



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

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## Ninth session

Sharm el-Sheikh, Egypt, 13–17 December 2021

## Annotated provisional agenda

### Provisional agenda

1. Organizational matters:
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  - (b) Election of officers;
  - (c) Adoption of the agenda and organization of work;
  - (d) Participation of observers;
  - (e) Adoption of the report of the Bureau on credentials;
  - (f) General discussion.
2. Review of the implementation of the United Nations Convention against Corruption.
3. Technical assistance.
4. Prevention.
5. Asset recovery.
6. International cooperation.
7. Follow-up to the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation.
8. Other matters:
  - (a) Implementation of article 63, paragraphs 4 (c) and (d), of the Convention, concerning cooperation with relevant international and regional organizations and mechanisms and non-governmental organizations and making appropriate use of relevant information produced by other international and regional mechanisms for combating and preventing corruption in order to avoid unnecessary duplication of work;
  - (b) Status of ratification of and notification requirements under the Convention;
  - (c) Any other matters.
9. Provisional agenda for the tenth session.
10. Adoption of the report.



## **Annotations**

### **1. Organizational matters**

#### **(a) Opening of the ninth session of the Conference**

By its resolution [58/4](#), the General Assembly adopted the United Nations Convention against Corruption, in article 63 of which a Conference of the States Parties to the Convention was established 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 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 its 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. Pursuant to Conference decision 3/1, the fourth session was held in Marrakech, Morocco, from 24 to 28 October 2011. Pursuant to Conference decision 3/1, the fifth session was held in Panama City from 25 to 29 November 2013. Pursuant to Conference decision 4/1, the sixth session was held in Saint Petersburg, Russian Federation, from 2 to 6 November 2015. Pursuant to Conference decision 4/2, the seventh session was held in Vienna from 6 to 10 November 2017. Pursuant to Conference decision 5/2, the eighth session was held in Abu Dhabi from 16 to 20 December 2019. In compliance with Conference decision 5/3, the ninth session will be held in Sharm el-Sheikh, Egypt, from 13 to 17 December 2021, in a hybrid format (in person and online).

#### **(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, third, fourth, fifth, sixth and eighth sessions, at which the representatives of Jordan, Indonesia, Qatar, Morocco, Panama, the Russian Federation and the United Arab Emirates, respectively, were elected President. Should the Conference decide to follow that practice at its ninth session, the representative of Egypt would be elected President of the Conference and the Group of Western European and other States would be expected to nominate the Rapporteur. Should the Conference, however, decide to follow rule 22 of its rules of procedure, the Group of African States would be expected to nominate the President and the Group of Western European and other 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 ninth session to be elected by acclamation and dispensing with the requirement for a secret ballot. At the meeting of the extended Bureau held on 8 September 2021, the President of the Conference at its eighth session invited the Chairs of the regional groups to submit nominations for those offices not later than 29 November 2021.

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

At its eighth session, the Conference approved the draft provisional agenda for its ninth session (CAC/COSP/2019/L.2), on the understanding that the provisional agenda and proposed organization of work would be finalized by the secretariat in accordance with the rules of procedure of the Conference. On the basis of a recommendation of the Bureau of the Conference, a note verbale was circulated to States parties on 13 September 2021, seeking the approval, by means of a silent procedure, of the inclusion of an item entitled “Follow-up to the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation” in the provisional agenda for the ninth session of the Conference. Since no objections were received by the deadline of 24 September 2021, the item was included in the provisional agenda.

Draft resolutions should be submitted as early as possible in order to enable productive discussions prior to the session. On the basis of a recommendation by the Bureau of the Conference, States parties are strongly encouraged to submit draft resolutions to the secretariat one month prior to the session, namely 15 November 2021 at the latest.

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 ninth session will permit the holding of parallel meetings with simultaneous interpretation from and into the six official languages of the United Nations. The Conference will thus be able to hold 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 may accordingly take part in its deliberations.

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, the following shall be entitled to participate as observers in the deliberations of the Conference: 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, and representatives of functional commissions of the Economic and Social Council.

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 session of 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**

Sub-item 1 (f), entitled “General discussion”, is included in the provisional 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 that the general discussion of the Conference be held at the beginning of its session to provide high-level representatives with an opportunity to express their views and set out the political direction for the Conference. Such organization of the work of the session would also allow more focused and interactive exchanges to take place under the substantive items of the agenda.

A list of speakers for the general discussion to be held under sub-item 1 (f) of the provisional agenda will be opened on 15 November 2021 and will remain open until noon on Monday, 13 December 2021. Delegations are requested to send requests for inclusion in the list to the secretariat in writing ([uncac@un.org](mailto:uncac@un.org)) with the subject line “COSP list of speakers”. Requests received before 15 November 2021 will have to be resubmitted once the list is open.

The procedures on the establishment of the list of speakers for the general discussion will be as follows: (a) representatives of States will be included in the list of speakers on a first-come, first-served basis, on the understanding that representatives at the ministerial or higher levels will be given priority; (b) should a speaker at the ministerial level be replaced by a speaker at the non-ministerial level, that speaker will be added to the list of speakers based on the time of the submission to the secretariat of the notification regarding the change of speaker; and (c) should a speaker from one delegation wish to change places on the list with a speaker at the same level from another delegation, those delegations should make their own arrangements and inform the secretariat in writing and a copy should be provided to the other delegation.

In addition, participants will be requested to adhere to a maximum speaking time: four minutes (or 400 words) will be allotted to all speakers, including high-level representatives; and seven minutes will be allotted to the Chair of each of the regional groups. This will be strictly applied during the general discussion. Longer statements will be posted on the website of the Conference, provided that a clean copy of the statement is forwarded to the secretariat (unless the delegation informs the secretariat that it does not wish to have its statement posted online). Moreover, the preliminary list of speakers on sub-item 1 (f) is to be circulated to delegations by means of a special message shortly before the Conference.

Furthermore, on the basis of a recommendation of the Bureau of the Conference, all those who are invited to participate in the ninth session of the Conference, in line with the rules of procedure for the Conference, will be given the opportunity to submit pre-recorded statements delivered by high-level representatives, such as Heads of State or Government, ministers, deputy ministers, heads of delegation and other dignitaries. The pre-recorded video statements will be shown in the Plenary Hall after being introduced by a representative who is physically present in the plenary room (or the President of the Conference if the delegation is not represented at the session). The deadline for submission of pre-recorded statements is one week in advance of the meeting, namely 6 December 2021.

In order to allow for sufficient time for the Conference to discuss the substantive matters on its agenda, the consideration of the sub-item entitled “General discussion” will be concluded at the latest on the evening of 14 December and the remaining speakers will be invited to take the floor under other items of the agenda.

## **2. Review of the implementation of the United Nations Convention against Corruption**

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, the Conference agreed that it was necessary to establish an appropriate mechanism to assist it in reviewing the implementation of the Convention, and established an open-ended intergovernmental expert working group to make recommendations to it. In the same resolution, the Conference underlined the characteristics that the mechanism should have.

In its resolution 2/1, the Conference set out additional principles that the review mechanism should reflect and 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.

In its resolution 3/1, the Conference established the Mechanism for the Review of Implementation of the Convention, in accordance with article 63, paragraph 7, of the Convention. The annex to resolution 3/1 contains the terms of reference of the Mechanism, as well as the draft guidelines for governmental experts and the secretariat in the conduct of country reviews and the draft blueprint for country review reports.

In the same resolution, 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 the effective implementation of the Convention. On the basis of its deliberations, the Group is to submit recommendations and conclusions to the Conference for its consideration and approval.

The Conference decided that each implementation review phase would be composed of two review cycles, each of five years and that the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention would be reviewed during the first cycle and the implementation of chapters II (Preventive measures) and V (Asset recovery) would be reviewed during the second.

In its resolution 4/1, entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, the Conference endorsed the guidelines for governmental experts and the secretariat in the conduct of country reviews and the blueprint for country review reports, which had been finalized by the Implementation Review Group at its first session.

In its decision 5/1, entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, the Conference decided that the Implementation Review Group should begin promptly to collect, with the support of the secretariat, and discuss relevant information to facilitate the assessment of performance in accordance with paragraph 48 of the terms of reference of the Implementation Review Mechanism, following the completion of the first review cycle. It also decided that the Group should include in its future sessions an agenda item allowing for the discussion of the information collected and that the Group, in the collection of the information, should take into account future requirements for follow-up in accordance with paragraphs 40 and 41 of the terms of reference.

In its resolution 6/1, entitled “Continuation of the review of implementation of the United Nations Convention against Corruption”, the Conference launched the second cycle of the Implementation Review Mechanism, pursuant to paragraph 13 of the terms of reference of the Mechanism and in line with Conference resolution 3/1. It decided that one fifth of the States parties were to be reviewed in each of the five years of the second review cycle. It also decided that States acceding to the Convention after the sixth session of the Conference should complete the review of implementation of chapters III and IV of the Convention no later than two years after the deposit of their instrument of accession and should participate in the review of implementation of chapters II and V of the Convention during the final year of the second review cycle.

In its resolution 8/2, while noting with appreciation their commitment to the country review process in their capacity as both States under review and reviewing States, the Conference urged States parties to adhere to the indicative timelines for country reviews, as contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews, and to avoid, as much as possible, delays in the various stages of the review. Also in that resolution, the Conference, *inter alia*, requested the Implementation Review Group to continue to collect, with the support of the secretariat, relevant information, including the views of States parties, pertaining to the performance of the Implementation Review Mechanism, with a view to continuing, at the appropriate time, its assessment of the performance of the Mechanism, as provided for in paragraph 48 of its terms of reference and in its decision 5/1. In its decision 8/1, the Conference decided to extend the duration of the second cycle of the Mechanism until June 2024, in order to allow for the completion of that cycle.

The Conference will have before it a note by the Secretariat on the performance of the Implementation Review Mechanism ([CAC/COSP/2021/2](#)). Moreover, on 17 August 2021, the secretariat circulated a note verbale in which States parties were invited to submit their views, if any, on the performance of the Mechanism, in particular on the conduct of country reviews, the outcomes of country review processes and follow-up procedures. Accordingly, the Conference will have before it a note by the Secretariat containing the views of States parties on the performance of the Mechanism ([CAC/COSP/2021/4](#)).

To date, the Implementation Review Group has held 12 sessions, which were held in both regular and resumed parts. The Conference will have before it for its consideration a report on the activities of the Group ([CAC/COSP/2021/3](#)). The Conference may also wish to consider, in its deliberations, the results of the sessions of the Group held in 2020 and 2021: the eleventh session ([CAC/COSP/IRG/2020/5](#)), the first resumed eleventh session ([CAC/COSP/IRG/2020/5/Add.1](#)) and the second resumed eleventh session ([CAC/COSP/IRG/2020/5/Add.2](#)); and the twelfth session ([CAC/COSP/IRG/2021/6](#)) and the resumed twelfth session ([CAC/COSP/IRG/2021/6/Add.1](#)).

Pursuant to paragraph 35 of the terms of reference of the Implementation Review Mechanism, the secretariat is to compile the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs contained in the country review reports and to include them, organized by theme, in a thematic implementation report and regional supplementary addenda, for submission to the Implementation Review Group. The Conference will have before it for its consideration thematic reports prepared by the Secretariat on the implementation of chapters II and V of the Convention, as well as a report by the Secretariat on the implementation at the regional level of chapters II and chapter V ([CAC/COSP/2021/5](#), [CAC/COSP/2021/6](#) and [CAC/COSP/2021/7](#)).

In its resolution 6/1, the Conference launched the second cycle of the Implementation Review Mechanism, pursuant to paragraph 13 of the terms of reference of the Mechanism and in line with Conference resolution 3/1. The Conference may wish to use as a basis for its deliberations the information contained in the note by the

Secretariat on resources and expenditures for the functioning of the Mechanism ([CAC/COSP/2021/8](#)).

Furthermore, in its resolution 8/2, the Conference encouraged States parties to keep using the Implementation Review Group as a platform for the voluntary exchange of information on national measures taken during and after the completion of country reviews, including strategies adopted, challenges encountered and best practices identified, as well as, where appropriate, the follow-up to the recommendations made in the country review reports. The Conference will have before it a note by the Secretariat entitled “Good practices and experiences of, and relevant measures taken by, States parties after the completion of country reviews, including information related to technical assistance” ([CAC/COSP/2021/9](#)).

### **Documentation**

Note by the Secretariat on the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption ([CAC/COSP/2021/2](#))

Note by the Secretariat on the activities of the Implementation Review Group ([CAC/COSP/2021/3](#))

Note by the Secretariat containing views of States parties on the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption ([CAC/COSP/2021/4](#))

Thematic report prepared by the Secretariat on the implementation of chapter II (Preventive measures) of the United Nations Convention against Corruption ([CAC/COSP/2021/5](#))

Thematic report prepared by the Secretariat on the implementation of chapter V (Asset recovery) of the United Nations Convention against Corruption ([CAC/COSP/2021/6](#))

Report by the Secretariat on the implementation at the regional level of chapter II (Preventive measures) and chapter V (Asset recovery) of the United Nations Convention against Corruption ([CAC/COSP/2021/7](#))

Note by the Secretariat on resources and expenditures for the functioning of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption ([CAC/COSP/2021/8](#))

Note by the Secretariat on good practices and experiences of, and relevant measures taken by, States parties after the completion of country reviews, including information related to technical assistance ([CAC/COSP/2021/9](#))

Report of the Implementation Review Group on its eleventh session, held in Vienna on 29 June 2020 ([CAC/COSP/IRG/2020/5](#))

Report of the Implementation Review Group on its first resumed eleventh session, held in Vienna from 31 August to 2 September 2020 ([CAC/COSP/IRG/2020/5/Add.1](#))

Report of the Implementation Review Group on its second resumed eleventh session, held in Vienna from 16 to 18 November 2020 ([CAC/COSP/IRG/2020/5/Add.2](#))

Report of the Implementation Review Group on its twelfth session, held in Vienna from 14 to 18 June 2021 ([CAC/COSP/IRG/2021/6](#))

Report of the Implementation Review Group on its resumed twelfth session, held in Vienna from 6 to 10 September 2021 ([CAC/COSP/IRG/2021/6/Add.1](#))

### **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. In accordance with that resolution, technical assistance is an integral component of the Implementation

Review Mechanism. In line with its terms of reference, one of the guiding principles of the Mechanism is to assist States parties in the effective implementation of the Convention. The Conference, in its resolution 3/4, endorsed country-led and country-based, integrated and coordinated technical assistance delivery as an effective vehicle for the further implementation of the Convention, and encouraged donors and other assistance providers to incorporate those concepts and capacity-building into their technical assistance programmes.

In its resolution 7/3, the Conference invited States parties, in completing the self-assessment checklist, to continue to identify technical assistance needs required for the implementation of the articles of the Convention and provide information regarding technical assistance already being provided. Also in that resolution, the Conference encouraged States parties to continue voluntarily sharing information on the provision of technical assistance and their needs for such assistance, including those needs identified through the review process, and to consider providing such information to the secretariat for publication on its website.

An updated analysis of the technical assistance needs identified during the two cycles of the Implementation Review Mechanism is contained in the note by the Secretariat containing an analysis of technical assistance needs emerging from the country reviews and assistance delivered by the United Nations Office on Drugs and Crime (UNODC) in support of the implementation of the Convention ([CAC/COSP/2021/10](#)).

#### **Documentation**

Note by the Secretariat containing an analysis of technical assistance needs emerging from the country reviews and assistance delivered by the United Nations Office on Drugs and Crime in support of the implementation of the United Nations Convention against Corruption ([CAC/COSP/2021/10](#))

#### **4. Prevention**

At its third, fourth, fifth, sixth, seventh and eighth sessions, the Conference emphasized the central importance of preventive measures in the fight against corruption and, accordingly, adopted resolutions 3/2, 4/3, 5/4, 6/6, 7/5, 7/6 and 8/8.

In its resolution 3/2, the Conference established the Open-ended Intergovernmental Working Group on the Prevention of Corruption and mandated it to assist the Conference in, inter alia: (a) developing and accumulating knowledge in the area of prevention of corruption; (b) facilitating the exchange of information and experience among States on preventive measures and practices; (c) facilitating the collection, dissemination and promotion of best practices in the prevention of corruption; and (d) encouraging cooperation among all stakeholders and sectors of society in order to prevent corruption.

In its resolution 8/8, the Conference, inter alia, welcomed the ongoing efforts of the Open-ended Intergovernmental Working Group on the Prevention of Corruption to facilitate the sharing of information between States parties on their initiatives and good practices relating to the topics considered at the meetings of the Working Group held in Vienna from 5 to 7 September 2018 and 4 to 6 September 2019. It decided that the Working Group should continue its work to advise and assist the Conference in the implementation of its mandate on the prevention of corruption and should hold at least two meetings prior to the ninth session of the Conference. Accordingly, the Conference will have before it a note by the Secretariat on the progress on the activities of the Working ([CAC/COSP/2021/11](#)).

Moreover, the Conference will have before it a report of the Secretariat on the status of implementation of Conference resolutions 8/7, 8/8, 8/11, 8/12 and 8/14, on the prevention of corruption ([CAC/COSP/2021/12](#)).

In accordance with its mandates, to date, the Working Group has held 12 meetings. At its meetings held in Vienna from 31 August to 2 September 2020 and from 16 to 18 June 2021, the Working Group discussed, inter alia, the following topics:



(a) enhancing the effectiveness of anti-corruption bodies; (b) strengthening the role of supreme audit institutions in the prevention of and fight against corruption; and (c) the role of parliaments and other legislative bodies in strengthening the implementation of the Convention.

The Conference may wish to consider, in its deliberations, the reports on the meetings of the Working Group held in 2020 and 2021 ([CAC/COSP/WG.4/2020/5](#) and [CAC/COSP/WG.4/2021/4](#), respectively), as well as the thematic report prepared by the Secretariat on the implementation of chapter II (Preventive measures) of the Convention ([CAC/COSP/2021/5](#)).

### **Documentation**

Note by the Secretariat on the progress on the activities of the Open-ended Intergovernmental Working Group on the Prevention of Corruption ([CAC/COSP/2021/11](#))

Report of the Secretariat on the status of implementation of Conference resolutions 8/7, 8/8, 8/11, 8/12 and 8/14, on the prevention of corruption ([CAC/COSP/2021/12](#))

Report on the meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption held in Vienna from 31 August to 2 September 2020 ([CAC/COSP/WG.4/2020/5](#))

Report on the meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption held in Vienna from 16 to 18 June 2021 ([CAC/COSP/WG.4/2021/4](#))

## **5. Asset recovery**

Asset recovery has been an issue of high priority for the Conference since its first session. In its resolution 1/4, the Conference decided to establish an interim open-ended intergovernmental working group to advise and assist it 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 resolutions 3/3, 4/4, 5/3, 6/2, 6/3 and 7/1, the Conference renewed the mandate of the Working Group and decided that it should continue its work of advising and assisting the Conference in the implementation of its mandate on the return of the proceeds of corruption, and that it should also submit reports on its activities to the Conference.

In accordance with its mandates, to date, the Working Group has held 15 meetings. At its meetings held in Vienna from 16 to 18 November 2020 and from 6 to 10 September 2021, the Working Group discussed, inter alia, the following topics: (a) identification and compensation of victims, and third-party challenges and their impact on asset recovery under chapter V; (b) common challenges and barriers, as well as best practices in recovery and return of proceeds of crime, with a particular focus on the enforcement of criminal confiscation orders in foreign jurisdictions and differences in evidentiary requirements and standards of proof between legal systems; (c) the use by States parties of alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, the factors that influence the differences between the amounts realized in such mechanisms and the amounts returned to affected States and how such mechanisms could further promote the effective application of chapter V of the Convention; and (d) challenges, good practices and lessons learned, and procedures allowing the confiscation of proceeds of corruption without a criminal conviction from

States parties that have implemented such measures in accordance with article 54, paragraph 1 (c), of the Convention.

The Conference will have before it a note by the Secretariat on the progress on the implementation of the activities of the Open-ended Intergovernmental Working Group on Asset Recovery ([CAC/COSP/2021/13](#)).

The Conference may also wish to consider, in its deliberations, the reports on the meetings of the Working Group held in 2020 and 2021 ([CAC/COSP/WG.2/2020/5](#) and [CAC/COSP/WG.2/2021/5](#), respectively), as well as the thematic report prepared by the Secretariat on the implementation of chapter V (Asset recovery) of the Convention ([CAC/COSP/2021/6](#)).

In its resolution 8/9, the Conference, inter alia, directed the Open-ended Intergovernmental Working Group on Asset Recovery to continue to collect information, with the support of the secretariat, regarding the use by States parties of alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return, in accordance with the Convention and domestic law, and analyse the factors that influence the differences between the amounts realized in alternative legal mechanisms and non-trial resolutions, including settlements that have proceeds of crime for confiscation and return, in accordance with the Convention and domestic law and the amounts returned to affected States, with a view to considering the feasibility of developing guidelines to facilitate a more coordinated and transparent approach for cooperation among affected States parties and to report its findings to the Conference at its next session, with the support of the secretariat. Accordingly, the Conference will have before it a note by the Secretariat on alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return ([CAC/COSP/2021/14](#)).

In the same resolution, the Conference directed the Open-ended Intergovernmental Working Group on Asset Recovery to collect information on challenges, good practices and lessons learned, and procedures allowing the confiscation of proceeds of corruption without a criminal conviction from States parties that have implemented such measures in accordance with article 54, paragraph 1 (c), of the Convention and to report its findings to the Conference at its next session, with the support of the secretariat. Accordingly, the Conference will have before it a note by the Secretariat on challenges, good practices and lessons learned, and procedures allowing the confiscation of proceeds of corruption without a criminal conviction from States parties that have implemented such measures in accordance with article 54, paragraph 1 (c), of the Convention ([CAC/COSP/2021/15](#)).

Moreover, in its resolution 8/1, the Conference welcomed the study prepared by UNODC entitled *Effective Management and Disposal of Seized and Confiscated Assets* and decided that the Working Group should continue its work by, inter alia, continuing to collect information on best practices from States parties, with a view to completing the draft non-binding guidelines on the management of frozen, seized and confiscated assets and updating the study. The secretariat will provide oral updates in this regard.

Furthermore, in its resolution 8/9, the Conference requested the secretariat, and invited the Stolen Asset Recovery Initiative, subject to the availability of extrabudgetary resources, to collect information from States parties on international asset recovery cases in relation to offences established in accordance with the Convention, including on volumes of assets frozen, seized, confiscated and returned, and to report on the findings to the Working Group and the Conference at their next sessions. The secretariat will provide an oral update in this regard.

### **Documentation**

Note by the Secretariat on progress on the implementation of the activities of the Open-ended Intergovernmental Working Group on Asset Recovery ([CAC/COSP/2021/13](#))

Note by the Secretariat on alternative legal mechanisms and non-trial resolutions, including settlements, that have proceeds of crime for confiscation and return ([CAC/COSP/2021/14](#))

Note by the Secretariat on challenges, good practices and lessons learned, and procedures allowing the confiscation of proceeds of corruption without a criminal conviction from States parties that have implemented such measures in accordance with article 54, paragraph 1 (c), of the Convention ([CAC/COSP/2021/15](#))

Report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna from 16 to 18 November 2020 ([CAC/COSP/WG.2/2020/5](#))

Report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna from 6 to 10 September 2021 ([CAC/COSP/WG.2/2021/5](#))

## 6. International cooperation

At its fourth session, the Conference adopted resolution 4/2, entitled “Convening of open-ended intergovernmental expert meetings to enhance international cooperation”. In that resolution, the Conference decided to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist it with respect to extradition and mutual legal assistance.

In the same resolution, the Conference decided that the expert meetings should perform the following functions: (a) assist it in developing cumulative knowledge in the area of international cooperation; (b) assist it in encouraging cooperation among relevant existing bilateral, regional and multilateral initiatives and contribute to the implementation of the related provisions of the Convention under the guidance of the Conference; (c) facilitate the exchange of experiences among States by identifying challenges and disseminating information on good practices to be followed in order to strengthen capacities at the national level; (d) build confidence and encourage cooperation between requesting and requested States by bringing together relevant competent authorities, anti-corruption bodies and practitioners involved in mutual legal assistance and extradition; and (e) assist the Conference in identifying the capacity-building needs of States.

In accordance with that mandate, to date, 10 open-ended intergovernmental expert meetings to enhance international cooperation have been held. At the ninth and tenth meetings, held in Vienna from 16 to 18 November 2020 and 6 to 10 September 2021, respectively, the topics discussed included the following: (a) lessons learned, good practices and challenges in the implementation of chapter IV of the Convention; (b) measures to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption; and (c) the use of the Convention as a legal basis for international cooperation, with the view to facilitating the implementation of article 44, paragraph 5, article 46, paragraph 7, and article 48, paragraph 2, of the Convention.

The Conference will have before it a note by the Secretariat on the progress on the activities of the open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption ([CAC/COSP/2021/16](#)).

The Conference may also wish to consider, in its deliberations, the reports of the ninth and tenth expert meetings, held in 2020 and 2021 ([CAC/COSP/EG.1/2020/3](#) and [CAC/COSP/EG.1/2021/4](#)).

### Documentation

Note by the Secretariat on progress on the activities of the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption ([CAC/COSP/2021/16](#))

Report of the ninth open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, held in Vienna from 16 to 18 November 2020 ([CAC/COSP/EG.1/2020/3](#))

Report of the tenth open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, held in Vienna from 6 to 10 September 2021 ([CAC/COSP/EG.1/2021/4](#))

## **7. Follow-up to the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation**

In its resolution [73/191](#), entitled “Special session of the General Assembly against corruption”, the General Assembly decided to convene, in the first half of 2021, a special session on challenges and measures to prevent and combat corruption and strengthen international cooperation. It also decided that, at that special session, it would adopt a concise and action-oriented political declaration, agreed upon in advance by consensus through intergovernmental negotiations under the auspices of the Conference, invited the Conference to lead the preparatory process for the special session by addressing all organizational and substantive matters in an open-ended manner, requested UNODC to provide substantive expertise and technical support and decided to conduct the session and its preparatory process from within existing resources.

In its resolution [74/276](#), the General Assembly, inter alia, decided on the organizational arrangements for its special session against corruption, reiterated its invitation to the Conference to lead the preparatory process for the special session by addressing all organizational and substantive matters in an open-ended manner and requested the Conference to produce, in due time, a concise and action-oriented political declaration agreed upon in advance by consensus through intergovernmental negotiations under the auspices of the Conference for adoption by the Assembly at its special session. On 7 May 2021, the Conference held a special session for the purpose of approving the political declaration and transmitting it to the General Assembly for adoption.

At its special session held from 2 to 4 June 2021, the General Assembly adopted resolution S-32/1, by which it adopted the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”. Member States, inter alia, committed to implementing that political declaration and invited the Conference, as the treaty body with prime responsibility for promoting and reviewing the implementation of the Convention, to follow up and build on the declaration. Accordingly, under the present item, the Conference is expected to discuss the actions required in this regard.

## **8. Other matters**

In considering the item on other matters, the Conference may wish to recall that the inclusion of the sub-items under “Other matters” does not prejudice the conclusions of discussions of the agendas of future sessions of the Conference.

### **(a) Implementation of article 63, paragraphs 4 (c) and (d), of the Convention, concerning cooperation with relevant international and regional organizations and mechanisms and non-governmental organizations and making appropriate use of relevant information produced by other international and regional mechanisms for combating and preventing corruption in order to avoid unnecessary duplication of work**

The General Assembly, in its resolutions [69/199](#) and [73/190](#), invited the Conference to give due consideration to the implementation of article 63, paragraph 4 (c), of the Convention.

In considering sub-item 8 (a) of the agenda, the Conference may wish to continue its deliberations on the full implementation of article 63, paragraph 4 (c), of the Convention, which states that the Conference is to agree upon activities, procedures and methods of work to achieve the objectives set forth in paragraph 1 of that article, including by cooperating with relevant international and regional organizations and mechanisms and non-governmental organizations.

In its resolution 8/2, the Conference encouraged the secretariat to continue to strengthen synergies with the secretariats of other relevant multilateral organizations in the field of anti-corruption, within their respective mandates, to avoid duplication of effort and enhance the performance of the various review mechanisms, in accordance with its resolutions 6/1 of 6 November 2015 and 7/4 of 10 November 2017, and requested the secretariat to report to the Implementation Review Group on progress made in this regard. Accordingly, the Conference may wish to consider, in its deliberations, the report of the Secretariat entitled “Progress made in the implementation of Conference resolution 7/4 on enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption” (CAC/COSP/IRG/2021/4), which was prepared for the consideration of the Implementation Review Group at its twelfth session. The secretariat will provide an oral update in that regard.

The Conference may also wish to review progress made in enhancing synergies with respect to the appropriate use of relevant information produced by other international and regional mechanisms for combating and preventing corruption, in order to avoid unnecessary duplication of work, in line with article 63, paragraph 4 (d), of the Convention. The secretariats of other relevant multilateral mechanisms, as well as interested States parties, will be invited to report on their activities in that regard.

**(b) Status of ratification of and notification requirements under the Convention**

In considering sub-item 8 (b) of the agenda, the Conference may wish to review progress made in the 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.

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.

For its consideration of the item, the Conference will have before it a conference room paper on the status of the Convention as at 1 December 2021 (CAC/COSP/2021/CRP.1) and a conference room paper on the authorities designated for assistance in prevention, mutual legal assistance and asset recovery as at 1 December 2021 (CAC/COSP/2021/CRP.2).

**(c) Any other matters**

Under this item, the Conference may wish to consider any other matters.

**9. Provisional agenda for the tenth session**

The Conference is to consider and approve the provisional agenda for its tenth session, which will be drawn up by the secretariat in consultation with the Bureau.

**10. Adoption of the report**

The Conference is to adopt the report on its ninth session.

## Annex

## Proposed organization of work

<i>Date</i>	<i>Time</i>	<i>Item</i>	<i>Title or description</i>
Monday, 13 December	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
		1 (f)	General discussion
	3–6 p.m.	1 (f)	General discussion ( <i>continued</i> )
Tuesday, 14 December	10 a.m.–1 p.m.	1 (f)	General discussion ( <i>continued</i> )
	3–6 p.m.	1 (f)	General discussion ( <i>continued</i> )
Wednesday, 15 December	10 a.m.–12 p.m.	2	Review of the implementation of the United Nations Convention against Corruption
	1.30–3.30 p.m.	3	Technical assistance
	5–7 p.m.	4	Prevention
Thursday, 16 December	10 a.m.–12 p.m.	5	Asset recovery
	1.30–3.30 p.m.	6	International cooperation
	5–7 p.m.	7	Follow-up to the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation
Friday, 17 December	10 a.m.–12 p.m.	8 and 9	Other matters Provisional agenda for the tenth session
	1.30–3.30 p.m.	10	Adoption of the report
	5–7 p.m.	10	Adoption of the report ( <i>continued</i> )

\* Information on the scheduling of informal consultations will be made available during the session.