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16 November 2006

English and French only

**Conference of the States Parties to the United Nations
Convention against Corruption**
First session
Amman, 10-14 December 2006

**Results of the informal consultations on the implementation
of the United Nations Convention against Corruption**

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Informal group of friends of the Merida Convention

Co-chairmen's note

The informal group of friends of the United Nations Convention against Corruption (as listed in the attached annex) held several brainstorming meetings to help prepare the first conference of States Parties to the Convention, which will be held in December 2006.

The aim of these meetings was to assist the Secretariat in the preparation of the annotated agenda of the Conference, which will last only five days, so that it should be able to start its work sessions swiftly and allow for rapid and efficient implementation of the Convention. All participants have underlined the importance of this instrument, which recently entered into force, as the first universal instrument on the fight against corruption.

The group was intent on not re-enacting the negotiating the Convention and on identifying pragmatically all priority issues to be dealt with by the Conference of States Parties, taking into account the experience gained from the conferences of the States Parties to the Palermo Convention.

While recognizing the interdependence of the different chapters of the Convention, the members of the group considered it preferable and workable to concentrate on a limited number of issues that are key to building a sound foundation, and to deal as far as possible with cross-cutting topics in the framework of a chapter by chapter review of the Convention.

Most of the time our discussions led to broad convergence of opinions on these questions, although on certain issues, opinions were clearly at variance. Nonetheless it was possible to identify consensus approaches to questions that the CSP could wish to deal with.

Consultations showed that the Conference's agenda could focus on the following issues:

Preventive measures

The importance of preventive measures in the general balance of the convention was recalled and the group recommends in particular reviewing the provisions of the Convention that are largely compulsory:

- Implementation of article 6 (preventive anti-corruption body or bodies);
- Implementation of article 9 (public procurement);
- Implementation of article 14 in relation with articles 52 and 58 (asset recovery).

Criminalization and law enforcement

The group underlined the priority nature of the issue of criminalization, which is at the core of the Convention. The CSP should therefore review the implementation by

State Parties of the five mandatory criminalization provisions (active bribery of national public officials, passive bribery of national public officials, active bribery of foreign public officials and officials of international organizations, embezzlement by a public official, laundering of the proceeds of crime).

Discussion on the implementation of innovative provisions of the Convention

International cooperation

Mutual legal assistance: this priority should be examined with a special focus on innovative provisions to be considered, including the provision of mutual legal assistance even in the absence of dual criminality (art. 46-9).

Asset recovery

The group examined the implications that chapter 5 could have on existing practices regarding asset recovery, especially taking into account article 57. The views of practitioners would be particularly helpful in reviewing this area and we should endeavour achieving the convergence of the different initiatives in this field under the aegis of the Conference.

Technical assistance and information exchange

Identify specific needs in the framework of the implementation mechanism (art. 63-4-g);

The Secretariat may wish to take into account its experience gained in project conception in other areas;

Possible Conference of donors and other technical assistance providers to be held before the 2nd CSP, with a view to coordinating technical assistance initiatives (art. 63-4-d).

Mechanisms for implementation

Scope of the regular review of States Parties implementation: it was stressed that the review for every State Party should relate to the implementation of the Convention, to possible shortcomings and to the technical assistance that might be needed.

Modalities of the regular review: the issue of the most appropriate periodicity was left open, as was that of the data needed to review implementation. Use of questionnaires alone was considered insufficient, other ideas were floated.

Review mechanism: two main options were identified; the establishment of an independent organ (such as INCB) or a peer review in the framework of the CSP.

Lastly, the first Conference could draw up a work programme to prepare the Second CSP to be held in 2007.

Annex

Informal Group of Friends of the Merida Convention

Argentina

Austria

China

Egypt

France

Japan

Jordan

Mexico

Netherlands

Nigeria

Norway

Pakistan

Peru

Poland

Russian Federation

South Africa

United Kingdom of Great Britain and Northern Ireland

United States of America
