
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 Convention, 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 an 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; and (f) it should be of a technical nature and promote 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


7. The meeting of the Working Group was chaired by Helmut Böck (Austria), Vice-President of the Conference, and Andhika Chrisnayudhanto and Spica Tutuhatunewa (Indonesia), representing the President of the Conference. The Chair noted the progress made in reaching agreement on the draft terms of reference for all the elements of the future review mechanism. It was recalled that the rolling text under consideration (CAC/COSP/WG.1/2008/7/Rev.2) had initially been based on 33 proposals for terms of reference received from Member States and reflected the discussions held in prior meetings of the Working Group, from 15 to 17 December 2008 and from 11 to 13 May 2009. The Chair invited the participants to continue working in the same constructive and positive spirit that had prevailed to date and that was instrumental for bringing the Convention to life. It was recalled that the common goal of the Working Group was to fulfil its mandate and provide the Conference of the States Parties at its third session with terms of reference, enabling it to establish an appropriate and effective mechanism to assist it in the review of the implementation of the Convention. The Chair noted that in view of the limited time available to the Working Group to reach agreement on the terms of reference, the Secretariat, with the approval of the Bureau of the Conference, had secured the resources to extend the duration of the fifth meeting of the Working Group to seven working days.

8. The Secretary of the Conference of the States Parties hailed the constructive approach that had been adopted by the Working Group thus far in developing terms
of reference to establish an appropriate, adequate and functional review mechanism, in accordance with the Convention itself and the resolutions of the Conference of the States Parties. The Secretary stated that the Convention was an important achievement with great potential and that it was based on an inclusive and positive approach. The Secretary noted that in anticipation of the third session of the Conference of the States Parties, to be held in Doha from 9 to 13 November 2009, the Secretary-General and the United Nations Office on Drugs and Crime had received numerous communications from various stakeholders expressing support for the Convention and the work of the Conference and highlighting the importance and urgency of establishing the review mechanism. It was therefore incumbent upon the Working Group and the Conference to intensify their work.

9. Speakers reaffirmed their intention to work towards agreement on the draft terms of reference and also welcomed the progress that had been achieved with regard to the rolling text. The principles and characteristics of the review mechanism, as set out by the Conference in its resolutions 1/1 and 2/1, were stressed. Several issues were outstanding, and participants looked forward to fruitful discussions on the relevant paragraphs.

10. The Working Group requested the Secretariat to prepare, as soon as possible and in all the official languages of the United Nations, the following documents in order to assist it and the Conference in their deliberations: a draft blueprint for country reports; draft uniform guidelines for experts to follow; and a report on cost estimates for components of the review process.

B. Adoption of the agenda and organization of work

11. On 25 August, 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 the draft terms of reference of the mechanism for the review of implementation of the United Nations Convention against Corruption.

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

C. Attendance

12. The following States parties to the Convention were represented at the meeting of the Working Group: Algeria, Angola, Argentina, Australia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Croatia, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Greece, Guatemala, Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Malaysia, Mauritania, Mexico, Mongolia, Morocco, Namibia, Netherlands, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation,
Rwanda, Sierra Leone, Slovakia, South Africa, Spain, Sweden, Togo, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Yemen and Zimbabwe.

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

14. The following States signatories to the Convention were represented by observers: Czech Republic, Germany, Ireland, Japan, Singapore, Sudan, Switzerland, Syrian Arab Republic and Thailand.

15. The following observer States were also represented: Oman and San Marino.

16. The International Atomic Energy Agency, a specialized agency of the United Nations system, was represented by an observer.

17. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, Council of the European Union, Eurojust, International Association of Anti-Corruption Authorities, International Centre for Migration Policy Development and Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies.

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

III. Consideration of the draft terms of reference of the mechanism for the review of implementation of the United Nations Convention against Corruption

19. At its 1st to 14th meetings, from 25 August to 2 September 2009, the Working Group considered agenda item 2, “Consideration of the draft terms of reference of the mechanism for the review of implementation of the United Nations Convention against Corruption”. The Working Group had before it the rolling text containing the draft terms of reference (CAC/COSP/WG.1/2008/7/Rev.2).

20. The Working Group continued its second reading of the rolling text.

21. The progress achieved by the Working Group in its deliberations is reflected in the rolling text of the terms of reference. The Working Group submitted its reports and the rolling text in its current state to the Conference of the States Parties at its third session for consideration and appropriate action.

IV. Adoption of the report