

attempt to find a jurisdictional base in the Genocide Convention.

On June 28, 1999, the Vice-President of the Court met with Agents of the FRY and the eight respondents whose cases remain on the docket (Canada, Belgium, France, Germany, Italy, Netherlands, Portugal, and the UK) to settle questions of procedure for the next phase of the case. The Court fixed January 5, 1999 as the date by which the FRY is to submit a memorial for its case against Canada, and July 5, 1999 as the date by which Canada is to submit a counter-memorial. In addition to the question of the jurisdiction of the Court and of the admissibility of the FRY's application, the Court ruled that the FRY could also submit a memorial on the merits. It noted that Canada could, if it wished, raise preliminary objections within the time limit fixed for the filing of its counter-memorial.

#### 4. THE CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

The Ad Hoc Committee on the Elaboration of a *Convention against Transnational Organized Crime* ("TOC") was established by General Assembly Resolution 53/111 of December 9, 1998. The Ad Hoc Committee was charged with drafting the main text of the Convention, as well as international instruments dealing with trafficking in women and children, combatting the illicit manufacture of and traffic in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea. These later elements have emerged as three draft protocols to the main Convention, which will criminalize specific offences and supplement the Convention with mechanisms specific to these crimes. The three protocols are: the *Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition and Other Related Materials*; the *Protocol Against the Smuggling of Migrants by Land, Sea and Air*; and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*.

The distinction between "smuggling" and "trafficking" is often blurred, but there are important differences. "Smuggled" people are usually aware they are engaged in a clandestine activity by entering another country, use fraudulent documents and pay for the service. "Trafficked" people are often deceived or forced into prostitution or labour, and may (or may not) enter a country legally with proper documents.

The TOC Convention will provide practical mechanisms for international law enforcement and judicial cooperation such as mutual legal assistance, assistance in investigations, extradition, asset seizure, criminalization of money-laundering and tracing of financial transactions. A deadline of late 2000 has been set for the completion of the TOC. While this target is ambitious because it includes the simultaneous completion of the three protocols to the TOC, Canada looks forward to the successful completion of the Convention and its Protocols within the time-frame allotted.

Of the three protocols, drafting of the Protocol on Illicit Trafficking in Firearms is the most advanced. The Protocol seeks, *inter alia*, to enhance information sharing and cooperation between states parties, and further to develop import-export controls, as well as tracking and record keeping. Canada drafted the initial text of the Protocol and continues to play a prominent role in the negotiation of this instrument, leading informal discussions. This text has been identified as one of the three prongs of the Minister Axworthy's approach to small arms issues.

Canada has also played an active role in the Protocol on Migrant Smuggling, having provided substantial input to the initial draft text, much of which has been adopted. While work on the Protocol on Trafficking in Persons, especially Women and Children is less advanced, we have