

**Guidance note on the participation of
representatives of non-governmental
organizations in sessions of the Conference of
the States Parties to the United Nations
Convention against Corruption and its
subsidiary bodies**

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INTRODUCTION

The Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) is the main policy-making body of UNCAC. The Conference meets every two years for policy discussions as well as decision-making on ways to “to improve the capacity of and cooperation between States Parties to achieve the objectives of the Convention and to promote and review its implementation” (article 65(1) of UNCAC).¹ The Corruption and Economic Crime Branch of the United Nations Office on Drugs and Crime (UNODC) is the secretariat to the Conference.

The sessions of the Conference are attended by States parties to the Convention, as well as signatories, non-signatories and other observers, which include intergovernmental and non-governmental organizations (NGO).

The Convention recognizes the key role of civil society in the prevention and eradication of corruption and has highlighted this in its preamble, as well as in article 13. The importance attached to civil society is further reflected in the rules of procedure of the Conference, which go beyond the rules of participation of most other United Nations bodies by foreseeing not only the participation of NGOs with consultative status with the Economic and Social Council (ECOSOC), but also of NGOs without such status, in plenary sessions of the Conference, provided there is no objection raised by a State party to the Convention (for more information about this process see below).

The Convention and its rules of procedures thus foresee the active participation of diverse actors in an effort to promote transparency in the work of the Conference and facilitate exchange of information, views and experience from diverse sources.

This Guidance Note has been prepared to further promote the vital contribution of NGOs to the work of the Conference, to encourage active and effective participation in the sessions of the Conference and to promote a harmonious atmosphere supportive of discussions at the Conference. The Guidance Note is based on the rules of procedure for the Conference, the practice established to date in the framework of the sessions of the Conference and its subsidiary bodies, as well as the practice of other United Nations bodies.

The Guidance Note may be read in conjunction with UNODC’s handbook on “Civil Society for Development: Opportunities through the United Nations Convention against Corruption”, which outlines possible entry points for civil society organizations when working on activities to support the full implementation of the Convention in a local or domestic context, as well as at the regional and global levels.²

¹ https://www.unodc.org/unodc/en/corruption/tools_and_publications/UN-convention-against-corruption.html

² https://www.unodc.org/documents/NGO/Fast-tracking/18-06316_eBook.pdf

A. PARTICIPATION

The participation of NGOs in the plenary meetings of the sessions of the Conference of the States Parties is governed by rule 17 of the rules of procedure for the Conference.³ It is important to note, that together with signatories, non-signatories and entities and international organizations, NGOs participate in the Conference as observers, which does not include the participation in the adoption of decisions in substantive or procedural matters (for more information on the format of NGO participation see chapter C below).

The processes for inviting the two categories of NGOs differ and are outlined below.

Information on invitations and registration procedures for non-governmental organizations is contained in Annex I.

Organizations in consultative status with the Economic and Social Council

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.⁴

The secretariat to the UNCAC (UNODC's Corruption and Economic Branch) maintains a list of NGOs accredited with ECOSOC whose area of competence is relevant to the work of the Conference of the States Parties to the Convention. The list is periodically updated and verified against the database maintained by the NGO Branch, Office for ECOSOC Support and Coordination, Department of Economic and Social Affairs (<http://csonet.org>), which deals with the application by NGOs for consultative status with ECOSOC.

Organizations not in consultative status with ECOSOC

Other relevant non-governmental organizations may also apply to the bureau for observer status. In the case of other relevant NGOs, the secretariat compiles and circulates a list of such organizations with sufficient information at least thirty days in advance prior to the Conference. If there is no objection to a non-governmental organization [by a State party to the Convention], observer 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.⁵

The application process for other relevant NGOs that fall under rule 17(2) is administered by UNODC's Civil Society Team, which can be contacted at unodc-ngounit@un.org. When compiling the list and as a first step, the Civil Society Team makes an assessment whether the areas of competence of the NGOs are relevant to the work of the Conference of the States Parties to the Convention. Therefore, all NGOs

³ <https://www.unodc.org/unodc/en/treaties/CAC/rules-of-procedure.html>

⁴ Rule 17(1) of the rules of procedure for the Conference

⁵ Rule 17(2) of the rules of procedure for the Conference

wanting to participate in the Conference, should include in their applications the following information, which is in line with the criteria provided in ECOSOC resolution 1996/31 on the “Participation of non-governmental organizations in international conferences convened by the United Nations and their preparatory process”.⁶

44. All such applications must be accompanied by information on the competence of the organization and the relevance of its activities to the work of the conference [...] with an indication of the particular areas of the conference agenda and preparations to which such competence and relevance pertain, and should include, inter alia, the following information:

- (a) The purpose of the organization;
- (b) Information as to the programmes and activities of the organization in areas relevant to the conference and its preparatory process and the country or countries in which they are carried out. Non-governmental organizations seeking accreditation shall be asked to confirm their interest in the goals and objectives of the conference;
- (c) Confirmation of the activities of the organization at the national, regional or international level;
- (d) Copies of the annual or other reports of the organization with financial statements, and a list of financial sources and contributions, including governmental contributions;
- (e) A list of members of the governing body of the organization and their countries of nationality;
- (f) A description of the membership of the organization, indicating the total number of members, the names of organizations that are members and their geographical distribution;
- (g) A copy of the constitution and/or by-laws of the organization.

As mentioned above, unlike in many other United Nations bodies, in addition to the participation of NGOs in consultative status with ECOSOC, the rules of procedure for the Conference also provide for the participation of other relevant NGOs, subject to certain conditions.

Once the list of other relevant NGOs is compiled, it is circulated to all States parties for consideration in advance of the Conference. If objections are received to the participation in the Conference of a non-governmental organization, they are brought, in the first instance, to the attention of the Bureau⁷ of the Conference, which, in accordance with rule 30 of the rules of the procedure, inter alia, assists the President in the general conduct of work that falls within the competence of the Conference.

⁶ Although the Conference is not a subsidiary body of the Economic and Social Council and it is not subject to its rules of procedure as such, ECOSOC is responsible for granting consultative status with ECOSOC to NGOs and resolution 1996/31 provides the necessary framework for the consultative relationship between the United Nations and non-governmental organizations. Moreover, in that resolution (Part VII), the Council is very specific in providing guidance on the participation of NGOs in international conferences convened by the UN and their preparatory process and in stating that “their accreditation is the prerogative of Member States” (para. 41)

⁷ In accordance with rule 30 of the rules of procedures for the Conference, the Bureau is comprised of the President, Vice-Presidents and the Rapporteur, nominated through the Regional Groups.

Following a discussion by the Bureau,⁸ the Bureau:

- may seek information from the respective State regarding the reason(s) for the objection(s), on the understanding that it is the prerogative of the State(s) to inform the Conference about the reasons for their objection;
- invite UNODC's Civil Society Team to convey to the non-governmental organization in question that an objection to their participation has been received and that no invitation would be issued;
- inform the Conference that an objection has been received and what the recommendation of the Bureau is in that regard.

Any recommendation of the Bureau to the Conference regarding the participation of a non-governmental organization shall be considered as final as the rules of procedure do not provide for a recourse in case of an objection, including the possibility of submitting an appeal.

Similarly, the rules of procedure do not provide for a communication of the comments of States Parties, for the provision of information on which States parties submitted comments to the NGOs or for opportunities to respond.

A final confirmation of observer status will only be available after the first meeting of each session of the Conference of States Parties.

B. INVITATIONS AND REGISTRATION

Invitations to observers representing non-governmental organizations (NGOs) in consultative status with ECOSOC and other relevant NGOs will be sent by the secretariat to the Conference. Responses to the invitations, in the form of official letters on the letterhead of the organizations with the names of their delegates, must be sent to UNODC's Civil Society Team at unodc-ngounit@un.org with a copy to the UNCAC secretariat at uncac@un.org. The registration procedures for the Conference are contained in the information notes for participants prepared by the secretariat prior to each session of the Conference. Such information is made available on the UNODC website on the page of the respective session of the Conference.

C. FORMAT OF PARTICIPATION OF ALL NGOS

All NGOs admitted to the Conference may:

- (a) Attend plenary meetings of the Conference;

⁸ It is noted that paragraph 15 of the ECOSOC resolution 1996/31 would be applied mutatis mutandis, in particular with respect to granting consultative status to NGOs and to interpreting norms and decisions relating to this matter by Member States, whose prerogative in this regard would be exercised through the Bureau of the Conference of the States Parties to the Convention and the Conference itself.

(b) Upon the invitation of the President and subject to the approval of the Conference, make oral statements or provide written reports⁹ at such meetings through a limited number of representatives on questions relating to their activities; and

(c) Receive the documents of the Conference.¹⁰

At the same time, NGOs cannot take part in the adoption of decisions on substantive and procedural matters, whether by consensus or by vote, at the Conference, a matter which, in line with the rules of procedure for the Conference, is a prerogative of States parties to the Convention only.

While attending meetings of the Conference, observers for non-governmental organizations shall comply with the Code of Conduct for meetings held in the framework of the Conference of the States Parties, which is contained in Annex II to this Guidance Note.

Oral statements

During the Conference, requests for the floor by observers for NGOs should be communicated to the conference officers servicing the session. Observers for NGOs are called upon to take the floor, following Member States, entities and intergovernmental organizations. Time constraints may give rise to situations where not all the speakers may have the opportunity to take the floor.

To facilitate the work of conference services, including interpreters, where possible, copies of the oral statements should be provided to conference officers, half an hour prior to NGO statements on a specific agenda item or sub-item.

Accordingly, it is the responsibility of the NGOs to follow the proceedings of the Conference and make sure they are available at the appropriate time to deliver their statements.

Written statements

In accordance with the relevant provisions of ECOSOC resolution 1996/31, NGOs in general consultative status may submit written statements of up to 2,000 words and NGOs in special consultative status and on the roster may submit written statements of up to 1,500 words.

The written reports are issued, unedited, in the UN official language(s), as received from the submitting NGO. NGOs assume full responsibility for the content of their statements. Should the NGOs wish for the reports to be made available to delegates, they will be required to bring a sufficient number of copies on the first day of the Conference.

⁹ The Secretariat is under no obligation to translate reports submitted by NGOs into the official languages of the United Nations.

¹⁰ Rule 17(3) of the rules of procedure for the Conference.

Clearance procedures

In view of rule 17(3) of the rules of procedure for the Conference, NGOs may make oral statements or provide written reports upon the invitation of the President and subject to the approval of the Conference. This function is fulfilled by the Bureau in order to ensure that written reports by NGOs submitted to the Conference, as well as other print materials made available at the margins of the Conference, uphold UN standards and avoid abusive language and submits the materials to the Bureau for review and discussion and recommendations for further action by the Conference, if required.

In order to allow for sufficient time for the review of written reports and materials, those should be submitted to the secretariat two weeks prior to the start of the session at the following email address uncac@un.org.

No clearance is required for the distribution by NGOs of official United Nations documents or publications.

D. MATERIAL DISTRIBUTED BY NGOs

It is noted that NGO material (leaflets, publications, posters, boards, banners, etc), which are relevant to the work of the Conference, may be displayed only on the tables and boards clearly marked for this purpose, with the prior permission of the secretariat, provided that there is enough space and that they are relevant to the meetings. Such materials are subject to the clearance procedures provided in the previous section. Materials should clearly indicate the logo and full name of the NGO.

During Conferences, there is a designated area for Member States, intergovernmental organizations and NGOs to display their documents. The distribution of NGO material is only permitted at these authorized locations at the Conference premises.

UNODC's Civil Society Team normally sets up specific tables for non-governmental observers attending the Conference where publications can be displayed. The Civil Society Team should be informed in advance whether materials will be displayed so that space can be efficiently managed. Publications and or any other material cannot be distributed by NGOs to Member States in the rooms used by the Conference for the plenary sessions.

Materials containing abusive or offensive language or images are not permitted on United Nations premises.

E. USE OF THE UNITED NATIONS EMBLEM

The use of the United Nations emblem on non-official documents and publications, including NGO material is expressly prohibited. The United Nations flag may not be displayed in meeting rooms where NGOs organize events, except with the authorization of the Secretary-General, requested through the Secretariat.

F. CIVIL SOCIETY BRIEFINGS

In line with rule 17 (3)(a) of the rules of procedure for the Conference, NGOs may “attend plenary meetings of the Conference”, which, in the view of the Conference, did not include the meetings of its subsidiary bodies, namely the Implementation Review Group, the Working Group on Asset Recovery, the Working Group on the Prevention of Corruption and the expert meetings to enhance international cooperation under the United Nations Convention against Corruption. However, in order to promote a constructive dialogue with civil society especially with respect to the review of implementation of the Convention, States parties decided, in Conference resolution 4/6, to conduct civil society briefings on the outcomes of the review process, including on the technical assistance needs identified. These briefings are held to further promote constructive dialogue with NGOs dealing with anti-corruption issues, and to build confidence in the role of NGOs in the review process.

Such briefings are convened once a year on the margins of the Implementation Review Group and are conducted by the secretariat in cooperation with a member of the Bureau at the request of the President of the Conference, on the basis of the Implementation Review Group reports, thematic implementation reports and regional supplementary addenda.

In accordance with that resolution, the Secretariat invites to the briefings NGOs having consultative status with the ECOSOC, as well as other relevant NGOs, which, in accordance with rule 17, paragraphs 1 and 2, respectively, of the rules of procedure of the Conference, have been admitted to participate as observers in the session of the Conference previous to the briefing;

Moreover, if there is any objection to the participation of an NGO, the matter will be referred to the Group for decision, taking into account, *mutatis mutandis*, rule 17, paragraph 2, of the rules of procedure.

NGOs wishing to attend a briefing should confirm their attendance no later than ten days prior to the date of the briefing, at which time they will be allowed to provide comments in writing.

The briefings are open to representatives of Member States and intergovernmental organizations.

In accordance with Conference resolution 4/6, no specific country situation shall be mentioned during briefings. The clearance processes provided above apply to the documentation and materials submitted by NGOs.

G. SPECIAL AND SIDE EVENTS

Special and side events are meetings, presentations or panel discussions on topics that are relevant to the work of the Conference and that are held outside the formal proceedings of the Conference or during civil society briefings held on the margins of the sessions of the Implementation Review Group. The organization of side events during the Conference is coordinated by the secretariat to the UN Convention against Corruption. Such events may be (co)organized by either by Member States or intergovernmental or NGOs. NGOs which wish to organize special events during the sessions of the Conference or side events during the civil society briefing held on the margins of the sessions of the Implementation Review Group should contact UNODC’s Civil Society Team.

In line with established practice, an application form is published on the webpage of each session of the Conference, including guidance on the deadline for applications and to whom they should be submitted. Special and side events held by NGOs must be co-organized with either with a State party (or parties) or with UNODC.

The organizers of side events should bring a sufficient number of copies of the print materials, which they intend to make available at those events.

The posting of notices for authorized side events does not require prior permission from the secretariat, provided that they are posted only in designated locations.

ANNEX I: INVITATIONS AND REGISTRATION

Invitations to observers representing non-governmental organizations will be sent by the secretariat to the UNCAC. Responses to the invitations, in the form of official letters on the letterhead of the organizations with the names of their delegates, must be sent to the e-mail addresses indicated in the invitation letter.

Non-governmental observers who pre-register for the Conference should ensure that the information on the composition of their delegation includes the individual e-mail address of each representative. Providing the individual e-mail addresses will ensure that each participant receives an automatic e-mail response confirming his or her registration. The automatic e-mail response will also contain a link enabling each representative to upload a photograph. Only if both requirements are met (the provision of an e-mail address and the uploading of a photograph) can conference passes be pre-printed and ready to be picked up at the registration area. Participants who do not complete the pre-registration procedure must follow the normal procedure of having a photograph taken and the conference pass issued upon their arrival at the Conference venue.

All other participants must register at the registration area located at the Conference venue.

As part of the security arrangements for UN meetings, all participants are required to present their invitations or official communications identifying them as delegates, together with their passports or other official photograph-bearing identity documents, at the entrance before proceeding to the registration area in the Conference venue to register and obtain their conference passes for the session. All persons and their bags and briefcases will be screened at the entrance of the conference center.

ANNEX II: CODE OF CONDUCT FOR MEETINGS HELD IN THE FRAMEWORK OF THE CONFERENCE OF THE STATES PARTIES TO THE UN CONVENTION AGAINST CORRUPTION

When attending meetings at the United Nations, participants should comply with requirements regarding registration, badges, security instructions, behavior, use and access to facilities, occupation of seats, use of symbols, right to speak and make statements, etc. This code of conduct has been

developed on the basis of a code of conduct at meetings hosted by the UN, as contained in the Handbook for Stakeholder Engagement at the UN Environment Programme.¹¹

- Only observers representing NGOs whose names have been communicated to the Secretariat through the designated contact are admitted to sessions of the Conference and shall be registered and receive a badge.
- Badges issued at registration shall always be worn visibly.
- Participants shall be prepared to have their identity verified upon the request of United Nations officials or security staff.
- Observers from accredited organizations shall normally be at least 18 years of age. Younger representatives may be registered at the discretion of the Secretariat, if accompanied by a chaperone.
- Observers representing NGOs admitted to sessions shall cooperate and comply with requests and instructions from United Nations officials and security staff regarding the use of facilities and access to and conduct within the venues.
- No participant shall harass or threaten any other participant.
- The distribution of materials that may offend the social, cultural, religious or other opinions of other participants or that contain personal attacks is not permitted.
- Interfering with the movement of participants at any time or location within the venues is not permitted.
- The flags and any officially recognized symbols of the United Nations and of its Member States shall not be treated with disrespect.
- Observers are not allowed to occupy seats behind Government signs, unless they are part of official delegations or unless they are invited by the specific Member State to do so.
- Demonstrations or any other assemblies are only permitted with prior approval of UN. Demonstrations that are held without such approval might result in eviction from the UN premises and lifetime loss of the right to enter any UN premises.

¹¹ <https://www.unenvironment.org/resources/publication/stakeholder-engagement-handbook>