **(b) Workshops**

11. Under some treaty bodies, a series of workshops are held in order to assist States parties in preparing their reports so that the reports contain reliable and sufficient information, where emphasis in the treaty is on self-reporting in reviewing treaty implementation. For instance, the secretariat of the Montreal Protocol on Substances that Deplete the Ozone Layer organized regional workshops on reporting, which generated 11 reports from developing countries.<sup>5</sup>

### **(c) Advisory services, including hotlines and helpdesks**

12. The Department for Disarmament Affairs of the Secretariat, the United Nations Development Programme (UNDP) and the United Nations Institute for Disarmament Research have assisted Governments in their reporting on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.<sup>6</sup> Their other assistance activities include setting up a reporting hotline and help desk for offering assistance by electronic mail (e-mail), telephone or fax for general guidance, answers to specific questions, comments on draft reports and advice on the submission process.

13. The Terrorism Prevention Branch of UNODC occasionally provides States with the elements needed to complete reports to the Counter-Terrorism Committee in response to Security Council resolution 1373 (2001) of 28 September 2001.

## **2. Lessons learned**

14. Studies suggest that there are several reasons for non-compliance with reporting obligations. They include: (a) lack of financial and technical resources of States parties; (b) the confidentiality of the information involved; (c) low priority given by some States parties to the subject matter; (d) lack of financial and technical resources of secretariats supporting treaty implementation bodies; (e) administrative and technical difficulties, personnel changes and language barriers in States parties; (f) the complex and cumbersome nature of formats used to collect information; and (g) lack of clarity on the relevance of requested information to treaty compliance.<sup>7</sup>

## **B. Technical assistance to promote treaty implementation**

### **1. Identification of the needs of States parties**

15. With a view to identifying the needs of States parties for technical assistance to promote treaty implementation, some treaty bodies have requested their secretariats to conduct surveys on such needs. For instance, the Intergovernmental

Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants, in its decision INC-7/8 on technical assistance, invited Governments to provide views and information to the secretariat on priorities and arrangements concerning technical assistance.<sup>8</sup> Based on the responses received, the secretariat drew up guidelines (“guidance”) on technical assistance, which were subsequently adopted by the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants at its first meeting.<sup>9</sup> Similar action was taken by the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, which requested the secretariat to conduct a study on the capacity-building and technical assistance needs of countries in relation to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,<sup>10</sup> on the basis of a questionnaire and further requested the secretariat to provide the results of that study to it at a subsequent session.<sup>11</sup> The World Trade Organization secretariat has developed guidelines with a view to assisting States in identifying their needs, as well as assisted them in undertaking their own needs assessment by providing data and information of direct relevance.<sup>12</sup>

16. In reviewing the implementation of treaties, several treaty bodies<sup>13</sup> recommend that those States parties whose implementation is found to be incomplete should take steps to improve it within a certain time frame and seek technical assistance from their secretariats. Secretariats of treaty bodies are also requested to provide technical assistance to States parties, upon request, to enable them to fulfil their treaty obligations.

17. More active roles are given to States parties and the secretariat under the Montreal Protocol. Under the non-compliance procedures of the Montreal Protocol, when there are concerns as to a party’s compliance with its Protocol obligations, scrutiny of its performance may be triggered in one of three ways: by another party; by the secretariat; or by the party in respect of itself. All references are forwarded to the Implementation Committee, composed of 10 members chosen from the parties on an equitable geographical basis. The Implementation Committee makes recommendations to the governing body, the Meeting of the Parties to the Montreal Protocol, which may call for action to bring about full compliance with the Protocol, including the provision of technical assistance.<sup>14</sup>

## **2. Forms of assistance**

18. Technical assistance provided under the guidance of treaty implementation bodies can be grouped broadly in the following five categories:

- (a) General assistance on implementation of treaty obligations;
- (b) Policy and strategy support;
- (c) Specialized assistance geared towards bringing domestic legislation into conformity with international legal instruments;
- (d) Specialized assistance and training to build institutional capacity to bring domestic practices in line with treaty obligations;
- (e) Support in research and collection of information.

**(a) General assistance in treaty implementation**

19. The assistance is aimed at reaching a broad constituency responsible for fulfilling treaty obligations.

*(i) Meetings of a general scope*

20. The main purpose of organizing meetings of a general scope (also called workshops, seminars or courses) is to raise the general level of knowledge of a treaty and/or to develop a better understanding of the needs and constraints of countries in treaty implementation. By doing so, this type of activity also contributes to promoting the ratification and implementation of the relevant treaty.

21. These activities are geared towards public officials who are not necessarily specialists or experts. Rather, they are aimed at ensuring that participants are thoroughly exposed to all aspects of a treaty and that they share experiences and exchange information.

*(ii) Development of guidelines on treaty implementation*

22. Guidelines on the implementation of a treaty are commonly developed and distributed with a view to assisting States parties in complying with the treaty obligations in a uniform and consistent manner. The guidelines may consist of models of national implementation and/or a compilation of promising practices. The objective of models of national treaty implementation is to enable States parties to translate their treaty obligations into the detailed powers and operational frameworks necessary to apply them in practice. States using such models are generally required to modify and adjust them. Compilations of effective practices are used to share measures that have proved effective in implementing treaty provisions in a certain situation and may be applicable in similar settings. Like models of national treaty implementation, such practices may require adaptation.

23. Checklists are generally aimed at providing a set of prioritized or minimum actions in respect of the obligations under a treaty. Typical checklists include actions that must be taken by each State party and the treaty references requiring such actions. The checklists on the general obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction<sup>15</sup> also include contact persons at the Organisation for the Prohibition of Chemical Weapons who can advise on the listed actions.<sup>16</sup>

**(b) Policy and strategy support**

24. Policy and strategy support is geared towards working with Governments to encourage them to undertake the requisite legislative review and action and to proceed with the submission of the pertinent legislative proposals to national parliaments as a matter of priority, while ensuring that such activities do not purport to influence, or in any way interfere with, the independent role and functions of national parliaments.

**(c) Legal assistance in treaty implementation**

25. Legal assistance covers a wide range of activities and is provided by the secretariats of most treaty bodies. This includes assistance related to the ratification and implementation of a treaty and related matters; advice on national legislation in preparation for ratification, accession and implementation; and drafting assistance.

26. Legal assistance is carried out at the headquarters of secretariats of treaty bodies, as well as in requesting countries or regions. The advantages of regional legal assistance are: it allows the secretariat to reach a broader but at the same time rather homogeneous audience from similar legal systems; it is considered cost-effective; and it facilitates the exchange of information, sharing of experiences and networking among participants. National legal assistance generally is more focused on legal issues at the national level that, in terms of priority needs and depth of treatment, cannot be adequately covered at the regional level. Legal assistance at the national level generally includes, but is not limited to, the assessment of the need for law revision, the provision of legal advice and support to legislators and others responsible for treaty implementation, the organization of drafting workshops and support to the internal process of treaty ratification. Legal assistance offered at the headquarters of secretariats generally involves a desk review of relevant domestic legislation and the provision of comments and proposals for law revision. Such assistance is usually a preparatory stage for in-country legislative assistance. The scope of legal advisory service varies according to the identified needs of the beneficiary.

27. It is important to underline that a combination of legal assistance and capacity-building (see paras. 28-32 below) is sometimes provided.

**(d) Specialized assistance and training in building capacity**

28. Training and capacity-building assistance are also commonly used among treaty bodies to assist States parties in building their institutional capacity to bring national practices in line with treaties. It takes a variety of forms that differ in terms of their target group and scope.

29. Training courses and workshops take place at the headquarters of secretariats of treaty bodies, as well as in requesting countries or regions. In general, training offered at the headquarters of secretariats is aimed at familiarizing newly arrived national delegates with the treaty regime and its functions, as well as reinforcing participants' ability to contribute to their countries' active participation in the ongoing work of the treaty regime.<sup>17</sup> National or regional training is tailored to the specific needs of a country or region and geared towards ensuring sustainability by building institutional capacity. Regional training also facilitates the exchange of information, sharing experiences and networking among participants. Internet-based training (e-Training) is increasingly being used to reach a wider audience.

30. The scope of training varies according to the identified needs of the beneficiary. Training may be of a general nature or it may focus on very specific issues.

31. Training is usually an interactive process, involving trainers and participants, with trainers making use of methods such as simulations and case studies. Some treaty bodies also offer training of trainers.



32. Secretariats of treaty bodies also develop training material to be used mainly in training courses or seminars. For e-Training or distance learning, training material that does not require the simultaneous presence of the trainees and trainers is developed.

**(e) Research support and collection of information**

*(i) Databases of national legislation*

33. Several treaty bodies<sup>18</sup> under which States parties are required to undertake extensive legislative implementation maintain online databases containing copies of national implementing legislation or hyperlinks to online legislation maintained by national authorities with a view to assisting States parties in harmonizing their national legislation with the treaties.

*(ii) Rosters and networks of experts*

34. Rosters of experts who have in-depth knowledge of national implementation of treaty obligations and who could provide advice and other support to requesting States parties have been established by some treaty bodies. Experts are generally nominated by Governments. Such rosters are regularly updated.

35. The Conference of the Parties to the Convention on Biological Diversity has also established, on a trial basis, a voluntary fund to support parties that are developing countries to pay for the use of experts from its roster.

36. The Organisation for the Prohibition of Chemical Weapons has established a network of legal experts, consisting of experts who have an in-depth knowledge of the national implementing legislation required by the Chemical Weapons Convention and drafters and other legal experts who are currently engaged in drafting or upgrading national legislation. The objective of the network of legal experts is to increase the secretariat's capacity to assist States parties in fulfilling their treaty obligations by providing a framework for States parties that are in a position to do so to offer bilateral legal assistance, thereby creating a cost-effective complement to the technical assistance offered by the secretariat to individual States parties on request. A meeting was held to provide legal experts with an opportunity to coordinate their activities. A meeting of legal experts was also held to provide them with an opportunity to engage in group work and/or bilateral consultations.<sup>19</sup>

*(iii) List of technical assistance providers*

37. The World Trade Organization (WTO) has prepared a guide to sources of trade-related technical assistance; the guide contains a list of technical assistance providers, including multilateral and regional organizations, as well as providers of bilateral development.

*(iv) Reference collection*

38. Physical or/and virtual libraries have been established and are maintained by several secretariats of treaty bodies with a view to allowing a wide range of audiences access to all relevant documentation and extensive reference collections in connection with treaties and other technical assistance materials and tools.<sup>20</sup>

(v) *Research and academic support*

39. Scientific or/and technical studies are prepared by secretariats of treaty bodies,<sup>21</sup> addressing highly complex issues involved in implementing treaty provisions. Joint research initiatives with academics from developing countries have been undertaken by WTO, with a view to increasing the supply of regional and country-based analysis of WTO-related policy issues.<sup>22</sup>

40. Academic support is aimed at developing and enhancing academic expertise in a specific treaty by providing assistance to academic institutions, particularly in developing countries. Such assistance includes the provision of relevant documentation and publications, research and fellowship opportunities for visiting academics and curriculum development.<sup>23</sup>

## **C. Financing technical assistance activities\***

### **1. Stand-alone mechanism with voluntary contributions: the Basel Convention Technical Cooperation Trust Fund**

41. The Trust Fund to Assist Developing Countries and Other Countries in Need of Technical Assistance in the Implementation of the Basel Convention is a voluntary mechanism established under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.<sup>24</sup>

42. The Fund provides financial support for: (a) technical assistance, training and capacity-building; (b) Basel Convention regional centres; (c) participation of the representatives of parties that are developing countries or countries with economies in transition in convention meetings; and (d) cases of emergency assistance and compensation for damage resulting from the transboundary movement of hazardous wastes and other wastes and their disposal.

43. Because the Fund has only limited resources for mostly earmarked activities, it is generally able to support only a relatively small number of projects. As a result, the Fund usually makes small grants, some of which are used to develop projects with the hope that they can be replicated or can form the foundation for larger-scale operations.

44. The Fund is administered by the United Nations Environment Programme (UNEP), pursuant to the Financial Regulations and Rules of the United Nations and the terms of reference approved by the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. The Basel Convention secretariat manages the Fund. The secretariat provides assistance within the limits of its existing financial resources, including by providing advice and responding to requests for information and documentation related to the Convention.

45. The budget of the Fund for 2004 was \$5.34 million. Of that amount, about \$1.26 million was to support attendance at convention meetings, and 13 per cent

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\* The present section draws substantially on “Study on possible options for lasting and sustainable financial mechanisms”, submitted to the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade at its second meeting (UNEP/FAO/RC/COP.2/10).

(\$615,000) represented administrative overhead. The budgets for 2005 and 2006 were considerably higher (\$17.8 million and \$12.3 million, respectively) because of the business plans of the Basel Convention regional centres. However, in all cases, the budgets reflect the sum of needs expressed by parties and the anticipated costs of assisting developing country representatives in attending convention meetings. The budgets do not indicate actual revenues received, which have generally turned out to be far less. For example, while the 2003 budget for the Fund was \$4.55 million, the actual amount collected in 2003 from all sources was less than \$1.42 million and actual project expenditures for 2003 amounted to \$1.15 million.

46. Contributions to the Fund are voluntary. The Conference of the Parties urges all parties and non-parties to the Convention, international organizations, including development banks, non-governmental organizations and the private sector to make financial contributions. In the past, contributions came almost exclusively from parties and signatories to the Convention.

47. From 1999 to September 2004, voluntary contributions to the Fund totalled \$4.52 million. Nearly all contributions were earmarked either for developing country participation in meetings or for specific project activities. The few non-earmarked contributions were used to cover the cost of the participation of delegates from developing countries and countries with economies in transition.

48. The Conference of the Parties to the Basel Convention at its seventh meeting, in 2004, considered a paper prepared by the Expanded Bureau of the sixth meeting of the Conference of the Parties and the Open-ended Working Group entitled, "Mobilizing resources for a cleaner future: implementing the Basel Convention".<sup>25</sup> In discussing the Fund, the paper concluded:<sup>26</sup>

"Thus far, this fund has provided only limited resources for mostly earmarked activities, which include covering the cost of bringing representatives from developing countries and other countries requiring assistance to official meetings. Hence, the Basel Convention—despite its breadth, scope, global membership and the universal need of developing nations to develop strategies and mechanisms for [environmentally sound management] of wastes—owing to limited resources is in danger of becoming an 'orphaned' convention with respect to capacity of its developing nation and [economy in transition] Parties to implement its provisions."

49. The Conference of the Parties responded to the paper by requesting the Open-ended Working Group to determine the legal and institutional feasibility of appropriate and predictable financial mechanisms of the Basel Convention. Thus, the Basel Convention implementation mechanism is proceeding to evaluate the possibility of strengthening its ability to provide technical assistance.

50. By requiring the secretariat to manage the Fund, the Conference of the Parties has increased the workload of the secretariat arguably beyond its original responsibilities under the Basel Convention. However, this approach may have saved some costs by avoiding the necessity of establishing a new institution or negotiating an arrangement with an external operational entity. In addition, having the secretariat manage the Fund may have helped to make the Fund more accountable to the Conference of the Parties than could have been the case with an external operational entity.

51. In spite of the severe funding constraints under which it operates, the Fund has been fairly successful in developing modest pilot projects. It is unknown to what extent those pilot projects have led to projects of greater scope and permanence. The ad hoc way in which the projects are developed (resulting from the unpredictability and scarcity of project finances) may have had a negative impact on transparency for parties and the public, as there are few set project approval procedures or timelines that stakeholders can monitor and be aware of. The Fund has successfully provided assistance to enable representatives of numerous developing country parties to attend convention meetings.

52. Since 1999, the Basel Convention implementation body has been shifting its emphasis to regional and national implementation. Consequently, the level of funding required is now much higher than previously, while the low level of voluntary contributions to the Fund means that it cannot provide the financial resources needed to implement medium- and large-scale projects. Contributions have historically been quite modest, and they have remained static even while the number of parties to the Basel Convention has increased significantly. The Fund's annual revenues are consistently and often dramatically lower than the projected needs itemized in the budget. The most predictable aspect of the Fund is that revenues will fall short of needs. Moreover, the fact that nearly all contributions to the Fund are earmarked for specific uses means that it is difficult for the Fund to develop a coherent, over-arching strategy for project development.

## **2. Stand-alone mechanism with mandatory contributions: the Multilateral Fund for the Implementation of the Montreal Protocol**

53. The Multilateral Fund for the Implementation of the Montreal Protocol is a stand-alone financial mechanism established by the parties to the Montreal Protocol. Contributions to the Fund from developed countries that are parties are agreed on a triennial basis by the parties to the Protocol, based on a needs assessment, and are shared according to the scale of assessments used for the regular budget of the United Nations.

54. The main objective of the Multilateral Fund is to support the compliance of developing country parties (referred to as "article 5 countries") to the Montreal Protocol by providing them with funding and technology. The Fund accomplishes this by financing activities such as closing facilities for the production of ozone depleting substances, converting existing manufacturing facilities, training personnel, paying royalties and patent rights on new technologies and establishing national ozone offices. Financial and technical assistance is provided in the form of grants or concessional loans delivered primarily through four international implementing agencies.

55. The mandate of the Multilateral Fund is:

- (a) To meet the agreed incremental costs of implementing the Montreal Protocol;
- (b) To finance clearing-house functions that:
  - (i) Assist parties that are developing countries in identifying their needs for cooperation;
  - (ii) Facilitate technical cooperation to meet those identified needs;

- (iii) Distribute information and relevant materials and hold workshops and training sessions;
- (iv) Facilitate and monitor other multilateral, regional and bilateral co-operation available to parties that are developing countries;
- (c) To finance operation of the Fund secretariat and related support costs.

56. Parties to the Montreal Protocol agreed upon terms of reference for the Multilateral Fund and terms of reference for the Fund's Executive Committee when they decided to establish it in 1992.

57. The Executive Committee manages the resources of the Fund. The Committee is comprised of seven parties that are developing countries ("article 5 parties") and seven parties that are developed countries ("non-article 5 parties"). Committee members are selected each year by the Meeting of the Parties to the Montreal Protocol. The Committee has a double-majority voting procedure designed to ensure that neither donors nor recipients may dominate decision-making. In practice, however, all decisions are taken by consensus. This provides all participating countries equal rights in the governance of the Fund and is in line with the principle of common but differentiated responsibilities.

58. The secretariat of the Multilateral Fund is comprised of 11 professional and 11 support staff. It is responsible for the day-to-day operations of the Multilateral Fund and for reviewing project proposals; preparing policy, planning, guidance, and financial documents to be sent to the Executive Committee for approval; and arranging for and servicing Committee meetings.

59. The Multilateral Fund is served by four multilateral implementing agencies that assist in programme and project development: UNDP, UNEP, the World Bank and the United Nations Industrial Development Organization (UNIDO). UNEP serves as the Treasurer of the Fund.

60. An important aspect of the Multilateral Fund is the extensive legal and institutional infrastructure it has generated. The procedures and guidelines governing the Fund began to be established well over a decade ago and have continued to develop. Over that time, donor States have consistently honoured their funding commitments. National ozone offices have been created in every developing country party. The Executive Committee and the multilateral implementing agencies—along with the bilateral implementing agencies of many of the developed country parties, as well as the regional networks and national ozone offices—have collectively formed a strong project development, policy/regulatory advice and implementation network for achieving the objectives of the Montreal Protocol.

61. The net budgeted costs for administering the Multilateral Fund and the Executive Committee for 2005 were \$3,867,547.

62. Pursuant to article 10.6 of the Montreal Protocol (as amended), the Multilateral Fund is financed by mandatory contributions from developed country member States based on the principle of additionality. The Multilateral Fund is replenished on a three-year basis at a level agreed by the parties. The actual contribution shares paid by each donor country are based on the United Nations scale of assessments. Contributions from other parties are also encouraged but are

not mandatory. Up to 20 per cent of the financial obligations of contributing parties can be delivered by them bilaterally in the form of eligible projects and activities.

63. Pledges amounted to \$2.1 billion for the period 1991-2005. For the entire period up to and including 2004, payments against pledges stood at 91 per cent. The Multilateral Fund has been replenished five times. The last replenishment (2003-2005) was for \$474 million.

64. The Montreal Protocol is frequently described as the most successful global multilateral environmental agreement. Much of that success may be traced to the level of financial resources that have been made available through the Multilateral Fund, which are based on needs assessment and have been successfully directed towards meeting the objectives of the Protocol. Over the years, those resources have been sustained due in part to the high level of political commitment from donor countries, the strong compliance system that links the availability of funding with a recipient country's compliance, and the mandatory approach for assessing Fund contributions.

65. Because it operates as a stand-alone financial mechanism created by the Meeting of the Parties to the Montreal Protocol, the Multilateral Fund operates under the supervision of the Meeting of the Parties and has thus been accountable and responsive to the Meeting of the Parties. The Fund secretariat has been able to focus exclusively on and develop broad expertise in project and financial management and monitoring related to the Montreal Protocol. By the same token, however, the Fund may be subject to fewer demands from non-party stakeholders for participation and transparency than is the Global Environment Facility (GEF), precisely because it applies to one environmental treaty rather than several and thus has a lower public profile. As a result, public access to, and information about, the Fund's proceedings may be somewhat more difficult to obtain.

### **3. Multipurpose operational entity: the Global Environment Facility**

66. GEF serves as the operational entity for several major multilateral environmental agreements. It operates as a mechanism for international cooperation for the purpose of providing new and additional grant and concessional funding to meet the agreed incremental costs of measures to achieve agreed global environmental benefits. GEF funds the agreed incremental costs in six focal areas: climate, biological diversity, international waters, ozone layer depletion, persistent organic pollutants (POPs) and land degradation (primarily desertification and deforestation).

67. GEF operates the financial mechanisms for the United Nations Framework Convention on Climate Change<sup>27</sup> and the Convention on Biological Diversity<sup>28</sup> on an interim basis. It is also the principal entity entrusted on an interim basis with the operation of the financial mechanism for the Stockholm Convention on Consistent Organic Pollutants. In all cases, these financial mechanisms exist to provide adequate and sustainable financial resources to developing country parties to assist them in their implementation of convention provisions. GEF is now also a financial mechanism of the United Nations Convention to Control Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa.<sup>29</sup> This new type of relationship between a convention and GEF is intended to be formalized under a memorandum of understanding in 2005.

68. Any State Member of the United Nations or any specialized agency in the United Nations system may become a participant in GEF. All participants meet as the GEF Assembly. Though the Instrument for the Establishment of the Restructured Global Environment Facility calls for the GEF Assembly to meet every three years, in practice it has met every four years to coincide with the replenishment cycle. The GEF Assembly reviews general policies and operations of GEF, and may approve amendments to the GEF Instrument.

69. The GEF Council exercises most of the key decision-making and policy guidance powers of GEF. The GEF Council consists of 32 members, representing constituency groupings and weighted between recipient and donor countries. The GEF Council acts as the focal point for the conventions.

70. The GEF secretariat carries out administrative functions. It is accountable to the GEF Council and is headed by the Chief Executive Officer, who also serves as the GEF Council Chair. The GEF secretariat receives administrative support from the World Bank, but operates in a “functionally independent” manner.

71. Three implementing agencies—UNDP, UNEP and the World Bank—play key roles in identifying, developing, and managing GEF projects in the field. Additionally, seven regional development banks and intergovernmental organizations contribute to the implementation of GEF projects as “executing agencies with expanded opportunities”.

72. The core budget for the GEF secretariat for the period 2002-2003 was \$8.26 million.

73. Paragraph 6 of the GEF instrument commits GEF to operate the financial mechanisms of the Climate Change Convention, the Convention on Biological Diversity and the Stockholm Convention on an interim basis and to continue to serve if requested to do so by the respective conferences of the parties.

74. For each of the three conventions, GEF enters into a memorandum of understanding with the Conference of the Parties that sets out the relationship between the Conference of the Parties and GEF. The Conference of the Parties and the GEF Council each adopts the memorandum of understanding. The memorandum of understand elaborates how GEF will take into consideration the policies, strategies and priorities agreed upon by the Conference of the Parties. The memorandum of understanding may contain sections on, inter alia:

- (a) Guidance from the Conference of the Parties;
- (b) How GEF will conform with the suggestions of the Conference of the Parties;
- (c) Reporting from the GEF Council to the Conference of the Parties;
- (d) Monitoring and evaluation regarding the effectiveness of the financial mechanism;
- (e) Cooperation between GEF and the convention secretariats.

75. In addition to the memoranda of understanding, GEF operationalizes the guidance received from the conferences of the parties by preparing an operational programme for each focal area. The operational programme provides the framework

to guide the development of activities that are eligible for GEF project funding. Each operational programme may contain information about:

- (a) Guidance to GEF from the convention;
- (b) Guiding principles;
- (c) Programme objectives and outcomes;
- (d) Eligible activities;
- (e) Financing;
- (f) Monitoring and evaluation.

76. GEF is funded by contributions to the GEF Trust Fund from contributing participants through a process called “replenishment”. Each replenishment is negotiated for a four-year cycle. Both the total amount of each replenishment and the burden-sharing agreement among the contributing participants are subject to the political negotiating process.

77. Contributions are mandatory in the sense that each of the conventions requires developed country parties to provide new and additional funds to assist developing countries in meeting the agreed full incremental costs of fulfilling their convention obligations. However, the conventions do not specify how those contributions will be decided.

78. Thirty-two donor countries pledged \$3 billion in 2002 to the third replenishment, which funds operations between 2002 and 2006. The majority of funds pledged were from member States of the Organization for Economic Cooperation and Development (OECD), but the contributing participants also included a few developing countries and countries with economies in transition.

79. Replenishment funds are allocated among the different GEF focal areas on the basis of a programming document that is first drafted by GEF as a technical recommendation, and then negotiated. There is no earmarking of funds by individual contributing States to specific focal areas or projects. The allocations for the third replenishment were approximately:

Biological diversity:	\$960 million
Climate change:	\$960 million
International waters:	\$430 million
Ozone depletion:	\$50 million
POPs:	\$250 million
Land degradation:	\$250 million

80. GEF is the major source of funding dedicated to assisting developing countries in meeting the incremental costs of implementing the provisions of global environmental agreements. It was established as a compromise in response to demands for new, independent financial mechanisms for each of the change conventions on biological diversity and climate. Since then, POPs and land degradation (desertification) have been added as GEF focal areas. No new financing facilities or mechanisms have been created that receive mandatory contributions



from donor parties to assist developing country parties in their implementation of a global environmental treaty.

81. After its initial steps during the pilot phase, GEF has generally become an effective and credible facility for funding activities that deliver significant global environmental benefits. One source of complexity in GEF is a result of the way in which it was created. While it serves as the operational entity for convention financial mechanisms, it does not develop or implement projects. That is the responsibility of the numerous participating United Nations implementing and executing agencies. Substantial efforts have been made over the years to streamline and integrate their procedures, but those efforts are not considered to have been entirely successful. Moreover, the competition between agencies over access to GEF resources has sometimes resulted in duplication, overlap and delays.

82. GEF has been accountable to the treaty bodies for the conventions for which it operates financial mechanisms. Its response to convention directives for supporting countries in meeting their treaty requirements has been viewed as satisfactory and pragmatic. GEF has sometimes had difficulty translating convention guidance into practical operational activities. That has often been because guidance for the conferences of the parties (which is the result of complex political processes) can be so broad and general that it may be difficult to respond to in operational terms.

83. The GEF secretariat has made considerable efforts over the years to increase transparency and accessibility for stakeholders. Significant amounts of information are readily available from the GEF website, which is well organized and comprehensive. Nevertheless, many country stakeholders do not find it easy to understand GEF goals, objectives and operational modalities, which can lead to misconceptions about the GEF mandate and processes.

#### **4. Coordinating mechanism: the Global Mechanism of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa**

84. The Global Mechanism of the Convention is a coordinating and resource mobilization mechanism established under the Convention to Combat Desertification. The Global Mechanism is administered by the International Fund for Agricultural Development (IFAD), a specialized agency of the United Nations system that was established in 1977.

85. The Global Mechanism was established to mobilize and channel substantial financial resources to combat desertification and mitigate drought by increasing the effectiveness and efficiency of existing financial mechanisms. It was created before the land degradation focal area was added to GEF. The Global Mechanism has the following functions:

- (a) Collecting and disseminating information;
- (b) Analysing and advising on, on request, issues related to financial assistance;
- (c) Promoting actions leading to cooperation and coordination;
- (d) Mobilizing and channelling financial resources.

86. Although originally conceived as a mechanism that would position itself at the intersection of supply from donor countries and demand from affected developing countries, the Global Mechanism is generally perceived as having chosen instead to focus on the demand side. It has done this by trying to improve the policy context in affected developing countries to create conditions that would be more attractive to prospective donors.

87. The Global Mechanism has supported its demand-side focus in part through the provision of “catalytic resources” from its own budget. Those “facilitation grants” assist affected developing countries in the preparation of their national action programmes. They are intended to serve as seed funding that helps to create conditions for other development partners to contribute project funding.

88. The Global Mechanism retains a separate identity within IFAD. The relationship between IFAD and the Conference of the Parties to the Convention to Combat Desertification is spelled out in a memorandum of understanding adopted at the third session of the Conference of the Parties.

89. A Facilitation Committee provides support and advice to the Global Mechanism and allows for collaborative institutional arrangements between the Global Mechanism and those institutions with relevant technical and financial expertise. Originally comprised of UNDP, IFAD and the World Bank, the Committee now has several other members, including regional development banks, GEF, UNEP, the Food and Agriculture Organization of the United Nations (FAO) and other intergovernmental organizations.

90. The Global Mechanism is led by a managing director who is nominated by UNDP and appointed by the President of IFAD. The managing director is responsible for preparing the programme of work and budget of the Global Mechanism and otherwise overseeing the administrative operations of the Global Mechanism. The managing director is expected to collaborate with the Executive Secretary to ensure the continuity and coherence between the programmes of IFAD and the Convention.

91. For the biennium 2004-2005, \$3.7 million were budgeted for the administration and operations of the Global Mechanism.

92. The costs of operations of the Global Mechanism that relate to the services it renders, including the provision of facilitation grants, are covered primarily by voluntary contributions from parties, contributions from the host of the Global Mechanism (IFAD) and contributions from the other financial institutions of the Facilitation Committee. Parties contributed \$2.39 million in 2003, with similar amounts expected in 2004. IFAD approved a grant to the Global Mechanism of \$2.5 million for the biennium 2004-2005, while the World Bank pledged \$1.25 million.

93. Because the Global Mechanism is a resource mobilization mechanism that is not primarily responsible for providing project funding, it is difficult to quantify its direct effect on financial assistance flows to affected developing country parties. However, the 2003 independent evaluation of the Global Mechanism concluded that five years after the effective creation of the Global Mechanism, there had been no increase in the channelling of financial flows towards desertification-related activities in affected developing countries. Among the reasons cited in the review

for the stagnation of overseas development aid (ODA) flows toward drylands were that the Convention to Combat Desertification does not call expressly for new and additional resources, the Global Mechanism is only one of many mechanisms for channelling aid flows towards development activities in drylands and the apparently detrimental perception that the Convention is primarily an environmental convention rather than a sustainable development convention.

94. The Global Mechanism has not been successful in mobilizing new sources of funding. This failure may be partly attributable to the strategic focus of the Global Mechanism and partly attributable to an apparent historic unwillingness of the donor community to increase ODA to combat desertification.

95. The experience of the Global Mechanism also demonstrates that, in the absence of dependable, adequate funding, a coordinating mechanism alone may fail to generate the financial flows necessary to assist developing country parties sufficiently in treaty implementation.

## **5. Other supplementary arrangements**

### **(a) Resources from non-governmental entities**

96. On 22 April 2004, the United Nations and the Nippon Foundation of Japan concluded a trust fund project agreement to provide capacity-building and human resource development to developing coastal States parties and non-parties to the United Nations Convention on the Law of the Sea through a new fellowship programme. The programme is executed jointly by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs and the Department of Economic and Social Affairs of the Secretariat. The Division for Ocean Affairs serves as the focal point in charge of all substantive elements of the project. The Department of Economic and Social Affairs, in its capacity as implementing agency for the project, is responsible for providing administrative services to the project on behalf of the Division for Ocean Affairs.

97. The main objective of the fellowship is to provide advanced education and training in the field of ocean affairs and the law of the sea and related disciplines to government officials and other mid-level professionals from developing coastal States, so that they may obtain the necessary skills to assist their countries in formulating comprehensive ocean policy and in implementing the legal regime set out in the United Nations Convention on the Law of the Sea and related instruments.

### **(b) Financing of junior professional officers**

98. Under the United Nations human rights treaty bodies, States parties finance junior professional officers who are specifically assigned to the work of those treaty bodies.<sup>30</sup>

## **D. Follow-up to technical assistance activities**

### **1. Follow-up to assistance for meeting reporting obligations**

99. In most of the technical assistance arrangements surveyed, the status of compliance with reporting obligations by a State party that has received assistance

for reporting remain under review until the State party fully meets its reporting obligations.

100. Additional assistance may be provided to those States which repeatedly fail to submit their reports. In such cases, organizations providing such assistance may be invited to provide information on progress made by the States receiving their assistance.

## **2. Follow-up to assistance for treaty implementation**

101. Follow-up on technical assistance emerges as a key element with a view to continuously upgrading the quality of products and services.

102. Assistance for treaty implementation is periodically reviewed by treaty bodies, with a view to considering any improvements that may be found necessary. To that end, secretariats of treaty bodies submit reports on technical assistance activities to those bodies.

103. Follow-up to assistance specifically provided by or under a treaty body in order to enable States parties in non-compliance to return to compliance is undertaken within a broader framework of treaty implementation mechanisms.

104. Under the Montreal Protocol, States parties in non-compliance are requested to provide an explanation for non-compliance, as well as a plan of action with time-specific benchmarks to ensure a prompt return to compliance. They are also invited to send their representatives to the Montreal monitoring mechanism to discuss the matter of non-compliance. To the degree that those Parties are working towards meeting their obligations under the Montreal Protocol, they continue to receive technical assistance. Non-compliance of a specific State party will remain under review of the Montreal monitoring mechanism until it returns to compliance.<sup>31</sup>

## **IV. Concluding remarks: possible elements for consideration**

105. In the case of the United Nations Convention against Transnational Organized Crime, a clear link has been established between implementation and technical assistance in recognition of the fact that, once the resources available are brought to bear in establishing functional systems against transnational organized crime, there will be inevitable gaps in capacity, particularly in developing countries and in countries with economies in transition. Those gaps would need to be filled in an effective, efficient and substantive manner if there are to be good chances for success in the common action against transnational organized crime. In line with that spirit and basic understanding, the issue of technical assistance has been made a key component of the mandate of the Conference of the Parties.

106. At its first session, the Conference of the Parties took some time to begin a discussion on the complex and multifaceted issue of technical assistance. However, the first session was largely organizational in nature and the focus of the Conference was, by necessity, directed to other broader matters. The Conference decided as a first order of business to establish the basic parameters of its work and, more importantly, the principle that it would proceed in developing its broad and challenging mandate on the basis of a multi-year programme of work. As a central component of its future programme of work, the Conference decided to begin the process of

collection and analysis of information on the implementation of the Organized Crime Convention and the two Protocols supplementing the Convention that were in force at the time. Thus, the Conference decided to begin building a knowledge base to guide its future direction, decisions and activities in compliance with its mandate.

107. The Conference of the Parties now finds itself at a propitious juncture. The establishment of a knowledge-based approach offers considerable opportunity to the Conference, but it simultaneously presents a challenge. The challenge is to ensure that the knowledge developed is as broad and accurate as possible and that the consideration of the information collected is done in a way that allows full analysis and leads to conclusions on what gaps exist in national capacity for implementation and the order in which gaps need to be addressed. The opportunity lies in the fact that the knowledge-based approach lends itself well to the development of a strategic framework for and rationalization of the various forms of technical assistance that would emerge as being necessary to close gaps and meet needs. A more strategic approach to technical assistance related to implementation of the Organized Crime Convention and its Protocols might hold significant promise for more efficient, appropriately tailored and effective activities, designed for specific requirements and capable of producing tangible, measurable results.

108. The Conference of the Parties might wish to begin consideration of the basic parameters that would define the role that it would wish to assume on technical assistance, in order to discharge the obligations vested in it by the Organized Crime Convention. In doing so, the Conference may wish to take into account certain elements that appear relevant to technical assistance as a form of supporting the efforts of Governments to implement the Convention and its Protocols.

#### **A. Needs, priorities and target groups**

109. The delivery of technical assistance would require a standard methodology for the identification of needs and priorities, as well as of the target audience of technical assistance activities. Closely related would be a mechanism for the further assessment and identification of needs and priorities as they might evolve over time or as circumstances in a given country change or evolve.

110. The principal problems or challenges that have been identified in the course of interregional, regional and subregional seminars organized by the Secretariat to promote the Organized Crime Convention and its Protocols and in individual assistance provided by the Secretariat are summarized below.

111. Assistance appears to be needed with the formulation of the four offences established by the Organized Crime Convention, in particular the offence of participation in an organized criminal group; extradition and mutual legal assistance; and the provisions governing the confiscation, seizure and disposal of proceeds of crime or other property. It has also been observed that legislative measures need to be taken first to permit the subsequent training of officials in both the international instruments and the domestic legislation that has been developed or amended to conform with those instruments.

112. Five countries have also identified their technical assistance needs through the questionnaire on the Organized Crime Convention and its two Protocols that was

sent to all States parties and signatories in accordance with decisions 1/2, 1/5 and 1/6 of the Conference of the Parties.

113. It appears equally important to specify to whom technical assistance should be delivered in order to meet the identified needs and to ensure that it is targeted in the appropriate way.

## **B. Approaches**

114. The most prevalent approaches to technical assistance activities, which are neither mutually exclusive nor exhaustive, are: the subject-by-subject approach, according to which technical assistance focuses on a specific subject or sets of provisions of a treaty; the country-by-country approach, according to which technical assistance and capacity-building are concentrated in one State party and attempts are made to offer support to its overall efforts; the regional approach, which focuses on the delivery of technical assistance along regional platforms; the integrated approach, which involves partnerships among technical assistance providers with relevant expertise in delivering joint assistance activities and may focus on either geographical regions or specific subjects; and the “toolbox” approach, according to which a combination of all approaches listed above could be taken within an overall framework.

## **C. Time frame**

115. Consideration could be given to the establishment of a possible time frame of future technical assistance activities. Initial technical assistance activities might include, but should not be limited to, assistance on reporting, assistance on notification requirements and legal advisory services for basic adaptation.

116. In the medium term, the focus of technical assistance might be on providing capacity-building assistance to parties to enable them to implement the Organized Crime Convention and its Protocols. In the longer term, it might also be possible to move towards more integrated approaches to the effective international cooperation in the fight against organized crime.

## **D. Forms of assistance**

117. A range of technical assistance activities that have already been undertaken by UNODC could be further developed and used in the delivery of technical assistance.

118. In addition, based on the provisions of the Organized Crime Convention and its Protocols, as well as the needs of technical assistance, further technical assistance activities might be determined by the Conference of the Parties. In doing so, the Conference may wish to refer to examples of technical assistance activities by other treaty implementation bodies, as described above.

## E. Resource requirements

119. The provision of technical assistance depends on the availability of adequate resources. The Conference of the Parties would need to address the issue as part of the process of establishing the parameters of its role on technical assistance, also in compliance with its mandate according to the Organized Crime Convention to encourage the mobilization of voluntary contributions.

120. The Conference of the Parties may wish to seek opportunities to combine technical assistance activities under the Organized Crime Convention with other existing initiatives, as relevant and where funding is already available. The aim of those endeavours should be to promote coordination and leverage the use of existing resources.

## F. Follow-up to technical assistance activities

121. Follow-up would be required to ensure that technical assistance activities mandated by the Conference of the Parties are periodically reviewed and the results of such a review are systematically fed back into the design and implementation of future technical assistance activities.

122. The Conference of the Parties may wish to consider the establishment of means to review progress in the delivery of technical assistance and in meeting the needs of States with respect to implementation of the Organized Crime Convention and its Protocols.

### Notes

- <sup>1</sup> See the note by the Secretary-General transmitting the report of the chairpersons of the human rights treaty bodies on their sixteenth meeting (A/59/254).
- <sup>2</sup> For the latest information on this initiative, see “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific targeted documents” (HRI/MC/2005/3).
- <sup>3</sup> United Nations, *Treaty Series*, vol. 1533, No. 26369.
- <sup>4</sup> Sasha Thomas-Nuruddin, “Protection of the ozone layer: the Vienna Convention and the Montreal Protocol”, *Administrative and Expert Monitoring of International Treaties*, Paul C. Szasz, ed. (New York, Transnational Publishers, 1999), p. 121.
- <sup>5</sup> Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, Massachusetts, Harvard University Press, 1995), p. 159.
- <sup>6</sup> *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), chap. IV, para. 24.
- <sup>7</sup> Thomas-Nuruddin, op. cit., p. 120; and Chayes and Chayes, op. cit., p. 159.
- <sup>8</sup> UNEP/POPS/INC.7/28.
- <sup>9</sup> See decision SC-1/15, entitled “Technical assistance” (UNEP/POPS/COP.1/31, annex I).
- <sup>10</sup> UNEP/FAO/PIC/CONF/5, annex III.

- <sup>11</sup> See decision 10/7, entitled “Strategic approach to technical assistance” (UNEP/FAO/PIC/INC.10/24).
- <sup>12</sup> WT/COMTD/W/133/Rev.2.
- <sup>13</sup> For example, in 14 of the 17 concluding observations adopted by the Committee on the Rights of the Child at its thirty-seventh and thirty-eighth sessions, it was recommended that States parties consider the possibility of seeking technical assistance from the Office of the United Nations Children’s Fund (UNICEF), the International Labour Organization and other United Nations entities in areas including: the development of a national plan of action for the implementation of the Convention; coordination; data collection; education; prevention of HIV/AIDS; abuse and neglect; sexual exploitation and trafficking; the juvenile justice system; and police training. Recommendations relating to technical assistance are also made with regard to substance abuse; street children; corporal punishment; health services; and economic exploitation. The Committee has also suggested that States parties consider seeking technical assistance from the Office of the United Nations High Commissioner for Human Rights and UNICEF in respect of the preparation of their next periodic reports (HRI/MC/2005/2).
- <sup>14</sup> *Handbook for the International Treaties for the Protection of the Ozone Layer*, 6th ed. (Nairobi, United Nations Environment Programme, 2003).
- <sup>15</sup> United Nations, *Treaty Series*, vol. 1974, No. 3357.
- <sup>16</sup> See “General obligations under the Chemical Weapons Convention and related tasks: prioritized checklist for non-possessor States parties” (S/396/2004).
- <sup>17</sup> The World Trade Organization organizes a number of Geneva-based training courses (see WT/COMTD/W/139).
- <sup>18</sup> The UNODC legal library contains copies of legislation adopted by States and territories around the world to put into effect the international drug control treaties (<http://www.unodc.org/unodc/en/legislation.html>). The Organisation for the Prohibition of Chemical Weapons has established the OPCW Legislation Database on its website ([http://www.opcw.org/html/db/legal/la\\_legdb.html](http://www.opcw.org/html/db/legal/la_legdb.html)) to provide examples of legislation enacted by States parties to implement the Chemical Weapons Convention and to assist States in preparing and adopting national implementing legislation.
- <sup>19</sup> See the note by the Technical Secretariat on legal technical assistance: report of the first meeting of the OPCW Network of Legal Experts, The Hague, 4-7 November 2003 (S/398/2004).
- <sup>20</sup> The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations Secretariat serves as the secretariat of the United Nations Convention on the Law of the Sea, providing end-user services. WTO has established a number of reference centres where officials and others can access relevant documents.
- <sup>21</sup> For example, the series of publications on the Law of the Sea prepared by the Division for Ocean Affairs and the Law of the Sea.
- <sup>22</sup> WT/COMTD/W/133/Rev.2.
- <sup>23</sup> WT/COMTD/W/133/Rev.2.
- <sup>24</sup> United Nations, *Treaty Series*, vol. 1673, No. 28911.
- <sup>25</sup> UNEP/CHW.7/INF/8.
- <sup>26</sup> UNEP/CHW.7/INF/8, para. 68.
- <sup>27</sup> United Nations, *Treaty Series*, vol. 1771, No. 30822.
- <sup>28</sup> *Ibid.*, vol. 1760, No. 30619.
- <sup>29</sup> *Ibid.*, vol. 1954, No. 33480.



<sup>30</sup> Markus Schmidt, "Servicing and financing human rights supervision", *The Future of the UN Human Rights Treaty Monitoring*, Philip Alston and James Crawford, eds. (Cambridge, Cambridge University Press, 2000).

<sup>31</sup> *Handbook for the International Treaties for the Protection of the Ozone Layer*, 6th ed. (Nairobi, United Nations Environment Programme, 2003).

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