Report of the Implementation Review Group on its resumed twelfth session, held in Vienna from 6 to 10 September 2021

Contents

I. Introduction ........................................................................................................................................ 2
II. Organization of the session ........................................................................................................... 2
   A. Opening of the session .................................................................................................................. 2
   B. Attendance .................................................................................................................................. 2
   A. Drawing of lots ............................................................................................................................ 3
   B. Progress made in the conduct of country reviews ........................................................................ 4
IV. Financial and budgetary matters ..................................................................................................... 6
V. State of implementation of the United Nations Convention against Corruption .................... 6
   A. Exchange of information, practices and experiences gained in the implementation of the Convention ........................................................................................................................................ 6
   B. Thematic discussion .................................................................................................................... 7
VI. Technical assistance ....................................................................................................................... 12
VII. Other matters .................................................................................................................................. 18
VIII. Adoption of the report .................................................................................................................. 18
I. Introduction

1. The Implementation Review Group was established by the Conference of the States Parties to the United Nations Convention against Corruption in its resolution 3/1, entitled “Review mechanism”, as an open-ended intergovernmental group of States parties to operate under its authority and report to it. The Group is to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention.

II. Organization of the session

A. Opening of the session

2. The Implementation Review Group held its resumed twelfth session in Vienna from 6 to 10 September 2021, in a hybrid format (in person and online).

3. The Implementation Review Group held 10 meetings, which were chaired by Harib Saeed al-Amimi (United Arab Emirates), President of the Conference of the States Parties to the Convention at its eighth session; most of the meetings were held jointly with the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption and the Working Group on Asset Recovery. The Implementation Review Group considered items 1, 2, 3 and 6 of the agenda for its twelfth session. The Group considered items 4 and 5 of its agenda jointly with the open-ended intergovernmental expert meeting to enhance international cooperation under the Convention and the Working Group on Asset Recovery.

4. On 6 September, the Implementation Review Group adopted the organization of work for the session, as contained in the annotated provisional agenda (CAC/COSP/IRG/2021/1/Add.1).

5. In her introductory statement, the Secretary of the Conference, inter alia, provided an overview of the organization of work and of the separate and joint proceedings of the resumed twelfth session of the Implementation Review Group, the tenth open-ended intergovernmental expert meeting to enhance international cooperation under the Convention and the fifteenth meeting of the Working Group on Asset Recovery. The Secretary noted that, in line with the workplan for the subsidiary bodies adopted by the Conference at its eighth session, the thematic focus of the present session of the Implementation Review Group was international cooperation and asset recovery, with a view to drawing on the thematic synergies between the deliberations of the Implementation Review Group, the open-ended intergovernmental expert meeting to enhance international cooperation under the Convention and the Working Group on Asset Recovery.

B. Attendance

6. The following States parties to the Convention were represented at the session: Albania, Algeria, Argentina, Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechia, Ecuador, Egypt, El Salvador, Equatorial Guinea, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Lao People’s Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mauritius, Mexico, Mongolia, Montenegro, Myanmar, Netherlands,

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1 The attendance as indicated in the present report is based on confirmed online connections and in-person participation.
New Zealand, Nicaragua, Nigeria, North Macedonia, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Sweden, Switzerland, Thailand, Timor-Leste, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

7. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the session.

8. In accordance with rule 2 of Conference resolution 4/5, the Conference decided that intergovernmental organizations, Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations crime prevention and criminal justice programme network, specialized agencies and other organizations of the United Nations system may be invited to participate in the sessions of the Implementation Review Group.

9. The World Bank was represented by an observer. In addition, the following United Nations initiatives and institutes of the United Nations crime prevention and criminal justice programme network were represented by observers: Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Basel Institute on Governance, International Centre for Criminal Law Reform and Criminal Justice Policy, Korean Institute of Criminology, United Nations Global Compact network and United Nations Interregional Crime and Justice Research Institute.


III. **Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption**

A. **Drawing of lots**

11. Lots were drawn for the review of Somalia for the first and second review cycles. For the first review cycle, Equatorial Guinea and Belize were drawn for the review of Somalia. For the second review cycle, Liberia and Tonga were drawn for the review of Somalia.

12. In response to a request by Paraguay for a redraw of its reviewing State from the same geographical region for the second cycle, Argentina was drawn. In response to a request by Romania for a redraw of its other reviewing State party, Nepal was drawn. In addition, Italy was drawn to act as the reviewing State from the same geographical region for the second cycle review of the European Union, following a deferral by the State party that had previously been drawn.

13. Provisional redraws were carried out in cases where reviewing States could defer acting as reviewers in accordance with the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and could not be reached for immediate confirmation of their readiness to conduct the reviews.
B. Progress made in the conduct of country reviews

14. A representative of the secretariat made an introductory statement and provided an update on progress achieved to date in the conduct of country reviews. In relation to the first review cycle, he informed the Implementation Review Group that, of 187 States parties under review, 183 States parties had submitted their responses to the self-assessment checklist and 175 direct dialogues had been held (comprising 161 country visits and 14 joint meetings). A total of 173 executive summaries and 161 country review reports had been finalized, and more were nearing finalization. In relation to the second review cycle, 131 States parties had submitted their responses to the self-assessment checklist and 72 direct dialogues had been held (comprising 67 country visits, including 4 online country visits, and 5 joint meetings). A total of 57 executive summaries had been finalized, and approximately 94 per cent of all country visits had included other stakeholders in the discussions.

15. In addition, the representative of the secretariat acknowledged that the impact of the ongoing coronavirus disease (COVID-19) pandemic on the Implementation Review Mechanism had gone beyond the initial estimates of the secretariat. Efforts had to be shifted towards the desk-based elements of country reviews, which, in some instances, made it possible to complete executive summaries and country review reports more quickly. In other cases, especially in relation to the country visits, a negative impact on the pace of the reviews was observed. Delays in the country reviews had been observed at different stages, including in the designation of focal points and reviewing experts (with 51 missing nominations for reviews in the second cycle), the submission of responses to the self-assessment checklist (with 44 missing responses), the submission of desk-based reviews and the scheduling of country visits. While he reiterated his understanding for the challenges faced by States parties as a result of the ongoing pandemic, he also underscored the need to advance country reviews. In that regard, he outlined the efforts of the secretariat to follow up on the next steps of reviews more regularly and formally, including by sending letters to inform States parties of delays that had arisen in the reviews. In addition, he noted that the Implementation Review Group would, in the future, be provided with information on the names of States that had not designated their focal points or governmental experts or not provided responses to the self-assessment checklist, once such States had received at least two letters to remind them of their respective obligations.

16. The representative of the secretariat also provided information about an online training course on the Implementation Review Mechanism that had been held for focal points and governmental experts on 2 and 3 September 2021. He highlighted that, in view of the unprecedentedly high interest in the training, and to accommodate participants from all time zones, additional training sessions had been offered throughout that week, from 30 August to 3 September, including in Spanish, to facilitate participation by the large number of participants from the Latin American region. In addition, participants were invited to avail themselves of the self-paced online pre-training on the Mechanism to assist in their preparation for the course.

17. One speaker emphasized the intergovernmental, inclusive, transparent, non-adversarial and non-intrusive character of the Implementation Review Mechanism. He noted that his Government welcomed the efforts of the secretariat to seek the views of States parties on the performance of the Mechanism in accordance with resolution 8/2 of the Conference of the States Parties to the Convention, entitled “Celebrating the tenth anniversary of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, while noting that the report to be prepared on the basis of the views collected should not lead to a revision of the principles of the functioning of the Mechanism, nor to its politicization.

18. Many speakers reiterated their commitment to the Implementation Review Mechanism and to fulfilling the obligations emanating from the Convention, and reaffirmed the importance of the Convention as a core international anti-corruption
instrument. In that regard, one speaker noted that the Mechanism had transformed the Convention and turned it into a living document, spurring legislative reforms, facilitating international cooperation and creating a global community of anti-corruption practitioners.

19. One speaker emphasized the positive role of the Convention and reaffirmed his Government’s support for the Implementation Review Mechanism, which embodied the common wishes of States parties in promoting international cooperation, with due regard for the principles of national sovereignty and equality among States, for the levels of development of States parties, as well as for the diversity of judicial, legal, political, economic and social systems and differences in legal traditions. He also noted that country review reports should be kept confidential.

20. One speaker also called for increased coordination among the different monitoring and review bodies, including those that focus on money-laundering, to ensure that recommendations were correlated and agreed upon among different bodies and that duplication of efforts was avoided.

21. Several speakers shared information on progress made in their reviews, as well as measures taken after the completion of their first and second cycle reviews to implement the recommendations received, citing legislative reforms, the establishment of new oversight bodies and the adoption of new, comprehensive anti-corruption strategies as some of the most recent achievements. With regard to the efforts made by his Government in the implementation of the Convention, one speaker referred to the recent adoption of a new Constitution that allowed his country to set up a comprehensive institutional network for the fight against corruption based on the principles of ethics, good governance and the rule of law. Another speaker highlighted her country’s willingness to share information and good practices and informed the Implementation Review Group of lessons learned and experience shared with regard to various topics in relation to the Convention, including victims of corruption, asset management and the prevention of offences that have an impact on the environment.

22. Another speaker noted the assistance his country had received from the joint United Nations Office on Drugs and Crime (UNODC)/World Bank Stolen Asset Recovery (StAR) Initiative, which had provided support in the establishment of an inter-institutional group of focal points for asset recovery, bringing together 11 institutions to facilitate coordination and cooperation in that area, as well as in the preparations for the non-conviction-based forfeiture legislation adopted by his country in May 2021.

23. In addition to sharing information on the progress of the review of her country in the second review cycle, one speaker reiterated the importance of implementing in practice the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”, adopted by the General Assembly at its special session against corruption, held at Headquarters from 2 to 4 June 2021, and in that regard provided examples of her Government’s commitment to the global fight against corruption. In addition, the speaker, in recalling that her Government had offered to host the tenth session of the Conference, to be held in 2023, recognized the central role of the Conference in the shared efforts of the international community to prevent and combat corruption, as reaffirmed in the political declaration. Furthermore, she noted that her Government’s commitment to hosting the tenth session of the Conference, for which it would welcome the support of States parties, was a reaffirmation of its resolve to strengthen collaboration with partners around the world in order to advance collective anti-corruption priorities and strengthen the anti-corruption architecture. Moreover, the speaker informed the Implementation Review Group that her country had, for the very first time, elevated combating corruption to the level of a national security priority.

24. Some speakers noted the impact that the ongoing COVID-19 pandemic was having on the country reviews. In that regard, one speaker underscored the usefulness and completeness of the discussions and comments made during an online country
visit in the framework of the review process. Another speaker noted that, although country visits conducted in an online format were not a fully-fledged alternative to such visits conducted in person, they did facilitate the advancement of reviews. He also underscored the importance of providing focal points and governmental experts with training on the Implementation Review Mechanism in order to enable them to carry out their functions effectively and efficiently, and he welcomed the online training provided by the secretariat to assist focal points and governmental experts. Furthermore, he reiterated his country’s commitment to facilitating such training, including by continuing the practice of hosting it and by allocating extrabudgetary resources for that purpose.

25. In relation to the delays that had arisen, one speaker expressed his concern about the indicative timelines established in the Implementation Review Mechanism, noting that the review of chapters II (Preventive measures) and V (Asset recovery) of the Convention in particular required extensive input from multiple institutions, which made it difficult to collect such information within the indicative timelines.

IV. Financial and budgetary matters

26. The President recalled that the secretariat had submitted a note entitled “Resources and expenditures for the functioning of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption” to the Implementation Review Group at its twelfth session (CAC/COSP/IRG/2021/5). The President informed the Group that the secretariat would not deliver an oral update on the topic at the present resumed twelfth session because expenditure had been very limited since the twelfth session of the Group, in June 2021, owing to the global COVID-19 crisis.

27. One speaker noted that it was important to ensure that adequate funding was available for the Implementation Review Mechanism in order for it to continue to be transparent, efficient, non-intrusive, inclusive and impartial. Another speaker highlighted that transparent and regular financial reporting to States parties, including on expenditure and estimated costs, was essential to ensuring that the mixed funding model of the Mechanism continued to work effectively.

28. Speakers encouraged donors to consider providing additional funding to the Implementation Review Mechanism in order to fully finance it and noted its critical role in promoting the effective implementation of the Convention and providing a platform to review progress. It was noted that additional funding was particularly important in view of the follow-up to the recent adoption by the General Assembly of the political declaration entitled “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”.

29. Some speakers underscored their countries’ previous and continuing support to the Implementation Review Mechanism and urged other States parties to advance their reviews in a timely manner with a view to completing the second cycle of the Mechanism in June 2024 and thus generating important data on implementation successes and challenges.

V. State of implementation of the United Nations Convention against Corruption

A. Exchange of information, practices and experiences gained in the implementation of the Convention

30. A representative of the secretariat presented an update on the most common good practices and challenges identified in the thematic report on the implementation of chapter V (Asset recovery) of the Convention against Corruption
(CAC/COSP/IRG/2021/7), as well as in the report on the implementation at the regional level of chapter V (CAC/COSP/IRG/2021/8), which was focused on the regional implementation of article 52, paragraphs 5 and 6, and article 53. She informed the Implementation Review Group that both reports were based on 53 finalized executive summaries and that the trends regarding both challenges and good practices identified in previous thematic reports had remained consistent. Articles 52, 57 and 54 of the Convention remained the provisions with the largest numbers of recommendations. With regard to article 52, on which the most recommendations had been issued, implementation gaps had been identified in 51 out of 53 States parties. Only a few recommendations had been issued in relation to articles 56 and 59, indicating a positive trend in the conclusion of bilateral and multilateral agreements and in the spontaneous sharing of information. A substantial number of good practices had been identified only under articles 51, 52, 54 and 55, in particular with regard to robust legal and institutional arrangements in place for asset recovery, as well as with regard to the ability to use all options available under the Convention to recover assets.

31. Furthermore, in reference to article 52, paragraphs 5 and 6, of the Convention, the implementation of which was analysed in the report on implementation at the regional level, the representative of the secretariat noted that a large number of recommendations and a corresponding low number of good practices had been identified. Gaps existed across all regions, but the data showed that the more developed an asset disclosure regime was found to be, the more recommendations to further refine and improve it were issued by reviewers. While the majority of States were found to have some financial disclosure obligations in place for certain public officials, differences were observed with regard to the categories of officials covered, the effectiveness of the disclosure systems and the accessibility of asset declarations. The few good practices identified under article 52, paragraph 5, were related to verification methods for asset declarations and the publication of declarations without personal data. No correlation was found between the implementation of paragraph 5 and that of paragraph 6, meaning that financial disclosure systems in place frequently did not extend to foreign bank accounts.

32. In reference to article 53, the representative of the secretariat informed the Group that 68 recommendations had been issued to roughly half of the States parties for which executive summaries had been completed, with implementation levels varying greatly among regions. She highlighted that while most States allowed foreign States to claim compensation or damages through civil action in their courts, there was still little experience with that process, for which reason the panel discussion on article 53 had been organized.

33. Finally, she reminded delegations that future versions of the thematic report and the reports on the implementation at the regional level of chapter V of the Convention would no longer be anonymized, and that in the future countries used in illustrative examples of good practices would be identified.

B. Thematic discussion

Panel discussion on gaps and challenges in the implementation of the asset recovery provisions of the Convention

34. In his introductory remarks, a representative of the secretariat recalled the joint commitment, made in the political declaration adopted by the General Assembly at its special session against corruption, to address challenges and remove barriers to applying measures for the recovery of assets, in particular by clarifying or simplifying legal procedures, by improving mutual legal assistance processes and making them more effective and efficient and by improving the implementation of the measures available under the Convention for asset recovery and return. He noted that the political declaration further laid out ways to overcome challenges, and he highlighted the need for trusting partnerships between requesting and requested States, better communication and reliable and timely information exchange and sharing, and the
use of all available instruments, including non-conviction-based confiscation or direct recovery.

35. The panellist from Switzerland noted that Swiss legislation allowed authorities to freeze assets in the very early stages of proceedings, to uphold freezing orders for long periods of time and to return assets at any stage of the proceedings, usually upon enforcement of a final foreign confiscation order. With regard to challenges faced, she first highlighted the need for complete mutual assistance requests that contained all necessary information. Second, she noted that it was important for the requesting States to keep Swiss authorities informed of the progress made in the confiscation proceedings abroad, which was vital in order for Switzerland to uphold a freezing order. Third, she noted that different legal approaches applied in asset recovery proceedings, such as the use of administrative proceedings or settlements, could pose challenges, which could be overcome by experience and by adapting and applying the existing legal frameworks. She explained that direct and personal contact between practitioners in the jurisdictions involved allowed both parties to address any questions or improve the drafting of requests in an informal manner. To illustrate those points, she described the Montesinos case, in which Swiss authorities froze a Swiss bank account at the request of the Peruvian authorities in 2001. The Swiss and Peruvian authorities were in constant contact, which allowed Switzerland to uphold the freezing order for 17 years. In 2018, the Peruvian authorities signed a legal agreement with the holder of the frozen assets which regulated their return to Peru. That agreement was considered by Switzerland as a decision in accordance with its national legislation and could thus serve as the basis for the return of $15 million from Switzerland to Peru. The mutual legal assistance request upon which the assets were returned was based on a bilateral treaty and on the Convention.

36. In presenting the Montesinos case from the Peruvian perspective, the panellist from Peru recounted that, in 2000, Peru had sought international judicial cooperation from Switzerland and other countries with the aim of repatriating assets from a corruption network in Peru. A commission constituted in the Congress of Peru to investigate the origins and destination of the money in question concluded that the funds in the Swiss accounts had their origins in illicit activities and in the misappropriation of public funds. The panellist noted that the first challenge appeared at the domestic level when the first repatriated assets were not used to support the fight against corruption in the country. As assets were still being seized in Luxembourg and Switzerland, the Government of Peru decided to use any assets recovered in the future to strengthen the institutions responsible for investigation, prosecution and the legal defence of the State. Instead of awarding all assets recovered to one of the three institutions involved in such efforts, in 2017, a commission comprising representatives of the Ministry of Justice, the judiciary and the Public Prosecutor’s Office was established, with the Ministry of Foreign Affairs holding the presidency and acting as the technical secretariat, “to carry out the necessary inter-institutional coordination leading to the repatriation and execution of the assets in the most effective manner”. A multisectoral working group negotiated a tripartite agreement reflecting a commitment to the appropriate and transparent use of the assets, in accordance with the provisions of the Convention and targets 16.4, 16.5 and 16.6 of the Sustainable Development Goals. Once the agreement was in force, the funds from Switzerland were transferred to the account of the national programme for seized assets.

37. The panellist from Nigeria outlined the success and challenges of her country’s asset recovery efforts. Citing several renowned cases, she explained that recovered assets had become a separate, identifiable source of government income and revenue. She explained that Nigeria allowed both conviction-based and non-conviction-based forfeiture and stated that corruption offences, usually involving politically exposed persons, constituted the main predicate offences for money-laundering in her country. However, establishing the link between an asset and criminal activity was a complex, highly technical and time-consuming process. As a result, one of the main challenges encountered was a limited investigative capacity to track and trace illicit assets, which
were often channelled through different accounts and hidden using corporate vehicles. The Economic and Financial Crimes Commission had therefore invested in continuous training of its officers. Furthermore, effective inter-agency collaboration among the multiple anti-corruption agencies in Nigeria was underlined as another domestic challenge. Regarding international asset recovery cases, the panellist stated that challenges identified included limited cooperation and limited information-sharing between the countries where assets were located and the States seeking to recover them. The panellist highlighted that barriers in national legislation and onerous requirements for mutual legal assistance frequently caused delays in recovery processes. In presenting a practical solution to that challenge, the panellist referred to a cooperation agreement between Nigeria, the United States and the United Kingdom under which each country approached the case from the angle of its domestic law while recognizing Nigeria as a victim in relation to any assets recovered. Finally, while much remained to be done, the panellist outlined how efforts to communicate clearly the intended use of recovered assets could send positive messages to partners, thereby building trust both among States and among the public.

38. In the ensuing discussion, many speakers reiterated their countries’ commitment to the Convention and the Implementation Review Mechanism and acknowledged the progress made to date in the framework of the Mechanism. One speaker noted that it was important to highlight the good practices that emerged from country reviews and acknowledged, as in the political declaration adopted by the General Assembly at its special session against corruption, the progress made thus far. In that regard, the speaker referred to the efforts of her Government to address foreign bribery and the establishment of an initiative targeting kleptocracy and urged States parties to focus on practical solutions to challenges faced by practitioners.

39. Some speakers recalled the political declaration, in which Member States reaffirmed their common commitment to effectively implement measures to prevent, criminalize, detect, investigate, prosecute and adjudicate corruption offences and to improve asset recovery and return, in particular concerning the identification of gaps and challenges in implementation. The declaration was an important reference document for national and international anti-corruption efforts, and some speakers mentioned how the discussions on challenges could help to ensure more effective and practical implementation of the Convention.

40. One speaker noted that many challenges remained to be identified and addressed, such as how to eliminate safe havens for the proceeds of corruption, how to expand beneficial ownership transparency and how to address widespread impunity. She highlighted that responses might include improved and increased technical assistance and the further elaboration of norms and standards. The speaker also emphasized the need to tap into the potential of information and communications technologies.

41. Another speaker expressed the view that additional bilateral cooperation instruments to facilitate asset recovery, as well as more support for international law enforcement bodies, were required, especially in relation to investigations, prosecutions and adjudications involving persons with dual citizenship.

42. In relation to progress made in international cooperation and asset recovery, one speaker pointed out that adjustments to the modi operandi of authorities during the ongoing COVID-19 pandemic had demonstrated that requests for mutual legal assistance could be made and effectively responded to by electronic means. He also expressed the view that the spontaneous transmission of information and direct contact between authorities were crucial to successful cooperation. Similarly, another speaker highlighted how authorities in his country had been able to respond to a request and information shared informally with one of its national institutions, which had led to the recovery and return of a considerable amount of illicit assets. In the same vein, to conclude the discussion, the panellist from Switzerland reiterated her call for frequent and direct contact between authorities in different jurisdictions to
discuss any concerns bilaterally, which was a good practice for facilitating successful asset recovery and asset return.

Panel discussion on the implementation of article 53 (measures for direct recovery of property)

43. In her introductory remarks, a representative of the secretariat highlighted that while data from country reviews showed that the vast majority of States allowed for foreign States to directly recover assets in their courts, there was little experience with direct recovery in practice, and comparatively few cases existed. She noted that while there were obstacles to direct recovery, in particular the need to navigate a foreign legal system and the need to hire foreign counsel, direct recovery should be further explored as an alternative or addition to mutual legal assistance. She recalled that the political declaration adopted by the General Assembly at its special session against corruption included a call upon States to share information and good practices and develop further guidance on the direct recovery of property, and she suggested that the topic could lend itself to further discussion and analysis by the Implementation Review Group.

44. The panellist from the StAR Initiative presented the different options provided under article 53 of the Convention to directly recover assets. He explained that States could either initiate civil action to claim ownership of assets stolen from them or reclaim the value of those assets by seeking to obtain compensation or damages linked to corruption offences. He noted that claims could be based on contractual violations or on tort law. In addition to filing lawsuits, States could opt to make use of their rights as aggrieved or civil parties in criminal proceedings in other States. He highlighted that the benefits of direct recovery included the possibility of circumventing limits posed by the criminal justice system: compared with criminal confiscation, lower burdens of proof were required for direct recovery. In addition, direct recovery did not require establishing a link between the assets and the crime but allowed for recovery of the equivalent value, which was particularly useful in cases where it was difficult to establish a link between the corruption offence and the specific assets in question. Civil recovery also made it possible to pursue claims against intermediaries and enablers such as lawyers and banks that facilitated the transactions. While those entities may not have committed crimes, they could be subject to civil liability. In addition, civil litigation was less likely to be delayed by political interference or inefficient prosecution. The panellist noted that direct recovery could thus replace or complement criminal confiscation, and he encouraged States to make use of the different tools available under the Convention by using creative approaches and combining the avenues of civil and criminal proceedings.

45. The panellist from Brazil presented his country’s experience with direct civil litigation to recover assets. He cited examples of cases in which Brazilian authorities had initiated litigation in foreign courts with the help of lawyers based in those jurisdictions to recover assets that had been lost as a result of corruption, embezzlement or fraud offences committed by Brazilian public officials. The panellist noted that, even though the Convention specifically provided for the possibility of direct recovery through civil litigation, it was not a well-known or well-developed practice in many jurisdictions, which could give rise to judicial uncertainty. That issue could potentially be resolved through more discussion and harmonization of legislation and practices. Even though formal mutual legal assistance requests often seemed to be the more obvious choice for international asset recovery attempts, direct recovery, albeit potentially more expensive, might prove to be more expedient in certain cases. The panellist explained that, while it was not yet done in practice, the Office of the Attorney General of Brazil was able, as a matter of courtesy, to assist foreign States in litigating in Brazilian courts. Brazil and Italy had signed a memorandum of understanding for mutual legal representation in legal disputes before each other’s courts, which could be used upon request by the other country. A similar arrangement was possible on the basis of the statute of the Latin American
Association of Attorney General’s Offices, signed in Brazil in 2018 by 10 Attorneys General of Latin American countries.

46. The panellist from the United Kingdom spoke about his experience as a private attorney litigating a case in Jersey on behalf of the authorities of Brazil, which had incurred significant damages as a result of fraud in connection with a local infrastructure project. In parallel with criminal proceedings, the authorities of Brazil had decided to bring civil proceedings in Jersey in an attempt to recover assets that had been channelled to offshore jurisdictions. Although assets had been frozen in the criminal proceedings, no assets had actually been recovered. The Brazilian authorities thus also initiated civil proceedings against the offshore companies that had received the proceeds of the fraud, in which the authorities claimed relief on the grounds that those companies had retained a proprietary interest in the funds involved and, as such, the defendants: (a) had knowingly and unlawfully received the funds; and/or (b) had been unjustly enriched. The advantages of conducting those civil proceedings were that the standards of proof and the evidentiary requirements were less strict than in criminal proceedings. The panellist also noted that civil proceedings were usually quicker, that defendants had no effective right to remain silent and that claims could also be brought against enabling entities that had not necessarily engaged in criminal behaviour themselves. Moreover, the panellist noted that the civil proceedings had resulted in a number of disclosure orders and freezing orders against assets held in the offshore jurisdiction, and eventually in a judgment in favour of the claimant State. The judgment was then enforced partially against cash assets, and liquidators were appointed to recover the remaining balance.

47. The panellist from Germany highlighted the differences in legal systems and standards of proof, the quantification of damages and contractual anti-corruption clauses as elements to be considered in connection with the possibility of recovering assets through civil proceedings. With regard to the standard of proof, he noted that while differences existed between civil law and common law systems, the burden of proof in civil cases was always lower than in criminal proceedings. He also highlighted arbitration as an alternative to the civil courts: while arbitrators had fewer legal powers to compel parties, different rules of evidence existed in arbitration, and arbitrators could sometimes be more flexible than civil judges, to the point of being able to reverse the burden of proof. With regard to the quantification of damages, the panellist described differences in and approaches to quantifying damages incurred through acts of bribery. While the amount of the bribe paid usually constituted the minimum amount of recoverable damages, the actual damage incurred could be significantly higher. Depending on the legal system and the available claims, restitution, punitive damages, reputational damages or disgorgement could be claimed individually or even simultaneously. When settling cases out of court, foreign States, as aggrieved parties, could leverage their possibilities for, for example, voiding contracts or shortening debarment periods in order to reach a settlement. Finally, he noted that anti-corruption clauses in contracts were a fairly new means of safeguarding contracts from corruption or ensuring easier recovery of damages in cases where corruption was found to be committed. He suggested that the topic would lend itself to future discussion.

48. In the ensuing discussion, speakers expressed appreciation to the panellists for their presentations and to the secretariat for proposing the topic of direct recovery. One speaker noted that direct recovery was a method that was severely underutilized despite being a real alternative to mutual legal assistance. He noted that most States allowed for foreign States to initiate civil action in their courts but that a lack of awareness of direct recovery options resulted in it being seldom used. That speaker suggested that the costs involved might pose impediments for States, and contingency fees or even pro bono acceptance of cases by the highly specialized law firms involved could be a useful incentive for States to rely more strongly on direct recovery as an alternative to asset recovery. In response, the panellist from Brazil explained that the cost of litigation was indeed a matter of concern and that Brazil had entered into cost agreements with law firms. He agreed that contingency agreements for legal fees were
useful and noted that the Attorney General of Brazil could litigate in cross-border cases as an alternative to hiring private attorneys, in particular for countries that refrained from direct recovery due to a lack of resources. Given that States could lack the necessary resources, and in particular considering the costs involved in multi-jurisdictional cases, one speaker asked whether direct recovery should be used as a last resort.

49. Another speaker stated that not all States had the same possibilities available to directly recover assets in foreign jurisdictions, a situation that created another obstacle to successful asset recovery, and he suggested that there was a need for more guidance and awareness-raising, as well as debate on a potential standardization of practices.

50. On the question of obtaining evidence in civil proceedings, the panellist from the StAR Initiative explained that States might be able to make use of evidence obtained through criminal proceedings and of civil discovery options under domestic rules on evidence collection. He highlighted that claimants could request the production of documents, orders to search premises or freeze assets, the hearing of witnesses and other forms of evidence. Finally, he noted that States might prefer direct recovery over other alternatives to criminal confiscation such as orders for non-conviction-based confiscation or civil forfeiture, or illicit enrichment proceedings, as the latter were not always available or enforceable abroad.

VI. Technical assistance

51. A representative of the secretariat provided an overview of the technical assistance needs emerging from the second cycle country reviews, with a particular focus on chapter V of the Convention against Corruption (Asset recovery). She urged all States that had not yet done so to submit responses to the questionnaire on technical assistance that had been sent out by the secretariat in February 2021. An analysis of the responses received would be presented to the Conference of the States Parties to the Convention at its ninth session. In providing an overview of the needs identified in the second cycle, she noted that, of the 57 States parties that had finalized their reviews, 39 had identified a total of 455 individual technical assistance needs. Overall, those needs remained in line with the previous analysis, with the largest number of needs related to capacity-building, followed by legislative assistance and institution-building.

52. In relation to chapter V, the representative of the secretariat noted that 37 needs had been identified by 19 States with respect to article 51, on the fundamental principle of the return of assets. That was followed by article 54, on mechanisms for the recovery of property through international cooperation in confiscation (32 needs identified by 19 States), and article 52, on the prevention and detection of transfers of proceeds of crime (20 needs identified by 14 States). In closing, she highlighted that, given the interconnected nature of article 52 and article 14, on measures to prevent money-laundering, the two articles accounted for an aggregate total of 44 technical assistance needs identified by 19 States, which meant that the largest number of technical assistance needs had been identified in relation to measures to prevent and counter money-laundering.

53. Another representative of the secretariat provided a brief statistical and substantive update on the technical assistance needs identified in the first cycle of the Implementation Review Mechanism, with a particular focus on chapter IV (International cooperation) of the Convention. She explained that since the previous update by the secretariat (CAC/COSP/2019/14), an additional four reviews had been finalized, of which two had identified technical assistance needs. She noted that 118 States had identified a total of 3,680 individual technical assistance needs under the first review cycle; because only 8 further needs had been identified, the overall substantive analysis remained unchanged. For both chapters III and IV of the Convention, the technical assistance needs identified continued to pertain to
legislative drafting, capacity-building and information on good practices and lessons learned.

54. In reference to chapter IV (International cooperation), the article for which the most needs had been identified was article 46, on mutual legal assistance, with 74 States identifying 200 such needs, followed by article 44, on extradition, and article 50, on special investigative techniques, for which 63 States had identified 185 needs and 182 needs, respectively. The representative of the secretariat noted that the interlinkages between chapters IV and V could be observed in the identification of technical assistance needs. In reference to chapter V, five of the eight States that had identified needs for assistance had done so in relation to enhancing their capacities and strengthening their legislative frameworks on international cooperation. She reminded States that the secretariat would submit a more comprehensive analysis and overview of the needs emerging from both cycles to the Conference at its ninth session.

Panel discussion on technical assistance (morning session)

55. In the panel discussion on technical assistance, a panellist from Timor-Leste presented how his country had made use of technical assistance to address the outcomes of its first cycle country review and to reinforce its anti-corruption framework. He explained that, as a young nation, his country had benefited from international support in its State-building efforts, including in the drafting of its Constitution, the establishment of core institutions and policy development. He noted that his country had also benefited from technical assistance by participating in training events held in different countries, and that multilateral and bilateral support had allowed further capacity-building in the country itself. In response to another recommendation that had emanated from the country review, a transparency portal for budgeting and execution had been established, and efforts to develop e-procurement and e-planning platforms in the Office of the Prime Minister were ongoing. The panellist noted that, in order to harness the power of information and communications technology, an information technology body was assisting the Court of Appeal and the Anti-Corruption Commission in the development of an electronic system for asset declarations. He highlighted the development of the Law on Measures to Prevent and Combat Corruption of 2020 as an example of good cooperation at the national and international levels, involving civil society, the United Nations Development Programme and UNODC. The Law addressed several recommendations emanating from the first cycle review. Despite all the progress that had been made, the harmonization of legal frameworks, including on mutual legal assistance and asset recovery, continued to be an area in which further technical assistance was required. He concluded by underscoring the importance of international cooperation as a mutual commitment to working together, given the varying strengths and weaknesses of different countries, towards the common goal of combating corruption.

56. A panellist from North Macedonia presented her country’s legal framework on international cooperation for the purpose of asset recovery. After noting that her country’s second cycle review had recently been completed and published, she provided a brief overview of her country’s confiscation system. North Macedonia applied both conviction-based and non-conviction-based confiscation, but the latter was used exclusively for corruption offences where, owing to practical or legal obstacles, prosecution of the offender was not possible. At the same time, a lack of practical experience had led to limited awareness among practitioners of how to apply the relevant provisions, and therefore changes to the confiscation procedure were under way. Concerning assets of unknown origin, her country had sought information about the experiences of other countries in civil forfeiture, and a draft law was pending. North Macedonia had recently adopted a new law on mutual assistance in criminal matters, which entered into force in April 2021 and established the European Union Agency for Criminal Justice Cooperation (Eurojust) and the European Union Asset Recovery Offices as official communication channels. In addition, she noted the technical assistance provided by UNODC, including training in asset recovery.
She concluded by outlining the remaining needs relating to her country’s Asset Recovery Office, which had been established in 2019, including its capacity-building needs related to the use of technologies and the preparation of manuals and training. She also extended her gratitude to UNODC and the European Anti-Fraud Office as technical assistance providers that had enabled North Macedonia to start taking on asset recovery cases.

57. Following that presentation, one speaker, noting the operational support received from and the cooperation established with Eurojust, asked whether any thought had been given to cooperation with the recently established European Public Prosecutor’s Office. In reply, the panellist highlighted that thought had indeed been given to such cooperation and that her country had also sought the views of other States in that regard. She indicated that, while North Macedonia would do everything possible to coordinate and cooperate with the Office, no form of official cooperation had been foreseen yet.

58. A panellist from Zimbabwe presented her country’s experiences in asset recovery and spoke about how technical assistance had supported efforts to overcome challenges and build capacities. After presenting the mandate of the Zimbabwe Anti-Corruption Commission, she explained that the Commission could direct the Commissioner General of Police to investigate cases, refer matters to the National Prosecuting Authority and request assistance from the police and other investigative agencies of the State. Concerning asset recovery, an asset forfeiture and recovery unit had been established, and both criminal confiscation and civil forfeiture were possible, with the latter carried out through unexplained wealth orders. After introducing the multiple stakeholders involved in her country’s asset recovery efforts, she referred to capacity-building activities carried out by the StAR Initiative, including in-person training on financial investigations in 2020. As a result of the pandemic, further training activities had been organized in an online format. Before concluding, and as a means of showcasing the impact of the capacity-building efforts, she shared information about recent cases of international cooperation and asset recovery.

59. In reply to a question, the panellist indicated that the unexplained wealth order legislation adopted in her country was based on a similar system in the United Kingdom, following a recommendation from the Financial Action Task Force.

60. A panellist from the International Centre for Asset Recovery of the Basel Institute on Governance outlined the work of the Institute in strengthening the capacities of partner countries to recover stolen assets. That work was based on the theory of change, involving expertise and knowledge, partnerships and networks, and convening power to achieve the outcomes of more effective anti-corruption chains, including sanctions and recovering assets, and stronger legal and institutional frameworks. The Institute’s work was demand-driven and led by practitioners with a view to long-term engagement and collaborative work with partner countries. The success achieved included more than 80 active cases, the recovery of more than $100 million in assets, the creation of an adaptive and individualized virtual and in-person training curriculum, the establishment of several inter-agency asset recovery units, the establishment of long-term programmes in 10 partner countries, and innovations relating to non-conviction-based forfeiture, virtual currencies, illicit enrichment and information-sharing in the public and private sectors.

61. In the ensuing discussion, one speaker highlighted her country’s efforts to establish an online platform to enhance transparency in the use of returned assets. The platform would make use of open-source information, and her country envisaged making the technology behind the platform available to other States. To that end, the speaker asked the panellist to provide recent examples of jurisdictions that had improved their transparency in how they used assets returned to them. The panellist acknowledged that there continued to be reluctance with respect to transparency in asset recovery cases. However, greater visibility with respect to assets returned would ensure accountability and build trust in anti-corruption efforts. Although the panellist
agreed with another speaker that the establishment of interdisciplinary asset recovery units could be considered a good practice, she pointed out that the establishment of a new institution was not necessarily required, as the same could be achieved through mechanisms for better coordination. She gave the example of a country in which staff from multiple government offices involved in asset recovery efforts were co-located, which had resulted in greatly improved and expedited information-sharing and interaction.

62. Several speakers shared information on how technical assistance had been delivered during the COVID-19 pandemic by means of an increased use of information and communications technology. Underscoring the importance of employing such technologies, one speaker noted the use of innovative practices in public procurement to prevent corruption and ensure the provision of medical equipment. Another speaker referred to the use during the pandemic of videoconferences for hearings of witnesses and the electronic submission of evidence. One speaker suggested that UNODC could prepare a compilation of good practices in the use of information and communications technology in international legal cooperation in order to further the implementation of new initiatives and share information.

63. One speaker described the training programmes on mutual legal assistance for combating corruption and money-laundering offered by the Ministry of Justice of his country, explaining that, although an online version of the training had existed since 2013, in response to the COVID-19 pandemic the training had been further adapted and enhanced in 2020, with online training sessions foreseen to continue even as in-person training resumed in 2022. One course included the use and development of applications in investigations, with a view to enhancing the use of information and communications technologies for the purpose of asset recovery. The speaker emphasized that his country stood ready to support other States through anti-corruption training, and that the training had already been used successfully in several Portuguese-speaking countries.

64. One speaker requested UNODC to deliver technical assistance to support and build the capacities of his country’s newly established national anti-corruption authority, which, through a constitutional amendment, had become an independent authority. The speaker also requested the support of UNODC in facilitating the involvement of civil society in the anti-corruption efforts of his Government.

65. Several speakers highlighted the importance of the Convention as the basis for anti-corruption efforts and noted that technical assistance remained a vital component of the Convention and the Implementation Review Mechanism. Many speakers highlighted how the outcomes of the first and second cycles had triggered reform efforts, often involving technical assistance, while other speakers sought technical assistance for their countries, both to prepare for their upcoming reviews and to respond to the outcomes of those under way or finalized.

66. One speaker underscored that the challenges for successful asset recovery in his country would continue, as they were similar to those identified in the most recently completed country reviews. He urged States to provide enhanced support to the StAR Initiative and enable more capacity-building and technical assistance.

Panel discussion on technical assistance (afternoon session)

67. In the panel discussion on technical assistance, a panellist from the Sudan presented his country’s legal framework on asset recovery and how the technical assistance received had successfully reinforced it. He explained that a constitutional declaration for the transitional period had been issued in 2019, which included a number of principles and provisions regarding non-impunity and the fight against corruption. In referring to assistance received from the StAR Initiative, he noted that a scoping mission for legal reform conducted in December 2019 had led to the establishment of a customized workplan. Trilateral meetings with other States were organized during that mission. Moreover, the StAR Initiative had provided support in
the development of laws, including on asset recovery. More recently, his country had requested UNODC to provide assistance in the development of an anti-corruption strategy. The panellist noted that a commission to combat corruption and recover public funds was being established, and he concluded by noting that his country continued to be in need of technical assistance to further build its capacity and develop its legal framework.

68. A panellist from Uzbekistan explained how his country had benefited from technical assistance delivered through the StAR Initiative. He explained that support had been provided for the conduct of parallel financial investigations, the facilitation of meetings with foreign counterparts on certain asset recovery cases, and consultative legislative assistance. In May 2021, the StAR Initiative had supported the development of a joint administrative instruction on investigations and operational search activities involving several institutions. That support had led to an important legislative amendment related to bank secrecy legislation in Uzbekistan. The legislative amendment had allowed for the exchange of bank secrecy information between the prosecution, investigative and intelligence authorities, as well as with competent authorities of other States.

69. A panellist from the StAR Initiative presented an overview of the Initiative’s work in the period 2020–2021. Adapting to the conditions of the pandemic, the Initiative provided technical support to 18 countries, ranging from assistance on legislative reforms, capacity-building in financial investigations and legal tools for asset recovery, to supporting domestic inter-agency coordination and facilitating international cooperation between States. Among the successes achieved, of the 11 States receiving assistance on legislative reform, four States had adopted new laws or amendments related to asset recovery; and of the six States receiving support on the enhancement of domestic coordination mechanisms, two States had successfully implemented a new domestic coordination agency or mechanism. In one example given, the assistance provided contributed to the successful prosecution and conviction of a grand corruption case and the related recovery by the State of $43 million. The panellist shared two highlights from the past year: how the StAR Initiative had supported legislative anti-corruption reforms in Ukraine by assisting in the reinstatement of the asset declaration system after a challenge by the Constitutional Court and in the strengthening of sanctions in that country for making false declarations, and by advising on legislation on civil recovery in foreign jurisdictions. In Mongolia, the StAR Initiative had provided workshops to enhance the capabilities of authorities to investigate and prosecute corruption, money-laundering and asset recovery cases, which had improved coordination between law enforcement and prosecutorial agencies through the adoption of a new case management system. In addition, the StAR Initiative had long played an important role as an honest broker between requesting and requested States, facilitating bilateral talks and giving guidance on informal cooperation prior to transmitting requests for mutual legal assistance, and had continued to provide such assistance to States over the past year. The panellist said that going forward, the Initiative would increasingly focus on financial centres and the role of professional gatekeepers and enablers, especially in its policy and knowledge work. He referred to the many resources available on the Initiative’s new website, including the updated second edition of the Asset Recovery Handbook: A Guide for Practitioners, a how-to manual for practitioners published by the StAR Initiative in December 2020, and concluded his presentation by referring to forthcoming research and knowledge tools, including the collection of data on asset recovery cases.

70. A panellist from Ecuador described how the StAR Initiative had supported his country in building capacity and enhancing its institutional and regulatory framework for asset recovery. An initial workshop had been held in 2018, and in September 2019, Ecuador had established the Group of Inter-Agency Focal Points for Asset Recovery. He explained that the objectives of the Group, which comprised 11 institutions, were to coordinate, propose and strengthen policies, actions and strategies for the location and recovery of assets. Since November 2019, despite the pandemic, 10 ordinary and
6 extraordinary meetings had been held, which had made it possible to identify several cases deemed to have a high probability of leading to asset recovery. In February 2021, the National Assembly had adopted a law that, among other changes, led to the establishment of new criminal offences with a view to combating corruption, including overpricing in public procurement, private corruption and obstruction of justice. The law also included compliance provisions as preventive measures in the fight against corruption. He concluded by informing the Implementation Review Group that, in May 2021, Ecuador had adopted a law on non-conviction-based forfeiture.

71. A panellist from Costa Rica presented his country’s anti-corruption framework with a particular focus on international cooperation and asset recovery. He explained that the legislation on transnational bribery focused on three important components, namely, prevention measures, the compliance obligations of legal persons and the recovery of assets at the national and international levels. The legislation established the liability of legal persons independently of the liability of natural persons applicable to domestic offences. On asset recovery, the StAR Initiative had provided technical assistance relating to the confiscation of assets linked to domestic and transnational bribery offences, including the possibility of pursuing assets outside the national territory. Concerning the possibility of civil action for the recovery of assets, the panellist explained that his country’s legislation on criminal procedure allowed for proceedings for compensation to be initiated in parallel to criminal action, allowing the recovery of assets in corruption cases by using social damage as a starting point. He highlighted the importance of international cooperation to achieve that goal. Finally, he referred to his country’s legal provisions on illicit enrichment, which allowed a fiscal entity to initiate before the Administrative Court orders for individuals to indicate the origin of their assets, including those located abroad.

72. In the ensuing discussion, one speaker underscored that many obstacles could be overcome by strengthening central authorities or by establishing them in cases where they did not yet exist. The speaker highlighted that such measures were a critical component of communication and international cooperation, but that they were often overlooked in the delivery of technical assistance. She noted that technical assistance in that area could have the added benefit of developing good relations among countries and that enhancing the capacity of central authorities would also improve cooperation among countries in corruption investigations. In concluding, she noted that her country relied on the findings of the implementation reviews to guide its support and technical assistance activities, and she raised a question regarding the frequency of use of the UNODC Mutual Legal Assistance Request Writer Tool in capacity-building.

73. In a follow-up comment, the panellist from North Macedonia noted that her country primarily relied on bilateral treaties and European Union conventions for mutual legal assistance requests. Her Government had used the Convention against Corruption as a legal basis in only very few instances. The templates established for mutual legal assistance requests were never used, which was an area requiring more attention. Subsequently, the panellist from the World Bank informed the Implementation Review Group that the StAR Initiative frequently used the Request Writer Tool as a starting point in its delivery of technical assistance on mutual legal assistance. A representative of the secretariat noted that the updated Request Writer Tool featured a more sophisticated interface, and he added that UNODC also worked with central authorities to improve the content and quality of requests.

74. In highlighting the role of customs authorities in the global supply chain and in asset recovery efforts, a speaker from the World Customs Organization described his organization’s capacity-building activities, which included corruption risk assessments, anti-corruption diagnostic missions, training on mechanisms for internal control and stakeholder engagement, and awareness-raising for serving customs officers.
VII. Other matters

75. The representative of Egypt briefed the Implementation Review Group on the preparations undertaken by her Government for the ninth session of the Conference of the States Parties to the Convention, to be held from 13 to 17 December 2021 in Sharm el-Sheikh, Egypt. She informed the Group that, despite the limitations arising from the COVID-19 pandemic, it would be possible for the Conference to be held in person. She emphasized that all applicable precautionary and safety measures would be strictly observed. In addition, she informed the Group that it would be possible for participants to take part in the Conference online in order to ensure that those who were not able to attend in person would still be able to participate in the deliberations, attend side events and follow the proceedings. The representative also informed the Group about relevant logistical and precautionary measures and about applicable entry regulations for delegates. She indicated that the Government of Egypt would organize another briefing on preparations for States parties. She concluded by expressing her country’s wish to work closely with all States parties throughout its presidency of the Conference in order to foster a multilateral approach in preventing and fighting corruption. Speakers expressed appreciation to the representative of Egypt for the briefing.

76. One speaker noted that, while the Conference had considered a record number of resolutions at its eighth session, many of them had been submitted at the last moment, which had resulted in logistical difficulties. He stressed that the establishment of a timeline for the submission of draft resolutions in advance of the sessions of the Conference would be in keeping with the experience of other Vienna-based bodies. In addition, he noted that the Bureau of the Conference should consider the matter and make a strong recommendation to that effect. He further noted that the Conference could adopt a decision on the matter at its ninth session. Support was expressed for those proposals.

77. The Secretary of the Conference informed the Group that the matter of the timeframe for the submission of draft resolutions would be considered by the Bureau of the Conference, bearing in mind the rules of procedure for the Conference. She expressed hope that the informal consultations on the draft resolutions would be concluded in Vienna, while noting that, should it be necessary, they could continue during the ninth session and that there would a possibility for remote participation in those consultations. In addition, in response to a question regarding the timetable for the meetings to be held during the Conference, the Secretary clarified that the meeting times would be in line with the usual practice.

VIII. Adoption of the report