



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

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Amman, 10-14 December 2006

## **Annotated provisional agenda and proposed organization of work**

### **Provisional agenda**

1. Organizational matters:
  - (a) Opening of the first session of the Conference of the States Parties to the United Nations Convention against Corruption;
  - (b) Election of officers;
  - (c) Adoption of the agenda and organization of work;
  - (d) Consideration and adoption of the rules of procedure for the Conference of the States Parties;
  - (e) Participation of observers;
  - (f) Adoption of the report of the bureau on credentials.
2. Consideration of ways and means to achieve the objectives of the Conference of the States Parties in accordance with article 63, paragraphs 1 and 4-7, of the United Nations Convention against Corruption.
3. Technical assistance.
4. Consideration of bribery of officials of public international organizations.
5. Consideration of notification requirements in accordance with the relevant articles of the Convention (art. 6, para. 3; art. 23, para. 2 (d); art. 44, para. 6 (a); art. 46, paras. 13 and 14; art. 55, para. 5; and art. 66, para. 4).
6. Other matters.
7. Provisional agenda for the second session of the Conference of the States Parties.
8. Adoption of the report of the Conference of the States Parties on its first session.



## **Annotations**

### **1. Organizational matters**

#### **(a) Opening of the first session of the Conference of the States Parties to the United Nations Convention against Corruption**

By its resolution 58/4 of 31 October 2003, the General Assembly adopted the United Nations Convention against Corruption, article 63 of which establishes a Conference of the States Parties to the Convention to improve the capacity of and cooperation between States parties to achieve the objectives set forth in the Convention and to promote and review its implementation. Article 63 of the Convention also provides that the Secretary-General shall convene the Conference of the States Parties not later than one year following the entry into force of the Convention.

The first session of the Conference of the States Parties to the United Nations Convention against Corruption will be convened on Sunday, 10 December 2006, at 10 a.m.

At the invitation of the Government of Jordan, the first session of the Conference of the States Parties will be held at the King Hussein Bin Talal Convention Center, located on the shores of the Dead Sea, near Amman.

#### **(b) Election of officers**

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

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

In accordance with standard practice established for conferences held away from United Nations Headquarters at the invitation of a Government, the office of the President is normally bestowed on a representative of the host Government. Should the Conference decide to follow this practice, the representative of Jordan would assume the position of President of the Conference. In that case, the position of the President would be allocated to the States Members of the United Nations that are members of the Group of Asian States.

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

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

Pursuant to the Economic and Social Council resolution 2006/24 of 27 July 2006, open-ended consultations were held in Vienna on 6 October 2006 to prepare for the Conference of the States Parties to the United Nations Convention against Corruption. The provisional agenda for the first session of the Conference of the States Parties has been prepared by the Secretariat pursuant to those consultations, as well as guidance provided by Member States on several occasions, including the work of the Group of the Friends of the United Nations Convention against Corruption, an informal group co-chaired by the ambassadors of Argentina and France.

The proposed organization of work (see annex) has been prepared pursuant to the recommendations made at those consultations and is intended to facilitate consideration of the items on the agenda within the time and in accordance with the resources available to the Conference of the States Parties.

The resources available to the Conference of the States Parties at its first session will permit the holding of two plenary meetings per day with simultaneous interpretation in the six official languages of the United Nations.

**(d) Consideration and adoption of the rules of procedure for the Conference of the States Parties**

In its resolution 58/4, the General Assembly decided that the Ad Hoc Committee for the Negotiation of a Convention against Corruption would complete its tasks arising from the negotiation of the Convention by holding a meeting well before the convening of the first session of the Conference of the States Parties to the Convention in order to prepare the draft text of the rules of procedure for the Conference and of other rules described in article 63 of the Convention, which would be submitted to the Conference at its first session for consideration.

At its eighth session, on 26 January 2006, the Ad Hoc Committee approved the draft rules of procedure and decided to submit them to the Conference of the States Parties to the United Nations Convention against Corruption for its consideration and action at its first session, in accordance with General Assembly resolution 58/4.

Pursuant to article 63, paragraph 3, of the Convention, the Conference of the States Parties shall adopt rules of procedure and rules governing the functioning of the activities set forth in paragraphs 4 and 5 of the article, including rules concerning the admission and participation of observers and the payment of expenses incurred in carrying out those activities.

**Documentation**

Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its eighth session, held in Vienna on 25 and 26 January 2006 (CAC/COP/2006/2 and Corr.1)

Draft rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption (CAC/COSP/2006/3)

**(e) Participation of observers**

Rule 14 of the draft rules of procedure for the Conference of the States Parties provides that, subject to prior written notification to the Secretary-General, any State or regional economic integration organization signatory to the Convention in accordance with its article 67, paragraphs 1 and 2, shall be entitled to participate as an observer in the Conference. Participation of such signatories shall entitle them to participate in the deliberative process of the Conference.

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

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

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

In order to ensure the smooth conduct of the first session and relying on the experience gained from the application of similar rules pertaining to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, the Secretariat has followed the procedure foreseen in rule 17 of the draft rules of procedure on the assumption that there would be no amendments to these rules prior to their adoption by the Conference at its first session.

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

Rule 19 of the draft rules of procedure provides that the bureau of any session shall examine the credentials and submit its report to the Conference. Rule 20 provides that, pending a decision of the bureau upon their credentials, representatives shall be entitled to participate provisionally in the session. Any representative of a State party to whose admission another State party has made objection shall be seated provisionally with the same rights as other representatives of States parties until the bureau has reported and the Conference has taken its decision.

**2. Consideration of ways and means to achieve the objectives of the Conference of the States Parties in accordance with article 63, paragraphs 1 and 4-7, of the United Nations Convention against Corruption**

In accordance with article 63 of the Convention, the Conference of the States Parties shall agree upon activities, procedures and methods of work for improving the capacity of and cooperation between States parties to achieve the objectives set forth in the Convention and to promote and review its implementation.

In considering this item, the Conference may wish to discuss the focus of its implementation review. The broad scope of the Convention may make it necessary for the Conference to focus on some provisions, or sets of provisions, possibly in determining a progressive approach to implementation over time. More specifically, the Conference may wish to consider the desirability and possibility of concentrating initially on a limited number of issues that are key to building a solid foundation for the fight against corruption and for international cooperation, and to deal as far as possible with cross-cutting topics in the framework of a chapter-by-chapter review of the Convention. In doing so, the Conference may wish to give due consideration to the interdependence of the different chapters of the Convention and the fact that they were designed to form an integral whole. In informal consultations, it has been suggested to consider the following provisions as the initial focus for reviewing implementation: in chapter I, article 6 on anti-corruption bodies and 9 on public procurement, and in chapter III, the five mandatory criminalization provisions (article 15 on bribery of national public officials; article 16, paragraph 1, on active bribery of foreign public officials and officials of public international organizations; article 17 on embezzlement, misappropriation or other diversion of property by a public official; article 23 on laundering of proceeds of crime; and article 25 on obstruction of justice). International cooperation was also recommended as an area for initial review, specifically with regard to mutual legal assistance and the relaxation of the dual criminality requirement for assistance involving non-coercive measures (contained in article 46, paragraph 9, of the Convention).

The Conference may wish to devote particular attention to asset recovery, in view of the innovative nature of the provisions of chapter V of the Convention. More specifically, the Conference may wish to take stock of existing initiatives in this area and focus attention on seeking the most workable ways of ensuring the convergence of such initiatives under the Convention, for the purpose of promoting its implementation. The Conference may also wish to explore how to support the establishment of a solid body of knowledge, as a matter of building capacity in this important area.

In accordance with article 63, paragraph 4 (b), and article 61 of the Convention, the Conference of the States Parties shall agree upon activities, procedures and methods of work for facilitating the exchange of information among States parties on patterns and trends in corruption and on successful practices for preventing and combating it and for the return of proceeds of crime, through, inter alia, the publication of relevant information, as well as consider ways to promote the collection, exchange and analysis of information on corruption. The Conference may wish to consider ways to promote the collection, exchange and analysis of information on the nature of corruption.

In accordance with article 63, paragraph 4 (c), of the Convention, the Conference of the States Parties shall agree upon activities, procedures and methods of work for cooperating with relevant international and regional organizations and mechanisms and non-governmental organizations. In considering those mechanisms, the Conference may wish to explore the most appropriate means to strengthen cooperation among States parties and between States parties and relevant international and regional organizations and non-governmental organizations.

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

In accordance with article 63, paragraph 6, of the Convention, each State party shall provide the Conference of the States Parties with information on its programmes, plans and practices, as well as on legislative and administrative measures to implement the Convention, as required by the Conference. The Conference shall examine the most effective way of receiving and acting upon information, including, inter alia, information received from States parties and from competent international organizations. Input received from relevant non-governmental organizations duly accredited in accordance with procedures to be decided upon by the Conference may also be considered. The Conference may wish to give consideration to the most appropriate means to obtain information required to discharge its review mandate in accordance with paragraphs 5 and 6 of article 63.

In accordance with article 63, paragraph 7, the Conference of the States Parties shall establish, if it deems it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention. The Conference may wish to consider the scope of regular review and the desirability of including in such review possible shortcomings and the technical assistance that might be needed to overcome them. The Conference may also wish to consider the periodicity of the review and the minimum data or information required.

### **Documentation**

Background paper prepared by the Secretariat on methods for the review of the implementation of the United Nations Convention against Corruption (CAC/COSP/2006/5)

Background paper prepared by the Secretariat on asset recovery (CAC/COSP/2006/6)

Note by the Secretariat on data collection and analysis (CAC/COSP/2006/7)

### **3. Technical assistance**

In accordance with article 63, paragraph 4 (a), of the Convention, the Conference of the States Parties shall agree upon activities, procedures and methods of work for facilitating activities by States parties under articles 60 and 62, including by encouraging the mobilization of voluntary contributions. In its consideration of those mechanisms, the Conference may wish to explore ways to strengthen technical cooperation, in accordance with the relevant provisions of the Convention.

In accordance with paragraph 4 (g) of article 63 of the Convention, the Conference of the States Parties shall agree upon activities, procedures and methods of work for taking note of the technical assistance requirements of States parties with regard to the implementation of the Convention and recommending any necessary action in that respect.

In line with suggestions made in informal consultations, the Conference may wish to identify specific needs for technical assistance, also building on the experience gained in project development in other areas. In view of the multitude of existing and planned anti-corruption initiatives of many development agencies, multilateral development banks, major multilateral donors and funding institutions, the Secretariat has encouraged the participation of heads of development agencies, as well as of the United Nations Development Programme and multilateral development banks at the Conference of the States Parties. The purpose of this initiative is to encourage those agencies to bring the Convention into the mainstream as the global framework of bilateral and multilateral efforts, both in terms of globally accepted state-of-the-art measures to fight corruption, but also as providing an effective set of measures to safeguard development assistance resources.

#### **Documentation**

Note by the Secretariat on technical assistance (CAC/COSP/2006/9)

#### **4. Consideration of bribery of officials of public international organizations**

The General Assembly, in its resolution 58/4, requested the Conference of the States Parties to address the criminalization of bribery of officials of public international organizations, including the United Nations, and related issues, taking into account questions of privileges and immunities, as well as of jurisdiction and the role of international organizations, by, inter alia, making recommendations regarding appropriate action in that regard.

#### **Documentation**

Note by the Secretariat on the question of bribery of officials of public international organizations (CAC/COSP/2006/8)

#### **5. Consideration of notification requirements in accordance with the relevant articles of the Convention (art. 6, para. 3; art. 23, para. 2 (d); art. 44, para. 6 (a); art. 46, paras. 13 and 14; art. 55, para. 5; and art. 66, para. 4)**

The Conference of the States Parties may wish to consider the most appropriate ways to ensure the availability of up-to-date information required in accordance with article 6, paragraph 3; article 23, paragraph 2 (d); article 44, paragraph 6 (a); article 46, paragraphs 13 and 14; article 55, paragraph 5; and article 66, paragraph 4, of the Convention.

#### **Documentation**

Note by the Secretariat on the status of ratification of the United Nations Convention against Corruption as at 10 November 2006 and notifications, declarations and reservations thereto (CAC/COSP/2006/4)

**6. Other matters**

In considering item 6 of the agenda, the Conference of the States Parties may wish to review progress made in the further promotion of the ratification of or accession to the Convention, in order to increase the number of parties and thus contribute to universal adherence to the instrument.

**7. Provisional agenda for the second session of the Conference of the States Parties**

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

**8. Adoption of the report of the Conference of the States Parties on its first session**

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



## Annex

**Proposed organization of work of the first session of the  
Conference of the States Parties to the United Nations  
Convention against Corruption, to be held in Amman from  
10 to 14 December 2006**

| <i>Date</i>            | <i>Time</i>                 | <i>Item</i> | <i>Title or description</i>   |
|------------------------|-----------------------------|-------------|---|
| Sunday, 10 December    | 10 a.m.-1 p.m.              | 1 (a)       | Opening of the session  |
|                        |                             | 1 (b)       | Election of officers  |
|                        |                             | 1 (c)       | Adoption of the agenda and organization of work   |
|                        |                             | 1 (d)       | Consideration and adoption of the rules of procedure for the Conference of the States Parties         |
|                        |                             | 1 (e)       | Participation of observers  |
|                        |                             | 1 (f)       | Adoption of the report of the bureau on credentials   |
|                        | 3-6 p.m.                    | 2           | Focus and most appropriate means of review of implementation  |
|                        |                             | 2           | Focus and most appropriate means of review of implementation ( <i>continued</i> )                     |
| Monday, 11 December    | 10 a.m.-1 p.m.              | 2           | Focus and most appropriate means of review of implementation ( <i>continued</i> )                     |
|                        | 3-6 p.m.                    | 2           | Focus and most appropriate means of review of implementation ( <i>continued</i> )                     |
|                        |                             | 2           | Exchange of information on patterns and trends in corruption  |
| Tuesday, 12 December   | 10 a.m.-1 p.m. and 3-6 p.m. | 2           | Asset recovery  |
| Wednesday, 13 December | 10 a.m.-1 p.m. and 3-6 p.m. | 3           | Technical assistance  |
| Thursday, 14 December  | 10 a.m.-1 p.m.              | 4           | Consideration of bribery of officials of public international organizations                           |
|                        |                             | 5           | Consideration of notification requirements in accordance with the relevant articles of the Convention |
|                        |                             | 6           | Other matters   |
|                        |                             | 2, 3 and 4  | Consideration and adoption of decisions   |
|                        | 3-6 p.m.                    | 7           | Provisional agenda for the second session of the Conference of the States Parties                     |
|                        |                             | 8           | Consideration and adoption of the report of the Conference of the States Parties on its first session |