



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

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## Fourth session

Marrakech, Morocco, 24-28 October 2011

### Provisional agenda and annotations

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### Annotations

1. **Organizational matters**
  - (a) **Opening of the fourth session**

By its resolution 58/4, the General Assembly adopted the United Nations Convention against Corruption, article 63 of which establishes a Conference of the States Parties to the Convention to improve the capacity of and cooperation between



States parties to achieve the objectives set forth in the Convention and to promote and review its implementation. Pursuant to paragraph 2 of that article, the first session of the Conference of the States Parties to the United Nations Convention against Corruption was held in Amman from 10 to 14 December 2006. In accordance with rule 3, paragraph 2, of the rules of procedure for the Conference, adopted at the first session, the second regular session was to be held within one year after the first session. Pursuant to Conference decision 1/1, the second session was held in Nusa Dua, Indonesia, from 28 January to 1 February 2008. Pursuant to Conference decision 2/1, the third session was held in Doha, from 9 to 13 November 2009.

In its decision 3/1, the Conference, recalling General Assembly resolution 47/202 A, on the pattern of conferences, taking into consideration rule 3, paragraph 2, and rule 6 of its rules of procedure, and welcoming the offer by the Government of Morocco to act as host to the fourth session of the Conference, decided that its fourth session would be held in Morocco in 2011.

The fourth session of the Conference of the States Parties to the United Nations Convention against Corruption will be convened on Monday, 24 October 2011, at 10 a.m. at the Palmeraie Golf Palace Complex in Marrakech, Morocco.

**(b) Election of officers**

In accordance with rule 22 of the rules of procedure for the Conference, at the opening of each session a President, three Vice-Presidents and a Rapporteur shall be elected from among the representatives of the States parties present at the session.

In accordance with the same rule, the President, the Vice-Presidents and the Rapporteur shall serve as the officers of the Conference at each session. In electing the officers of the session, each of the five regional groups shall be represented by one officer. The offices of the President and the Rapporteur of the Conference shall normally be subject to rotation among the five regional groups.

In accordance with standard practice established for conferences held away from United Nations Headquarters at the invitation of a Government, the President is normally a representative of the host Government. The Conference followed that practice at its first, second and third sessions, at which the representatives of Jordan, Indonesia and Qatar, respectively, which are from among the Asian States, were elected President. Should the Conference decide to follow that practice at its fourth session, the representative of Morocco would be elected President of the Conference and the Western European and other States would be expected to nominate the Rapporteur. Should the Conference decide to follow rule 22 of its rules of procedure, the Western European and other States would be expected to nominate the President and the Asian States would be expected to nominate the Rapporteur.

Regional groups are urged to engage in consultations on the nomination of candidates to fill the elective offices well in advance of the beginning of the session, with a view to agreeing on a slate of candidates whose number is equal to the number of offices to be filled, thus allowing all officers of the Conference at its fourth session to be elected by acclamation and dispensing with the requirement of a secret ballot.

**(c) Adoption of the agenda and organization of work**

At its third session, the Conference approved the draft provisional agenda for its fourth session (CAC/COSP/2009/L.2).

The proposed organization of work was prepared by the Secretariat in accordance with rule 8 of the rules of procedure for the Conference.

The organization of work is intended to facilitate consideration of the agenda items within the time and resources available to the Conference. The resources available to the Conference at its fourth session will permit the holding of parallel meetings with simultaneous interpretation in the six official languages of the United Nations. The Conference will thus be able to hold a total of 18 meetings with simultaneous interpretation.

**(d) Participation of observers**

Rule 14 of the rules of procedure for the Conference provides that, subject to prior written notification to the Secretary-General, any State or regional economic integration organization signatory to the Convention, in accordance with its article 67, paragraphs 1 and 2, shall be entitled to participate as an observer in the Conference and, accordingly, may take part in the deliberations of the Conference.

Rule 15 of the rules of procedure provides that any State or regional economic integration organization that has not signed the Convention in accordance with its article 67, paragraphs 1 and 2, may apply to the bureau for observer status, which shall be accorded unless otherwise decided by the Conference.

Rule 16 of the rules of procedure provides that, subject to prior written notification to the Secretary-General, representatives of entities and organizations that have received a standing invitation from the General Assembly to participate as observers in the sessions and work of all international conferences convened under its auspices, representatives of United Nations bodies, specialized agencies and funds, as well as representatives of functional commissions of the Economic and Social Council, shall be entitled to participate as observers in the deliberations of the Conference.

Rule 17 of the rules of procedure provides that relevant non-governmental organizations having consultative status with the Economic and Social Council may apply to the bureau for observer status, which should be accorded unless otherwise decided by the Conference. Other relevant non-governmental organizations may also apply to the bureau for observer status. The secretariat shall circulate as a document a list of such organizations with sufficient information at least 30 days prior to the Conference. If there is no objection to a non-governmental organization being granted observer status, such status should be accorded unless otherwise decided by the Conference. If there is an objection, the matter will be referred to the Conference for a decision.

**(e) Adoption of the report of the bureau on credentials**

Rule 19 of the rules of procedure provides that the bureau of any session shall examine the credentials and submit its report to the Conference. Rule 20 provides that, pending a decision of the bureau upon their credentials, representatives shall be entitled to participate provisionally in the session. Any representative of a State

party to whose admission another State party has made objection shall be seated provisionally with the same rights as other representatives of States parties until the bureau has reported and the Conference has taken its decision.

**(f) General discussion**

A sub-item entitled “General discussion” was included in the agenda to allow time for high-level representatives to make statements on matters of a general nature that are related to the implementation of the Convention. The Secretariat proposes holding the general discussion of the Conference at the beginning of its session so that high-level representatives would have an opportunity to express their views and set out the political direction for the Conference. Such organization of the session’s work would also allow for more focused and interactive exchanges to take place under the substantive items of the agenda. Furthermore, in line with one of the major objectives of the Convention and the mechanism for the review of its implementation, namely, support for the efforts of developing countries to implement the Convention through targeted technical assistance, particular emphasis will be placed on the achievement of the Millennium Development Goals and action against corruption. That would be in line with paragraph 52 of the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals at its sixty-fifth session, adopted by the Assembly in its resolution 65/1, and is fully consonant with the Secretary-General’s priorities for the Organization.

A list of speakers shall be opened by the Secretariat on 23 September 2011 and remain open until noon on 24 October 2011. Requests for inscription on the list will be honoured on a “first come, first served” basis, on the understanding that priority will be given to representatives of ministerial or similar rank. Speakers are requested to limit their statements to five minutes.

**2. Review of the implementation of the United Nations Convention against Corruption: criminalization and law enforcement and international cooperation**

Pursuant to article 63, paragraph 5, of the Convention, the Conference is to acquire the necessary knowledge of the measures taken by States parties in implementing the Convention — and the difficulties encountered by them in doing so — through information provided by them and through such supplemental review mechanisms as may be established by the Conference.

In its resolution 1/1, adopted at its first session, the Conference agreed that it was necessary to establish an appropriate mechanism to assist it in reviewing the implementation of the Convention. In the same resolution, the Conference underlined the characteristics that the review mechanism should have and established an open-ended intergovernmental expert working group to make recommendations to the Conference at its second session on appropriate mechanisms or bodies for carrying out the implementation review.

At its second session, the Conference further considered the issue of review of implementation and reaffirmed the characteristics of the mechanism set out in its resolution 1/1. In its resolution 2/1, the Conference set out additional principles that the review mechanism should reflect. The Conference also tasked the Open-ended Intergovernmental Working Group on Review of the Implementation of the

Convention with preparing terms of reference for a review mechanism for consideration, action and possible adoption by the Conference at its third session and called upon States parties and signatories to submit proposals for the terms of reference. By the time of the third session of the Conference, the Working Group had held five meetings in Vienna and developed draft terms of reference that were submitted to the Conference for its consideration and appropriate action.

At its third session, held in Doha from 9 to 13 November 2009, the Conference adopted resolution 3/1, establishing the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, in accordance with article 63, paragraph 7, of the Convention. The annex to resolution 3/1 contains the terms of reference of the Mechanism, the draft guidelines for governmental experts and the secretariat in the conduct of country reviews and the draft blueprint for country review reports.

In its resolution 3/1, the Conference decided that each implementation review phase would be composed of two review cycles of five years each and that one fourth of the States parties would be reviewed in each of the first four years of each review cycle. In the same resolution, the Conference also decided to review during the first cycle the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention and during the second cycle the implementation of chapters II (Preventive measures) and V (Asset recovery).

The Conference established the Implementation Review Group, the functions of which would be to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention. On the basis of its deliberations, the Implementation Review Group was to submit recommendations and conclusions to the Conference for its consideration and approval.

The Implementation Review Group held its first session from 28 June to 2 July 2010 in Vienna and finalized the draft guidelines for governmental experts and the secretariat and the draft blueprint that had been endorsed by the Conference. It also adopted its resolution 1/1, on resource requirements for the functioning of the Mechanism for the biennium 2012-2013. A drawing of lots was carried out at the Group's first session, in accordance with the terms of reference, to select the States parties that would be under review in each year of the first review cycle, as well as the reviewing States parties for the first year. The country pairings were finalized at an intersessional meeting of the Group held on 23 August 2010. The Implementation Review Group held its resumed first session in Vienna from 29 November to 1 December 2010 and considered, inter alia, the agenda item on technical assistance.

The country review process conducted over the course of the first year of reviews, in accordance with the terms of reference and the guidelines, was based on a peer review conducted by two reviewing States parties, using the comprehensive self-assessment checklist as the basis for reviews. The Conference had endorsed the tool at its third session, and an updated version was rolled out for the second year of the review cycle, addressing some technical issues and taking into account the experience of States parties reviewed to date.

The Group held its second session in Vienna from 30 May to 2 June 2011. It drew lots for the reviewing States parties for the second year of the current review cycle. The Group also considered issues regarding the review process of the first year of

operation of the Mechanism, including the timelines for review. A resumed second session of the Group will be held from 7 to 9 September 2011.

Building on the background documents and information provided during the meetings of the Implementation Review Group, the secretariat has prepared a background paper for the consideration of the Conference containing an overview of the country review process and conclusions and observations emerging from the conduct of the first year of reviews and the beginning of the second year.

The Conference may wish to consider, in accordance with paragraph 46 of the terms of reference, the recommendations and conclusions of the Implementation Review Group, as well as the establishment of policies and priorities related to the review process, in accordance with paragraph 45 of the terms of reference.

In particular, the Conference may wish to provide guidance on the procedural aspects of the work of the Mechanism and the indicative timelines for review contained in the guidelines for governmental experts and the secretariat.

The Conference may wish to discuss the challenges facing States parties and signatories seeking to implement the provisions of the Convention and share successes and good practices emerging from the reviews.

The Implementation Review Group considered the issue of participation of observers in its meetings. At its first session, the Group requested the secretariat to seek a legal opinion on the matter from the Office of Legal Affairs (see CAC/COSP/IRG/2010/9). At its resumed first session, the Group agreed that the final decision on the question of participation of observers in the Group would be reached by the Conference.

In its resolution 3/1, the Conference underlined that the Mechanism would require a budget that ensured its efficient, continued and impartial functioning. In the same resolution, the Conference decided that the Implementation Review Group should consider the resource requirements for the functioning of the Mechanism for the biennium 2012-2013.

At its first session, the Implementation Review Group adopted its resolution 1/1, on the resource requirements for the functioning of the Review Mechanism for the biennium 2012-2013, based on the note by the Secretary-General entitled "Resource requirements for the functioning of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption for the bienniums 2010-2011 and 2012-2013" (CAC/COSP/IRG/2010/5), prepared pursuant to paragraphs 13 and 15 of Conference resolution 3/1. The Group also requested the secretariat to continue to submit to it budgetary information. It was emphasized that this information should contain an outline of the estimated costs and information on expenditures.

At its resumed first session, held from 29 November to 1 December 2010, the Group was provided by the Secretariat with information on the resources and expenditures for the functioning of the Mechanism (CAC/COSP/IRG/2010/CRP.11).

At its second session, the Implementation Review Group was provided with preliminary information on actual expenditures incurred as at the end of April 2011 for the first year of the functioning of the Review Mechanism and

indications with respect to estimated costs for the biennium 2012-2013 (CAC/COSP/IRG/2011/CRP.1).

The Conference may wish to base its deliberations on the information contained in the note prepared by the Secretariat on resource requirements for the functioning of the mechanism (CAC/COSP/2011/4), which includes expenditures for the first year of the functioning of the Mechanism, as well as more accurate estimates for the biennium 2012-2013.

### **Documentation**

Thematic report prepared by the Secretariat on the implementation of chapter III (Criminalization and law enforcement) of the United Nations Convention against Corruption (CAC/COSP/2011/2)

Thematic report prepared by the Secretariat on the implementation of chapter IV (International cooperation) of the United Nations Convention against Corruption (CAC/COSP/2011/3)

Note by the Secretariat on resource requirements for the functioning of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (CAC/COSP/2011/4)

Note by the Secretariat on the work of the Implementation Review Group (CAC/COSP/2011/5)

Note by the Secretariat on the overview of the review process (CAC/COSP/2011/8)

### **3. Technical assistance**

In its resolution 3/1, the Conference decided that the Implementation Review Group was to follow up and continue the work previously undertaken by the Open-ended Intergovernmental Working Group on Technical Assistance. That Working Group, pursuant to resolution 1/5, had (a) reviewed needs for technical assistance, (b) provided guidance on priorities, (c) considered information, including that gathered through the self-assessment checklist approved by the Conference, and (d) promoted coordination of technical assistance. In its resolution 2/4, the Conference had also focused its attention on donor coordination and the identification of technical assistance needs.

According to resolution 3/1, technical assistance is an integral component of the Review Mechanism. One goal of the review process, thus, is to help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance. The Implementation Review Group noted that it was primarily to consider overall technical assistance needs, including priority areas for the provision of technical assistance, in response to trends in the types of technical assistance required.

In accordance with rule 72 of the rules of procedure of the Conference, the Secretariat has prepared a note on possible technical assistance activities to respond to the needs identified by States parties during the first year of the first cycle of the Review Mechanism and the estimated cost of such activities (CAC/COSP/2011/11). The note is intended to give a preliminary indication of technical assistance

activities required to address technical assistance needs relating to priority themes and issues, in particular at the global and regional levels.

The Conference, in its resolution 3/4, endorsed country-led and country-based, integrated and coordinated technical assistance delivery as an effective vehicle for further implementation of the Convention, and encouraged donors and other assistance providers to incorporate those concepts and capacity-building into their technical assistance programmes. States and donors were further urged to continue to provide resources for assistance efforts of the United Nations Office on Drugs and Crime (UNODC) in this regard, and to continue to provide coordinated assistance through existing channels, including other relevant international and regional organizations and bilateral assistance programmes.

The Implementation Review Group formulated specific recommendations that the Conference may wish to consider, including its implementation on recommendation on promoting the use of the Convention and its Review Mechanism as tools for anti-corruption assistance programming.

The Conference will have before it a background paper prepared by the Secretariat on technical assistance in support of the implementation of the Convention (CAC/COSP/2011/10). The background paper is intended to provide a brief overview of technical assistance delivered since the third session of the Conference of the States Parties, and to give a preview of the technical assistance activities that UNODC is planning to implement in the near future, some of them in close cooperation with bilateral and multilateral partners, as has been recommended by the Implementation Review Group.

In discussing the item on technical assistance, the Conference may also wish to devote specific attention to opportunities offered through South-South cooperation and in this regard consider the background paper produced by the Secretariat on that subject (CAC/COSP/2011/CRP.2).

#### **Documentation**

Background paper prepared by the Secretariat on technical assistance in support of the implementation of the United Nations Convention against Corruption (CAC/COSP/2011/10)

Note by the Secretariat on possible technical assistance activities to respond to the needs identified by States parties during the first year of the first cycle of the Review Mechanism (CAC/COSP/2011/11)

#### **4. Prevention**

At its third session, the Conference placed particular emphasis on the prevention of corruption. In its resolution 3/2, the Conference stressed the importance of implementing articles 5-14 of the Convention. In the same resolution, the Conference recalled article 61, paragraph 2, of the Convention, which stresses the importance of developing and sharing best practices in the prevention of corruption. The Conference also recalled article 63, paragraph 4, of the Convention, which refers to the objective of the Conference of promoting the implementation of the Convention, inter alia, by facilitating the exchange of information among States on successful practices for preventing corruption.



In the same resolution, the Conference decided to establish an open-ended intergovernmental working group to advise and assist the Conference in the implementation of its work on the prevention of corruption. The Open-ended Intergovernmental Working Group on Prevention of Corruption was mandated to assist the Conference in, inter alia, developing and accumulating knowledge in the area of prevention of corruption; facilitating the exchange of information and experience among States on preventive measures and practices; facilitating the collection, dissemination and promotion of best practices in the prevention of corruption; and assisting the Conference in encouraging cooperation among all stakeholders and sectors of society in order to prevent corruption.

Pursuant to Conference resolution 3/2, the Working Group held two meetings in Vienna, from 13 to 15 December 2010 and from 22 to 24 August 2011. At its first meeting, the Working Group discussed, among other things, good practices in the prevention of corruption in public procurement, methodologies for undertaking vulnerability assessments and best practices for promoting responsible and professional reporting on corruption by journalists. The Working Group decided that its second meeting would focus on awareness-raising policies and practices, with special reference to articles 5, 7, 12 and 13 of the Convention, and on the prevention of corruption in the public sector, in particular on codes of conduct (article 8 of the Convention) and public reporting (article 10 of the Convention).

The Conference may wish to consider the recommendations made by the Working Group at its first and second meetings, which are contained in the background paper prepared by the Secretariat on the work of the Open-ended Intergovernmental Working Group on Prevention of Corruption (CAC/COSP/2011/6).

The Conference may wish to discuss further steps to be taken towards the full implementation of its resolution 3/2. The Conference may also wish to consider future possibilities for the Working Group in advising and assisting the Conference in the implementation of its mandates on the prevention of corruption, particularly in preparation for the review of the implementation of chapter II of the Convention in the next review cycle, scheduled to commence in 2015.

#### **Documentation**

Background paper prepared by the Secretariat on the work of the Open-ended Intergovernmental Working Group on Prevention of Corruption (CAC/COSP/2011/6)

Background paper prepared by the Secretariat on youth and the prevention of corruption (CAC/COSP/2011/12)

#### **5. Asset recovery**

Asset recovery was an issue of high priority for the Conference at its previous sessions. In its resolution 1/4, the Conference decided to establish an interim open-ended intergovernmental working group to advise and assist the Conference in the implementation of its mandate on the return of proceeds of corruption. The Open-ended Intergovernmental Working Group on Asset Recovery was mandated to assist the Conference in, inter alia, developing cumulative knowledge in the area of asset recovery, encouraging cooperation, facilitating exchange of information and identifying the capacity-building needs of States parties in that area.

In its resolution 2/3, the Conference decided that the Working Group should continue its work with a view to identifying ways and means of translating into concrete action the recommendations of its first meeting, held on 27 and 28 August 2007. In its resolution 3/3, the Conference renewed the mandate of the Working Group and decided that it should continue its work to advise and assist the Conference in the implementation of its mandate on the return of the proceeds of corruption. Pursuant to resolutions 2/3 and 3/3, the Working Group held three meetings in Vienna, on 25 and 26 September 2008, on 14 and 15 May 2009 and on 16 and 17 December 2010. The Working Group will hold a fifth intersessional meeting in Vienna on 25 and 26 August 2011.

The Conference may wish to devote attention to the debates within the Working Group and the outcome of its meetings. At its fourth meeting, held on 16 and 17 December 2010, the Working Group recommended that the Secretariat develop a multi-year workplan for its consideration at its meeting on 25 and 26 August 2011, aimed at preparing States for the review of implementation of chapter V of the Convention during the second review cycle. The Conference may wish to consider the observations of the Working Group on the proposed workplan.

The Conference may also wish to give consideration to the efforts to promote informal channels of communication among States parties, including through networks of asset recovery focal points. Pursuant to the request of the Working Group and within the context of implementation of paragraphs 5 and 6 of Conference resolution 3/3, the Secretariat prepared a background paper on existing networks of focal points for consideration by the Working Group. The Conference may wish to consider the recommendations of the Working Group with a view to the establishment of a global network of asset recovery focal points.

The Conference may wish to give consideration to the above-mentioned and other proposals made by the Working Group, which are contained in the background paper prepared by the Secretariat on progress made in the implementation of the recommendations of the Open-ended Intergovernmental Working Group on Asset Recovery (CAC/COSP/2011/7).

The Conference will also be informed about progress in the activities of the Stolen Assets Recovery (StAR) Initiative, launched by UNODC and the World Bank in 2007, through which the Office addresses most of the recommendations of the Conference and its Working Group on Asset Recovery.

### **Documentation**

Background paper prepared by the Secretariat on progress made in the implementation of the recommendations of the Open-ended Intergovernmental Working Group on Asset Recovery (CAC/COSP/2011/7)

## **6. Other matters**

In considering item 6 of the agenda, the Conference may wish to review progress made in the further promotion of the ratification of or accession to the Convention, in order to increase the number of parties thereto and thus contribute to universal adherence to the instrument. Information on the status of ratification and notifications of the United Nations Convention against Corruption as at

30 September 2011 will be made available in a conference room paper (CAC/COSP/2011/CRP.1).

With regard to notification requirements under the Convention, the Conference may wish to consider how best to ensure the availability of up-to-date information required in accordance with article 6, paragraph 3; article 23, paragraph 2 (d); article 44, paragraph 6 (a); article 46, paragraphs 13 and 14; article 55, paragraph 5; and article 66, paragraph 4, of the Convention.

**7. Provisional agenda for the fifth session**

The Conference is to consider and approve a provisional agenda for its fifth session, which will be drawn up by the Secretariat in consultation with the bureau.

**8. Adoption of the report**

The Conference is to adopt a report on its fourth session, the draft of which will be prepared by the Rapporteur.

## Annex

**Proposed organization of work of the fourth session of the  
Conference of the States Parties to the United Nations  
Convention against Corruption, to be held in Marrakech,  
Morocco, from 24 to 28 October 2011**

<i>Date</i>	<i>Time</i>	<i>Item</i>	<i>Title or description</i>	<i>Item</i>	<i>Title or description</i>
Monday, 24 October	10 a.m.-1 p.m.	1 (a)	Opening of the session		
		1 (b)	Election of officers		
		1 (c)	Adoption of the agenda and organization of work		
		1 (d)	Participation of observers		
		1 (e)	Adoption of the report of the bureau on credentials		
	3-6 p.m.	1 (f)	General discussion <i>(continued)</i>		
Tuesday, 25 October	10 a.m.-1 p.m.	1 (f)	General discussion <i>(continued)</i>	2-8	Informal consultations
	3-6 p.m.	2	Review of implementation of the Convention		
		2	Review of implementation of the Convention <i>(continued)</i>	2-8	Informal consultations
Wednesday, 26 October	10 a.m.-1 p.m.	3	Technical assistance <i>(continued)</i>	2-8	Informal consultations
		3	Technical assistance <i>(continued)</i>	2-8	Informal consultations
	3-6 p.m.	4	Prevention		
		4	Prevention <i>(continued)</i>	2-8	Informal consultations
Thursday, 27 October	10 a.m.-1 p.m.	5	Asset recovery		
	3-6 p.m.	5	Asset recovery <i>(continued)</i>	2-8	Informal consultations
		5	Asset recovery <i>(continued)</i>	2-8	Informal consultations
Friday, 28 October	10 a.m.-1 p.m.	6	Other matters		
	3-6 p.m.	2, 3, 4 and 5	Consideration and adoption of decisions		
		7	Provisional agenda for the fifth session		
		8	Consideration and adoption of the report		