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International cooperation

Progress on the activities of the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption

Note by the Secretariat

Summary

The present note has been prepared with a view to informing the Conference of the States Parties to the United Nations Convention against Corruption of the progress on the activities of the open-ended intergovernmental expert meeting to enhance international cooperation under the Convention and to assist the Conference in its deliberations and in determining guidance and future activities for the expert meeting.

* [CAC/COSP/2021/1](#).



I. Introduction

1. In its resolution 4/2, entitled “Convening of open-ended intergovernmental expert meetings to enhance international cooperation”, the Conference of the States Parties to the United Nations Convention against Corruption decided to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist it with respect to extradition and mutual legal assistance, and to convene one such meeting during its fifth session and, prior to that, within existing resources, at least one intersessional meeting.
2. In the same resolution, the Conference also 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 United Nations Convention against Corruption 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.
3. At its fifth to eighth sessions, the Conference decided to continue to convene the expert meetings.
4. In its resolution 5/1, the Conference directed the expert meeting to continue studying the issue of the identification and analysis of existing obstacles to law enforcement cooperation in the detection of corruption offences in the framework of the Convention and to draw up recommendations on how those obstacles might be overcome.
5. In its resolution 7/1, the Conference requested the secretariat to continue, within existing resources, to collect statistics or other relevant information on the use of the Convention as a legal basis for mutual legal assistance, unless a bilateral and regional arrangement applied, and, where appropriate and consistent with domestic legal systems, in relation to civil and administrative proceedings and asset recovery, and to make the information available to the Conference.
6. In its resolution 8/2, the Conference called upon States parties to further promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, in line with article 1, paragraph (b), of the Convention, with a view to facilitating the implementation of article 43 of the Convention.
7. In its resolution 8/6, the Conference encouraged States parties that had not yet done so to consider the Convention as a legal basis for extradition in respect of offences covered by it, when possible, in their domestic legal system, and to endeavour to conclude bilateral extradition agreements and arrangements to carry out, or to enhance the effectiveness of, extradition.
8. The present document has been prepared with a view to informing the Conference of the progress on the activities of the expert meeting and to assist the Conference in its deliberations and in determining guidance and future activities for the expert meeting.
9. The document also contains information on technical assistance and other activities undertaken by the secretariat in the field of international cooperation under the Convention.

II. Activities of the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption

10. Since the eighth session of the Conference, the expert meeting has continued to discharge its functions, as mandated by the Conference, and to implement the mandates contained in the relevant resolutions adopted by the Conference, despite the circumstances arising from the coronavirus disease (COVID-19) pandemic and their impact on the organization of intergovernmental meetings.

11. To date, 10 expert meetings have been held, as follows: first meeting on 22 and 23 October 2012; second meeting on 25 and 26 November 2013; third meeting on 9 and 10 October 2014; fourth meeting on 2 and 3 November 2015; fifth meeting on 17 and 18 November 2016; sixth meeting on 6 and 7 November 2017; seventh meeting on 8 June 2018; eighth meeting on 31 May 2019; ninth meeting from 16 to 18 November 2020 (online); and tenth meeting from 6 to 10 September 2021 (hybrid).

12. The ninth and tenth expert meetings were held jointly with the Implementation Review Group and the Open-ended Intergovernmental Working Group on Asset Recovery. The joint meetings were held in line with Conference resolution 6/1, in which the secretariat was requested to structure the provisional agendas of the subsidiary bodies established by the Conference in such a way as to avoid the duplication of discussions, while respecting their mandates, as well as pursuant to the workplan adopted for 2020–2021 (CAC/COSP/2019/17, para. 102 and annex III), as subsequently amended by the Bureau of the Conference.

13. Furthermore, the secretariat is considering options to further promote synergies between the open-ended intergovernmental expert meeting to enhance international cooperation under the Convention against Corruption and the Working Group on International Cooperation established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime through possible joint or back-to-back meetings in 2023.

14. Summaries of the proceedings of the expert meetings held in 2020 and 2021 and information on the progress in implementing the mandates of the meeting are contained in documents [CAC/COSP/EG.1/2020/2](#), [CAC/COSP/EG.1/2020/3](#), [CAC/COSP/EG.1/2021/2](#) and [CAC/COSP/EG.1/2021/4](#). The report on the tenth expert meeting ([CAC/COSP/EG.1/2021/4](#)) contains proposals made by States parties during that meeting, including a proposal to establish a special committee to coordinate with interested States parties, with a view to addressing challenges in international cooperation and helping to foster trust and communication.

A. Overview of the main activities during the reporting period

15. The ninth and tenth open-ended intergovernmental expert meetings to enhance international cooperation under the Convention were focused on two main themes: (a) approaches taken and practices engaged in by States parties to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, in line with article 1, paragraph (b), of the Convention against Corruption, with a view to facilitating the implementation of article 43 of the Convention; and (b) use of the Convention as a legal basis for international cooperation.

B. Approaches taken and practices engaged in by States parties to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, in line with article 1, paragraph (b), of the Convention against Corruption, with a view to facilitating the implementation of article 43 of the Convention

16. To follow up on the recommendations of the Conference, in particular the ones contained in its resolutions 8/2 and 8/6, on 5 August 2020, the secretariat sent a note verbale to all States parties with a view to collecting information on the relevant approaches and practices of States parties to promote and facilitate international cooperation and technical assistance, including challenges and good practices and legal requirements for international cooperation.

17. Detailed analysis of the responses to the note verbale from 44 States parties¹ was made available to the ninth expert meeting in document [CAC/COSP/EG.1/2020/2](#).

Panel discussions

18. In order to facilitate the deliberations in accordance with paragraph 8 of Conference resolution 8/2, a thematic panel discussion was held during the ninth expert meeting. The panel discussion covered two distinct sub-topics: (a) practical topics in extradition cases involving offences under the Convention, as highlighted in Conference resolution 8/6; and (b) effective law enforcement cooperation and networks (art. 48 of the Convention). Experts from Canada, Romania, Singapore and the European Union Agency for Law Enforcement Cooperation (Europol) participated in the panel.

19. In the ensuing discussion, delegates noted that practitioners continued to face challenges in connection with mutual legal assistance in criminal matters and extradition and called for enhanced measures to facilitate international cooperation. Requesting a large amount of information, significant delays and refusals in executing mutual legal assistance, the length and cost of legal proceedings and a lack of adequate training and resources were named among the main challenges in terms of effective international cooperation.

20. For rapid and effective international cooperation, delegates stressed the importance of, inter alia, networks of practitioners and initiatives, inter-agency cooperation at the domestic level, electronic tools and communication channels and effective access to relevant information on central authorities and requirements for mutual legal assistance requests.

C. Use of the Convention against Corruption as a legal basis for international cooperation

21. In its resolution 7/1, the Conference requested the secretariat to continue, within existing resources, to collect statistics or other relevant information on the use of the Convention as a legal basis for mutual legal assistance and to make the information available to the Conference. At the eighth expert meeting, held in Vienna on 31 May 2019, States parties were encouraged to continue to provide to the secretariat information on challenges and good practices in international cooperation and other topics outlined in the Conference's resolutions and the recommendations of the expert

¹ Argentina, Austria, Bahrain, Belgium, Botswana, Bulgaria, Burundi, Cambodia, China, Cuba, Cyprus, Czechia, Denmark, Ecuador, Germany, Greece, Hungary, Israel, Japan, Jordan, Latvia, Lithuania, Mexico, Myanmar, North Macedonia, Norway, Philippines, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Slovenia, Spain, Sudan, Tajikistan, Turkey, Turkmenistan, United Republic of Tanzania, Uruguay and Venezuela (Bolivarian Republic of).

meetings, with a view to the secretariat continuing its analytical work with regard to challenges in international cooperation based on the Convention and relevant to the implementation of chapter IV ([CAC/COSP/EG.1/2019/4](#), para. 47 (a)).

22. Accordingly, on 4 May 2021, the secretariat sent to States parties a note verbale in which it requested information on the use of the Convention as a legal basis for international cooperation, including on extradition (art. 44, para. 5), mutual legal assistance (art. 46, para. 7) and law enforcement cooperation (art. 48, para. 2).

23. Detailed analysis of the responses to the note verbale from 30 States parties² was made available to the tenth expert meeting in document [CAC/COSP/EG.1/2021/3](#).

Panel discussions

24. In order to facilitate the deliberations, a thematic panel discussion was held during the tenth expert meeting on the use of the Convention as a legal basis for international cooperation, with a view to facilitating the implementation of article 44, paragraph 5, article 46, paragraph 7, and article 48, paragraph 2, of the Convention. Experts from Albania, China and Panama participated in the panel.

25. Underlining the importance of using the Convention as a legal basis for international cooperation, delegates referred to challenges they had encountered in seeking assistance from other States and called for enhanced measures in facilitating international cooperation, in particular pursuant to the political declaration adopted by the General Assembly at its special session against corruption.³

26. The challenges highlighted by delegates included the lack of simplified procedures for mutual legal assistance, burdensome evidentiary requirements and the inability to undertake specific actions such as the return of assets.

27. Delegates also noted that those challenges might be overcome through enhanced transparency in international cooperation, strengthening the role and capacity of central authorities, spontaneous transmission of information, bilateral agreements for mutual legal assistance, as well as informal bilateral arrangements, early and direct communication and coordination, including through active use of communication platforms and law enforcement networks, and the utilization of online resources and electronic systems for facilitating the processing of requests and gathering data on such requests.

D. Establishment of the Global Operational Network of Anti-Corruption Law Enforcement Authorities

28. One of the main purposes of the Convention against Corruption is to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery. The Conference has repeatedly called for measures to enhance international cooperation and, in its resolution 5/1, requested the United Nations Office on Drugs and Crime (UNODC) to continue providing, in its programmes of technical assistance, measures to enhance the effectiveness of international cooperation, including in relation to offences covered by the Convention, before seeking mutual legal assistance. The expert meeting has also encouraged States parties to continue to promote formal and informal channels of cooperation and to establish efficient and effective

² Albania, Australia, Bhutan, Bolivia (Plurinational State of), Cameroon, Canada, Chile, China, Colombia, Cuba, Denmark, Dominica, Germany, Greece, Hungary, Ireland, Lithuania, Myanmar, Nepal, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Russian Federation, Slovakia, Tajikistan, Venezuela (Bolivarian Republic of).

³ A summary of commitments in relation to international cooperation in the political declaration adopted by the General Assembly at its special session against corruption is contained in section III of document [CAC/COSP/EG.1/2021/2](#).

communication channels, including, where feasible, by exchanging liaison officers and participating in practitioners' networks (CAC/COSP/EG.1/2018/4, para. 43 (e)).

29. Accordingly, the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) was established in 2021 under the auspices of UNODC to facilitate informal cooperation. The GlobE Network is aimed at providing a quick, agile and efficient tool for facilitating transnational cooperation in combating corruption and strengthening communication exchange and peer learning between anti-corruption law enforcement authorities while complementing and coordinating with existing international cooperation platforms. In setting up the Network, UNODC engaged in a consultative process involving permanent missions in Vienna, a meeting of experts and most importantly, the establishment of three interim task forces to advise on the different components of the Network. In the political declaration adopted at its special session against corruption held on 2 June 2021, the General Assembly welcomed the creation of the Network and encouraged States to participate in and make best use of it, as appropriate.

30. The GlobE Network consists of three key components: (a) establishing a Vienna-based global network of anti-corruption law enforcement authorities; (b) establishing an online one-stop hub that brings together different electronic resources, featuring a "decision tree" and a secure communication channel; and (c) developing knowledge and capacity.

31. In order to prepare for the establishment of the GlobE Network, UNODC convened an online meeting of experts on 3 and 4 March 2021, which brought together over 130 technical experts and participants from 53 States from the five regional groups of the United Nations and 21 international organizations and entities. The participants proposed establishing different interim task forces to advise on various components of the Network.

32. Pursuant to the proposal made at that meeting, UNODC invited countries, through the five regional groups of the United Nations, to nominate experts and representatives of relevant international organizations and networks, as well as renowned individual experts, to participate in the three interim task forces: (a) interim task force 1, on set-up and operations of the GlobE Network; (b) interim task force 2, on synergies with other existing networks and platforms; and (c) interim task force 3, on tools and services of the Network. The interim task forces were composed of 90 experts from 28 States and 13 international organizations, networks and entities, and held 16 meetings in April and May 2021 to discuss an array of issues relating to the establishment of the Network.

33. On 3 June 2021, the GlobE Network was officially launched at a high-level side event on the margins of the special session of the General Assembly against corruption. The launch of the Network marked the culmination of intensive work undertaken by experts from all regional groups of the United Nations and relevant international organizations and networks, as well as individual experts from around the world. Approximately 300 representatives of Member States, relevant international organizations and networks, civil society organizations and academia participated in the launch event and discussed the importance of timely cross-border cooperation to ending corruption and the unique role of the Network.

34. On 5 July 2021, the secretariat sent to States parties a note verbale inviting specialized authorities falling under article 36 of the Convention to join the GlobE Network. As at 12 October 2021, the secretariat had received requests for membership from 49 authorities from 30 States. In addition to the general membership, the Network may also include other categories of membership, subject to further discussion, with a view to ensuring the inclusion of all relevant international organizations and networks and to enhancing synergies accordingly.

35. Furthermore, UNODC issued the first quarterly newsletter to keep members up to date on the work of the GlobE Network and cross-border cooperation to end corruption and launched a dedicated website for the Network

(<https://globenetwork.unodc.org>). The Office also organized the first meeting of the Network, to be held in Vienna from 15 to 17 November 2021, and continues to develop the necessary infrastructure and resources for the Network.

E. Technical assistance and other activities relevant to international cooperation under the Convention against Corruption

36. UNODC, including through the Asset Stolen Recovery (StAR) Initiative, together with the World Bank, continued to provide tailored capacity-building and advisory services at the global, regional and national levels and to participate in meetings and conferences aimed at coordinating international cooperation among States parties.

37. The Office's field-based anti-corruption advisers played an important role in providing rapidly deployable professional assistance and expertise. UNODC continued to deploy advisers with regional responsibilities for South America, the Pacific, South-East Asia, South Asia (until June 2021), West and Central Africa, East Africa and the Western Balkans. A senior global adviser was based in Vienna. Additional advisers are to be deployed to Ethiopia and Mexico and to Central Asia.

38. Detailed information on technical assistance was made available to the ninth and tenth expert meetings in documents [CAC/COSP/EG.1/2020/2](#) and [CAC/COSP/EG.1/2021/2](#).

F. Online directory of competent national authorities

39. The ninth expert meeting encouraged States parties to regularly update the information contained in the directory of competent national authorities and recommended that States parties that had not yet done so consider supplying information for inclusion in the directory (available at www.unodc.org/compauth_uncac/en/index.html). Further to that recommendation, the secretariat received information and continued to update the online directory. As at 22 September 2021, the directory contained information on:

- (a) Central authorities for mutual legal assistance in 133 States parties;
- (b) Prevention authorities in 120 States parties;
- (c) Asset recovery focal points in 86 States parties;
- (d) Central authorities for extradition in 32 States parties;
- (e) Focal points for international cooperation in the use of civil and administrative proceedings in 35 States parties.

40. The online directory of competent national authorities under the Convention was merged with the directory of competent national authorities in the Sharing Electronic Resources and Laws on Crime (SHERLOC) knowledge management portal in July 2019. States parties can now enjoy a single outlet of information through SHERLOC regarding various types of competent national authorities.

41. UNODC also continued to redesign and reconceptualize the legal library that is part of the Tools and Resources for Anti-Corruption Knowledge (TRACK) portal in terms of its content and search functions and is in the process of moving it to a new platform in preparation for its relaunch. Parallel to the migration process, the Office is conducting an update of the information contained in the legal library. In-depth knowledge of anti-corruption legislation and different legal systems is crucial for the full implementation of the UNODC programme of work and for the exchange of good practices and challenges among States parties.

III. Recommendations

42. The Conference may wish to consider the activities carried out by the ninth and tenth open-ended intergovernmental expert meetings to enhance international cooperation under the Convention against Corruption and provide further guidance to the expert meeting on whether certain issues may deserve additional consideration, including as a follow-up to various commitments in relation to international cooperation made in the political declaration adopted by the General Assembly at its special session against corruption. The Conference may also wish to consider the proposals made by States parties during the tenth expert meeting.

43. In the light of the challenges outlined above, the Conference may also wish to provide further guidance on the development of guidelines, good practices and other tools to improve the implementation of chapter IV of the Convention against Corruption. The Conference may further wish to focus on improving the effectiveness of international cooperation, including by ensuring proper coordination among competent authorities involved in responding to requests for international cooperation in criminal matters under the Convention. In that context, the Conference may wish to encourage competent authorities from States parties to join and contribute to the work of the newly established GlobE Network.

44. Attention could also be drawn to the need to devote adequate resources and attention to the training and capacity-building of competent authorities engaged in international cooperation, including by donors and technical assistance providers, to enhance the effectiveness of international cooperation.

45. The Conference may wish to consider requesting the expert meeting to continue its efforts to ensure synergies between its work and the work of the Working Group on International Cooperation established by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.
