



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

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**Report on the meeting of the Open-ended  
Intergovernmental Working Group on Review of the  
Implementation of the United Nations Convention against  
Corruption held in Vienna from 15 to 17 December 2008**

**I. Introduction**

1. In its resolutions 1/1 and 2/1, the Conference of the States Parties to the United Nations Convention against Corruption recalled article 63 of the United Nations Convention against Corruption,<sup>1</sup> in particular paragraph 7, according to which the Conference would establish, if it deemed it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.
2. 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 same 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; and (d) complement existing international and regional review mechanisms in order that the Conference might, as appropriate, cooperate with them and avoid duplication of effort.
3. 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,

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.



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; and (f) it should be of a technical nature and promote a constructive collaboration, inter alia, in preventive measures, asset recovery and international cooperation.

4. Also in its resolution 2/1, the Conference decided that the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption 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.

5. 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.

## **II. Organization of the meeting**

### **A. Opening of the meeting**

6. The Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption held its third meeting in Vienna from 15 to 17 December 2008.

7. The meeting of the Working Group was chaired by Horacio Bazoberry (Bolivia), Vice-President of the Conference. It was agreed that, at the request of the Chairman, Eugenio Curia (Argentina) and Eduardo Tampore (Argentina) would chair the fifth and sixth meetings of the Working Group respectively.

8. In her opening remarks, the Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC) stressed that the decision to develop a mechanism for the review of implementation of the Convention had been the most far-reaching political decision of the first decade since the Convention had entered into force. She recalled the mandate of the Working Group to develop terms of reference for a review mechanism having the characteristics set out in Conference resolutions 1/1 and 2/1; and commended the progress made by the Working Group in the development of a rolling text on the basis of the proposals submitted by States parties. The Director urged delegates to enter into a substantive and constructive debate, recalling that the Working Group had an ambitious task to fulfil by the third session of the Conference, which would be held in Doha from 9 to 13 November 2009.

### **B. Adoption of the agenda and organization of work**

9. Prior to the adoption of the agenda, a proposal was submitted to add an item entitled "Future steps". That item would provide an opportunity for the Working

Group to discuss how it would proceed in 2009 to comply with its mandate. The proposal was approved.

10. On 15 December, the Working Group adopted the following agenda:
  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. Future steps.
  4. Adoption of the report of the Working Group on its meeting.

### **C. Attendance**

11. The following States parties to the Convention were represented at the meeting of the Working Group: Algeria, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Canada, Central African Republic, China, Colombia, Croatia, Cuba, Dominican Republic, Egypt, El Salvador, Finland, France, Greece, Guatemala, Hungary, Indonesia, Jordan, Kenya, Kuwait, Latvia, Lithuania, Malaysia, Mexico, Namibia, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Russian Federation, Slovakia, South Africa, Spain, Sweden, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yemen and Zimbabwe.

12. The European Community, a regional economic integration organization that is a party to the Convention, was represented at the meeting.

13. The following States signatories to the Convention were represented by observers: Bahrain, Côte d'Ivoire, Czech Republic, Germany, Iran (Islamic Republic of), Ireland, Italy, Saudi Arabia, Switzerland, Syrian Arab Republic, Thailand and Venezuela (Bolivarian Republic of).

14. Oman, an observer State, was also represented.

15. Palestine, an entity maintaining a permanent observer mission to the United Nations, was represented.

16. The following Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, specialized agencies and other organizations of the United Nations system were represented by observers: Office of Internal Oversight Services of the Secretariat, Office of the United Nations High Commissioner for Refugees, Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and United Nations Commission on International Trade Law.

17. The following intergovernmental organizations were represented by observers: Asian Development Bank, Asian-African Legal Consultative Organization, Council

of Arab Ministers of the Interior, Council of Europe, Eurojust, International Criminal Police Organization (INTERPOL), International Organization for Migration and Organization for Security and Cooperation in Europe.

18. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

19. The International Association of Anti-Corruption Authorities, an international organization, was also represented by an observer.

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

20. Speakers noted the progress that had been made at the previous meetings of the Working Group and during the informal consultations on the draft terms of reference for the mechanism for reviewing the implementation of the Convention. It was noted that, while the Conference would take a decision on the matter at its third session, the mechanism would have a progressive and gradual approach and was to be based on consensus and negotiation. Speakers emphasized the importance of the review mechanism in enhancing implementation of the Convention and in assisting States in implementing its provisions. It was stated that the review and promotion of implementation of the Convention would also strengthen international cooperation and provide incentives to make progress in implementation. In addition, the review mechanism should serve to identify and disseminate best practices. It was noted that the different levels of development between States needed to be considered. Speakers underlined a number of outstanding issues that were to be discussed and resolved by the Working Group, including the source and use of information for the review process; the scope of the review; the method of the review and possible conduct of country visits; and funding.

21. For its consideration of agenda item 2, the Working Group had before it the draft elements for the terms of reference of a mechanism for reviewing the implementation of the United Nations Convention against Corruption (CAC/COSP/WG.1/2008/6) and the draft terms of reference of the mechanism for the review of implementation of the United Nations Convention against Corruption (CAC/COSP/WG.1/2008/7). The draft terms of reference had been prepared by the Secretariat pursuant to Conference resolution 2/1 and reflected revisions suggested at the informal consultations held on 5 and 6 November 2008. That text was to provide the basis for the work of the Working Group, with reference as needed to the draft elements.

22. The progress made by the Working Group would be reflected in the revised text of the draft terms of reference.

### **IV. Future steps**

23. The Working Group discussed steps to be taken before the third session of the Conference and requested the Secretariat to organize informal consultations prior to

the next meeting of the Working Group, which was scheduled to be held from 11 to 13 May 2009.

## **V. Adoption of the report**

24. On 17 December 2008, the Working Group adopted the report on its meeting (CAC/COSP/WG.1/2008/L.2).

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