



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

Distr.: General
22 January 2008
English
Original: Spanish

Second session

Nusa Dua, Indonesia, 28 January-1 February 2008

**Note verbale dated 22 January 2008 from the Permanent Mission
of Argentina to the United Nations (Vienna) addressed to the
United Nations Office on Drugs and Crime**

The Permanent Mission of Argentina to the United Nations (Vienna) presents its compliments to the United Nations Office on Drugs and Crime and has the pleasure of transmitting herewith a document entitled "Considerations and recommendations of the Group of Latin American and Caribbean States present at the Regional Conference on the Implementation of the United Nations Convention against Corruption", that conference having been held in La Paz from 18 to 20 December 2007.

It is requested that the document be distributed as an official document of the second session of the Conference of the States Parties to the United Nations Convention against Corruption, to be held in Nusa Dua, Indonesia, from 28 January to 1 February 2008.



Annex to the note verbale dated 22 January 2008 from the Permanent Mission of Argentina to the United Nations (Vienna) addressed to the United Nations Office on Drugs and Crime

Considerations and recommendations of the Group of Latin American and Caribbean States present at the Regional Conference on the Implementation of the United Nations Convention against Corruption

La Paz, Bolivia, 18-20 December 2007

The Conference was opened by the Bolivian Minister of Justice, Ms. Celima Torrico Rojas, the Deputy Minister for Transparency and Anti-corruption, Ms. Nardi Suxo, and the Director of Multilateral Affairs at the Bolivian Ministry of Foreign Affairs, Mr. Edgar Pinto, together with Ms. Simonetta Grassi, Representative of the United Nations Office on Drugs and Crime (UNODC), Vienna; Mr. José Rocabado, UNODC officer in La Paz; and the Ambassador of the Dominican Republic to the international organizations in Vienna, in his capacity as Chairman of the Group of Latin American and Caribbean States, Vienna.

The participants in the Regional Conference on the Implementation of the United Nations Convention against Corruption welcomed the opportunity afforded by the Conference for the exchange of experiences between States with regard to progress made in the region, technical assistance needs and the steps to be taken to ensure the implementation of the Convention.

The Conference also offered an opportunity to assess the results and achievements of the process of implementation of the mandates agreed at the first session of the Conference of the States Parties to the Convention and to discuss the topics that would form the agenda for the second session, which was to take place in Bali, Indonesia, from 28 January to 1 February 2008.

In that connection, the Conference highlighted the importance of strengthening the active participation of civil society in preventing and combating corruption, in accordance with article 13 of the Convention.

The participants stressed the importance and implications for the region of the recommendations formulated by the open-ended intergovernmental working groups that had met during the course of 2007 and reached the conclusions set out below.

Review of and information-gathering on the implementation of the Convention

Aware of the significance of the Convention for the region, the participants reaffirmed the decision to establish a mechanism to monitor implementation of the United Nations Convention against Corruption, in accordance with resolution 1/1, entitled "Review of implementation", adopted at the first session of the Conference of the States Parties, held in Jordan.

It should be a unified mechanism involving parties on an equal footing with similar legal systems and be of a technical nature, with a major focus on international cooperation.

It should have the capacity to utilize information provided, as appropriate, by existing regional and multilateral follow-up mechanisms on related topics, thereby promoting synergy between them and avoiding duplication of effort.

In view of the importance of the task assigned to the Open-ended Intergovernmental Working Group on Review of the Implementation of the Convention, it was considered that its mandate should be extended at the second session of the Conference of the States Parties. The further extension of the pilot programme and its introduction in other countries wishing to participate were also recommended.

The participants recognized the usefulness of checklists as a point of departure for establishing the status of implementation of the Convention until a definitive follow-up mechanism was established. In that regard, it was considered important that the Secretariat should continue its work on the topic, in consultation with States, developing and improving the checklist and its benefits, including technical assistance needs of States.

In any case, whatever mechanism was adopted should be geared to a gradual review of the implementation of the Convention on the basis of thematic priorities established by States parties within the scope of the Convention, while retaining its effectiveness and usefulness.

Technical assistance

The participants emphasized the importance of technical assistance in the implementation of the United Nations Convention against Corruption as a necessary tool for its observance, which required the commitment of States parties to its effective operation.

It was reiterated that the provision of technical assistance should be based on the guiding principles of flexibility, transparency and observance of the priorities established by each requesting State party.

Technical assistance should take various forms, at both the multilateral and bilateral levels, and horizontal and regional cooperation should be promoted.

Having examined the status of implementation of the Convention, the participants stressed the need for appropriate technical assistance to be made available, at the request of States parties, in connection with the formulation of national action plans, institutional capacity-building, the drafting of model legislation and the provision of judicial assistance and training, among other aspects. In that connection, the Conference was urged to strengthen the financial and operational capacities of its secretariat in order to meet the needs of countries of the region.

The importance of strengthening existing communication technologies for exchanging experience and information among countries was noted and it was suggested that the Convention secretariat might set up a web page that Governments could access. The page would include databases containing legislation and good practices concerning the implementation of the Convention.

The participants emphasized the need for enhanced coordination of cooperation programmes and for free-flowing dialogue between cooperating agencies and recipients of assistance in order to achieve better results.

They also stressed the key role that UNODC should play in technical assistance guidance, delivery and management, without prejudice to the involvement of other stakeholders.

Asset recovery

Analysis of the examination of implementation of the Convention revealed the different scenarios and challenges facing countries of the region in incorporating the provisions of chapter V of the Convention into their national laws and regulations. While acknowledging its binding force on States parties, the participants recognized the far-reaching processes of constitutional change in some countries, which could affect the principles of their legal systems and which had to be taken into account in the adoption of national legislation.

Given the occurrence of major cases of corruption in some jurisdictions of the region, which had an adverse effect on national public funds and jeopardized peoples' opportunities for development, the participants underlined the importance of having effective asset recovery mechanisms in place and of improving cooperation with countries receiving such property, for the purpose of its return.

Aware of the challenges for continental-law countries in implementing the asset recovery provisions of the Convention, the participants emphasized the need for appropriate legislation in order to prevent inconsistencies with national legal systems, including constitutional conflicts in some countries.

Also, in view of the difficulties which still existed in many countries of the region in undertaking the direct return of assets through compliance with orders issued in a third State party, the participants emphasized the need to facilitate and expedite international cooperation procedures in areas such as the seizure of property and the removal of bank secrecy, so that indirect return would be possible.

Stakeholders' expertise in carrying out operations involving such cooperation, both active and passive, should be strengthened and it was important to adopt a regional approach in view of States' specific characteristics, it being nevertheless considered appropriate to gain a knowledge of comparable experiences also at the global level.

The participants stressed the value of effective technical representation and participation of countries of the region in meetings and conferences related to the Convention with a view to regular and consistent monitoring of its implementation.

Finally, the participants wished to thank the people and Government of Bolivia for their cordial hospitality and the United Nations Office on Drugs and Crime in Vienna and in Bolivia, and its staff, for all their support and efforts, which had contributed to the success of the meeting. Thanks were also extended to the Government of Canada for its support for the Conference.