

**Report of Amb. Dr. Ali Reza Deihim, Deputy Secretary-General's participation in the First Conference of Parties to the United Nations Convention against Transnational Organized Crimes from 28 June to 9 July 2004 held in Vienna, Austria.**

**Amb. Dr. Ali Reza Deihim, Deputy Secretary General**, represented the Organization in the First Conference of Parties to the United Nations Convention against Transnational Organised Crimes from 28 June to 9 July 2004, Vienna, Austria. Dr. Deihim presented a Report on his Participation at the 285th Meeting of Liaison Officers held on 16th September, 2004. His report consisted of three parts. First one, a detailed technical report, which he had already submitted to H. E. Amb. Dr. Kamil. The second part contains more general information, which had already been circulated. Dr. Deihim expressed the hope the liaison officers have access to it, as it had been already circulated. He introduced the third part and said that he would be happy and honored to answer any questions relating to this particular topic.

Dr. Deihim gave an outline on the relevance of this topic for AALCO and the present status of the Convention and its Protocols. Dr. Deihim informed the Meeting that, according to the information given by the permanent representative of Japan to Vienna, that the Convention against Transnational Organized Crime had been adopted as a policy of Japan, but before ratifying or acceding to the Convention, according to the domestic law of Japan, the Shugiin, House of Representatives and Sangiin, House of Councilors should approve a national legislation to that effect. According to the information given by the Japanese Ambassador to the European Office of the UN in Vienna, this procedure would be completed by the end of this year.

In 2001 New Delhi Session of AALCO, the Republic of Indonesia proposed a new subject matter namely, Cooperation Against Trafficking in Women and Children, which was included in the agenda of the AALCO. Since then, AALCO took this issue as one of its subject matters in the subsequent Annual Sessions. Due to its importance, the 43<sup>rd</sup> Annual Session held in Bali, Indonesia had a one day Special Meeting on this topic. H.E. Amb. Dr. Kamil raised some important points for discussion in that Meeting. The Special Meeting coincided with two major developments at the international level namely, the entry into force of the UN Convention Against Transnational Organized Crimes, exactly a year before i.e. September 2003 after the deposition of fortieth ratification to this Convention. The Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children entered into force on 25 December 2003 and the Protocol against Smuggling of Migrants by Land, Sea and Air, entered into force on 28 January 2004. The third Protocol namely, Protocol against the Illicit Manufacturing of and trafficking in Firearms, their parts and Components and Ammunition, has not yet entered into force.

He then dealt with the main objectives and goals of the Convention and Protocols and obligations of the State Parties; many of them AALCO Member States. One of the main objectives of this Convention was to agree upon the preventive measures for organized and transnational crimes and incorporating standards and measures in to the

domestic or national legal system. The States Parties were under obligation to criminalize the organized and transnational crimes as mandated by the Convention and Protocols. These instruments mandate the national governments to set up mechanisms for combating these crimes. To promote the implementation of these documents, it provided for technical training for enforcement officials; cooperation at the international level with the respective governments and organizations; and to exchange views and information. Criminalizing the participation in the activities of the transnational or organized crime groups; as well as trafficking of persons in particular women and children; trafficking of firearms and ammunitions; smuggling of migrants by any means; corruption and money laundering which are considered as crimes.

According to the Article 32 of the Convention, not later than one year after the entry in to force of this Convention, the UN Secretary General was requested to convene the First Conference of the States Parties to this Convention, in order to improve the capacity of Member States and International Organizations and to review the implementation of these instruments. The UN General Assembly decided to convene this Conference of the State Parties from 28<sup>th</sup> June to 9<sup>th</sup> July 2004, in Vienna.

Dr. Deihim gave his feed back on the Conference. The main task was to review the implementation of these instruments and how to find mechanism or mechanisms to strengthen the implementation process and strengthen the capacity of the State Parties to combat these crimes. He explained those European Countries and Group of 77 plus China, many of them AALCO Member states, had different views and approaches. Developing countries was against establishing a new mechanism for implementation or reviewing the Convention requiring new financial burden on them. Developing countries were highlighting the exigency of technical assistance and financial contributions from the developed countries and their cooperation in combating these crimes. The main contention between the developing and developed countries was that how to interpret the review of implementation. The developing countries, Group of 77 plus China, were of the view that review means how to implement and not to review the Convention. The second controversial aspect between the developed and developing countries was regarding giving information by the Member States, their training and in particular the enforcement of the provisions. There was a proposal for a new mechanism namely to have a Standing Committee at the UN Office in Vienna. Developing Countries not supporting the establishment of such mechanism, due to some ambiguities namely, its mandate, financial contributions from the State Parties and might lead to interference in the domestic affairs of the State Parties. For example, when it comes to banking information, including investigation, freezing of assets, confiscation, etc., the developing countries has to make report to the new body. Many Asian-African Countries were active in the Conference. Because of the collective approach of the developing countries from Asia, Africa and Latin America, proposal for an Open-ended Working Group with the mandate of receiving information regarding the planning, policies, training, contribution etc. from all State Parties did materialized within the UN Secretariat of the UNDCP.

Dr. Deihim informed that he made a statement on behalf of the AALCO Member States in the Conference. His speech and interventions were circulated among the State

Parties. Whereby, along with the resolution adopted in the Bali Session are now attached as the official document of the UN.