



**Conference of the States Parties
to the United Nations
Convention against Corruption**

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**Open-ended Intergovernmental Working
Group on Review of the Implementation of the
United Nations Convention against Corruption**

Vienna, 15-17 December 2008

Provisional agenda and annotations

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda and organization of work.
2. Consideration of draft elements for the terms of reference of a mechanism for reviewing the implementation of the United Nations Convention against Corruption.
3. Adoption of the report of the Working Group on its meeting.

Annotations

1. Organizational matters

(a) Opening of the meeting

The meeting of the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption will be opened on Monday, 15 December 2008, at 10 a.m.

(b) Adoption of the agenda and organization of work

The provisional agenda for the meeting was prepared in accordance with resolution 2/1 of the Conference of the States Parties to the United Nations Convention against Corruption, which is entitled "Review of implementation" and was adopted at the second session, held in Nusa Dua, Indonesia, from 28 January to 1 February 2008.

The proposed organization of work (see annex) was similarly prepared in accordance with that resolution in order to enable the Working Group to consider the agenda items within the time and conference services available.



The resources available will permit the holding of two plenary meetings each day with interpretation in the six official languages of the United Nations.

2. Consideration of draft elements for the terms of reference of a mechanism for reviewing the implementation of the United Nations Convention against Corruption

In its resolutions 1/1 and 2/1, the Conference recalled article 63 of the United Nations Convention against Corruption, in particular paragraph 7, according to which the Conference is to establish, if it deems it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.

In its resolution 1/1, the Conference decided to establish, within existing resources, an open-ended intergovernmental expert working group to make recommendations to the Conference on the appropriate mechanisms or bodies for reviewing the implementation of the Convention and on the terms of reference of such mechanisms or bodies. In the resolution, the Conference underlined that any such review mechanism should:

- (a) Be transparent, efficient, non-intrusive, inclusive and impartial;
- (b) Not produce any form of ranking;
- (c) Provide opportunities to share good practices and challenges;
- (d) Complement existing international and regional review mechanisms in order that the Conference may, as appropriate, cooperate with them and avoid duplication of effort.

In its resolution 2/1, the Conference decided that any such mechanism should also reflect, inter alia, the following principles:

- (a) Its objective should be to assist States parties in the effective implementation of the Convention;
- (b) It should take into account a balanced geographical approach;
- (c) It should be non-adversarial and non-punitive and should promote universal adherence to the Convention;
- (d) It should base its work on clear, established guidelines for the compilation, production and dissemination of information, including addressing issues of confidentiality and submission of the outcome to the Conference, which is the competent body to take action on such outcome;
- (e) It should identify, at the earliest stage possible, difficulties encountered by parties in the fulfilment of their obligations under the Convention and good practices adopted in efforts by States parties to implement the Convention;
- (f) It should be of a technical nature and promote a constructive collaboration, inter alia, in preventive measures, asset recovery and international cooperation.

Also in its resolution 2/1, the Conference decided that the Working Group should prepare terms of reference for a review mechanism for consideration, action and possible adoption by the Conference at its third session. In that regard, the Conference called upon States parties and signatory States to submit proposals to

the Working Group for the terms of reference of the mechanism for its consideration. The Secretariat invited States to submit such proposals by 1 July 2008.

In the same resolution, the Conference requested the Secretariat to assist the Working Group by submitting to it background information, including terms of reference of existing review mechanisms and information on the activities undertaken pursuant to Conference resolution 1/1 to collect and analyse information on possible methods for reviewing implementation.

At its second meeting, held in Vienna from 22 to 24 September 2008, the Working Group considered proposals received from Member States for the terms of reference of the review mechanism, basing its discussions on a conference room paper prepared by the Secretariat on the basis of the informal consultations held on 28 and 29 August 2008 (CAC/COSP/WG.1/2008/CRP.1); the conference room paper contained a consolidated version of the proposals received from States parties and signatories contained in the background papers prepared by the Secretariat (CAC/COSP/WG.1/2008/2 and Add.1-3 and Corr.1) and proposals submitted by the Group of 77 and China (CAC/COSP/WG.1/2008/CRP.2) and Peru (CAC/COSP/WG.1/2008/CRP.3). Through its two readings of the consolidated version of the proposals, the Working Group eliminated text that was duplicative and/or subsumed in other parts, engaged in a preliminary discussion of the various issues involved and began producing a rolling text of the draft terms of reference of the review mechanism.

For the consideration of the Working Group at its future meetings, the rolling text containing the draft elements for the terms of reference of a mechanism for reviewing the implementation of the United Nations Convention against Corruption has been made available in the six official languages of the United Nations (CAC/COSP/WG.1/2008/6). The Working Group agreed to hold additional informal consultations and requested the Secretariat to provide a working document, using the rolling text as a basis, for those consultations in order to facilitate its work. Depending on the outcome of the informal consultations, the Working Group may decide to continue its consideration of the terms of reference on the basis of the working document. The working document would identify identical or similar paragraphs and attempt to set out the proposals and ideas contained therein in actionable language. Nuances and variations would be reflected through text in brackets. Proposals that are clearly different would be shown as options or alternatives.

The Working Group requested the Secretariat to supplement the information on existing implementation review mechanisms provided in the background documents CAC/COSP/2006/5 and Corr.1 and CAC/COSP/2008/10 with information on the funding of those mechanisms.

Documentation

Draft elements for the terms of reference of a mechanism for reviewing the implementation of the United Nations Convention against Corruption: consolidated version (CAC/COSP/WG.1/2008/6)

3. Adoption of the report of the Working Group on its meeting

The Working Group is to adopt a report on its meeting, the draft of which will be prepared by the Secretariat.

Annex

Proposed organization of work

<i>Date and time</i>	<i>Agenda item</i>	<i>Title or description</i>
Monday, 15 December		
10 a.m.-1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
3-6 p.m.	2	Consideration of draft elements for the terms of reference of a review mechanism
	2	Consideration of draft elements for the terms of reference of a review mechanism (<i>continued</i>)
Tuesday, 16 December		
10 a.m.-1 p.m.	2	Consideration of draft elements for the terms of reference of a review mechanism (<i>continued</i>)
3-6 p.m.	2	Consideration of draft elements for the terms of reference of a review mechanism (<i>continued</i>)
Wednesday, 17 December		
10 a.m.-1 p.m.	2	Consideration of draft elements for the terms of reference of a review mechanism (<i>continued</i>)
3-6 p.m.	2	Consideration of draft elements for the terms of reference of a review mechanism (<i>continued</i>)
	3	Adoption of the report