



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

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## Report of the Conference of the States Parties to the United Nations Convention against Corruption on its first session, held in Amman from 10 to 14 December 2006

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# I. Resolutions and decisions adopted by the Conference of the States Parties to the United Nations Convention against Corruption

## A. Resolutions

1. At its first session, held in Amman from 10 to 14 December 2006, the Conference of the States Parties to the United Nations Convention against Corruption adopted the following resolutions:

### **Resolution 1/1 Review of implementation**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Recalling* article 63 of the United Nations Convention against Corruption, especially paragraph 7, according to which the Conference shall establish, if it deems it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention,

*Convinced* that effective and efficient review of the implementation of the Convention in accordance with article 63 is of paramount importance and urgent,

*Bearing in mind* that the review of the implementation of the Convention is an ongoing and gradual process,

1. *Agrees* that it is necessary to establish an appropriate and effective mechanism to assist in the review of the implementation of the United Nations Convention against Corruption;

2. *Decides* to establish, within existing resources, an open-ended intergovernmental expert working group to make recommendations to the Conference of the States Parties at its second session on the appropriate mechanisms or bodies for reviewing the implementation of the Convention and on the terms of reference of such mechanisms or bodies;

3. *Underlines* that any such review mechanism should:

(a) Be transparent, efficient, non-intrusive, inclusive and impartial;

(b) Not produce any form of ranking;

(c) Provide opportunities to share good practices and challenges;

(d) Complement existing international and regional review mechanisms in order that the Conference of the States Parties may, as appropriate, cooperate with them and avoid duplication of effort;

4. *Requests* the United Nations Office on Drugs and Crime, in the interim and subject to the availability of voluntary contributions, to assist parties, upon request, in their efforts to collect and provide information on their self-assessment and their analysis of implementation efforts and to report on those efforts to the Conference of the States Parties at its second session;

5. *Requests* the Secretariat, within existing resources, to assist the working group in the performance of its functions, including by providing interpretation services.

#### **Resolution 1/2**

### **Information-gathering mechanism on the implementation of the United Nations Convention against Corruption**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Recognizing* the importance of gathering information on the implementation of the United Nations Convention against Corruption,

1. *Decides* that a self-assessment checklist shall be used as a tool to facilitate the provision of information on implementation of the United Nations Convention against Corruption prior to the second session of the Conference of the States Parties;

2. *Requests* the Secretariat to finalize a self-assessment checklist no later than two months after the conclusion of the first session of the Conference of the States Parties, using as a model the draft self-assessment checklist contained in document CAC/COSP/2006/L.3, in consultation with and reflecting input from States parties and signatories;

3. *Also requests* the Secretariat to distribute the self-assessment checklist to States parties and signatories as soon as possible to begin the process of information-gathering;

4. *Urges* States parties, and invites signatories, to complete and return the checklist to the Secretariat within the deadline identified by the Secretariat;

5. *Requests* the Secretariat, within existing resources, to collate and analyse information provided by States parties and signatories through the self-assessment checklist or other means and to share this information and analysis with the Conference of the States Parties at its second session and with the relevant open-ended intergovernmental working groups established by the Conference;

6. *Agrees* that the present resolution is not intended to prejudge the work of any open-ended working group created by the Conference of the States Parties or to form the exclusive basis for information to be considered by any such group in the performance of its functions.

**Resolution 1/3****Appeal to States parties and invitation to signatories to the United Nations Convention against Corruption to adapt their legislation and regulations**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Recognizing* that adaptation of the domestic legal systems of the States parties to the United Nations Convention against Corruption to meet the obligations contained in the Convention is essential to the implementation of the Convention and without prejudice to the importance of other criminalization and mandatory provisions in the Convention,

1. *Appeals* to the States parties to the United Nations Convention against Corruption, if they have not yet done so, to adapt their legislation and regulations, in accordance with article 65 of the Convention, in order to comply with the obligation to establish as criminal offences the acts described in the Convention in article 15 (Bribery of national public officials), article 16 (Bribery of foreign public officials and officials of public international organizations), paragraph 1, article 17 (Embezzlement, misappropriation or other diversion of property by a public official), article 23 (Laundering of proceeds of crime) and article 25 (Obstruction of justice);

2. *Requests* States to submit to the Conference of the States Parties, at the second session information describing the completion or state of progress of their work, pursuant to article 63, paragraphs 5 and 6, of the Convention within the self-assessment checklist used in accordance with resolution 1/2;

3. *Invites* the States signatories to the United Nations Convention against Corruption to adapt their legislation and regulations in accordance with paragraph 1 above.

**Resolution 1/4****Establishment of an intergovernmental working group on asset recovery**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Bearing in mind* that the return of assets is one of the main objectives and also a fundamental principle of the United Nations Convention against Corruption and that States parties to the Convention are obligated to afford one another the widest measures of cooperation and assistance in that regard,

*Stressing* the importance for the States parties, whose national authorities are called upon to cooperate more closely in the implementation of the Convention, of exchanging information on the experiences they have gained and the solutions they have adopted at the national level with a view to tracing financial flows linked to corruption, seizing assets derived from corruption and returning such assets,

1. *Decides* to establish an interim open-ended intergovernmental working group, in accordance with article 63, paragraph 4, of the United Nations Convention against Corruption and rule 2, paragraph 2, of the rules of procedure for the Conference of the States Parties, to advise and assist the Conference in the implementation of its mandate on the return of proceeds of corruption;
2. *Also decides* that the working group shall perform the following functions:
  - (a) Assisting the Conference of the States Parties in developing cumulative knowledge in the area of asset recovery, especially on the implementation of articles 52-58 of the Convention, such as through mechanisms for locating, freezing, seizing, confiscating and returning the instruments and proceeds of corruption, in particular, the provisions of article 57;
  - (b) Assisting the Conference of the States Parties in encouraging cooperation among relevant existing bilateral and multilateral initiatives and to contribute to the implementation of the related provisions of the Convention under the guidance of the Conference of the States Parties;
  - (c) Facilitating exchange of information among States by identifying and disseminating among States good practices to be followed to strengthen, both at the national level and in the framework of mutual legal assistance in criminal matters, efforts to prevent and combat corruption and facilitate the return of the proceeds of corruption;
  - (d) Building confidence and encouraging cooperation between requesting and requested States by bringing together relevant competent authorities and anti-corruption bodies and practitioners involved in asset recovery and the fight against corruption and by serving as a forum for them;
  - (e) Facilitating the exchange of ideas among States on the expeditious return of assets, including ideas on plans for providing legal and technical expertise that requesting States need in order to follow international legal procedures for asset recovery;
  - (f) Assisting the Conference of the States Parties in identifying the capacity-building needs, including long-term needs, of States parties in the prevention and detection of transfers of proceeds of corruption and income or benefits derived from such proceeds and in asset recovery;
3. *Further decides* that the working group shall meet during the sessions of the Conference of the States Parties and, as appropriate, shall hold at least one intersessional meeting within existing resources;
4. *Invites* States parties and signatories to ensure that they are represented in the open-ended intergovernmental working group by central and, as appropriate, local authorities and other government experts;
5. *Requests* the United Nations Office on Drugs and Crime to consider innovative solutions to help States to build their capacity to prepare and respond to requests for mutual legal assistance in the area of asset recovery;
6. *Decides* that the working group shall submit reports on all its activities to the Conference of the States Parties;

7. *Requests* the Secretariat, within existing resources, to assist the working group in the performance of its functions, including by providing interpretation services.

### **Resolution 1/5** **Technical assistance**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Bearing in mind* that matters relating to technical assistance should be addressed primarily by the Conference of the States Parties,

1. *Decides* to establish an interim open-ended intergovernmental working group, in accordance with article 63, paragraph 4, of the United Nations Convention against Corruption, and rule 2, paragraph 2, of the rules of procedure of the Conference of the States Parties, to advise and assist the Conference in the implementation of its mandate on technical assistance;

2. *Also decides* that the working group shall perform the following functions:

(a) Review the needs for technical assistance in order to assist the Conference of the States Parties on the basis of the information provided by States to the Conference;

(b) Provide guidance on priorities, based on programmes approved by the Conference of the States Parties and its directives;

(c) Consider information gathered through the self-assessment checklist approved by the Conference of the States Parties;

(d) Consider information, as appropriate and readily available and in the areas covered by the Convention, on technical assistance activities of the Secretariat and States, including successful practices, as well as on projects and priorities of States, other entities of the United Nations system and international organizations;

(e) Promote the coordination of technical assistance in order to avoid duplication;

3. *Requests* the Secretariat, on the basis of guidance provided by the Conference of the States Parties and its working group, to develop project proposals to address the needs identified, taking into consideration equitable geographical distribution and different legal systems, as appropriate;

4. *Decides* that the working group shall meet during the sessions of the Conference of the States Parties and as appropriate and, utilizing existing resources, shall hold at least one intersessional meeting;

5. *Also decides* that the working group shall submit reports on its activities to the Conference of the States Parties;

6. *Requests* the Secretariat to assist the working group in the performance of its functions.

**Resolution 1/6**  
**International cooperation workshop on technical assistance for the implementation of the United Nations Convention against Corruption**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Recognizing* the need to mobilize support from the international community for the effective implementation of the United Nations Convention against Corruption,

1. *Acknowledges* that the implementation of the United Nations Convention against Corruption and the fight against corruption are among the essential elements of sustainable development;
2. *Calls upon* multilateral and bilateral donors to provide resources for the provision of technical assistance to facilitate the effective implementation of the Convention;
3. *Reminds* all parties involved in such technical assistance of the need to coordinate efforts and align them with the needs and priorities of requesting States;
4. *Recommends* that a workshop of relevant practitioners and experts, including from multilateral and bilateral donor agencies and recipient countries, be held within the next six months, bringing together, inter alia, development and legal expertise related to anti-corruption policies, the main purpose of the workshop being to contribute to mutual understanding among experts in this field, discussing, inter alia, issues related to best practices and coordination;
5. *Requests* the Secretariat, in close collaboration with interested parties and subject to the availability of extrabudgetary resources, to facilitate the organization of the workshop.

**Resolution 1/7**  
**Consideration of bribery of officials of public international organizations**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Recalling* General Assembly resolution 58/4 of 31 October 2003, in which the Assembly requested it 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,

*Recalling also* article 16 of the United Nations Convention against Corruption, in paragraph 1 of which States parties are obliged to adopt legislative and other measures to establish as a criminal offence the active bribery of officials of public international organizations, and in paragraph 2 of which States parties are requested



to consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance, directly or indirectly, of an undue advantage by an official of a public international organization,

1. *Requests* the United Nations Office on Drugs and Crime, within existing resources, to invite relevant public international organizations to participate with States parties in an open-ended dialogue on the issues of privileges and immunities, jurisdiction and the role of international organizations and to report to the Conference of the States Parties at its second session on efforts to address the concerns of the General Assembly expressed in its resolution 58/4 of 31 October 2003;

2. *Encourages* States parties that have not already done so, when appropriate and consistent with their principles of jurisdiction, to criminalize the offences contained in article 16 of the United Nations Convention against Corruption;

3. *Affirms* the commitment of the States parties to the United Nations Convention against Corruption, including in their capacity as States members of public international organizations, to align the financial and other public integrity rules of the public international organizations to which they belong to the principles set forth in the Convention, and affirms the agreement of the parties to the Convention to use, when appropriate, their voices in those international organizations in which they participate to achieve that end;

4. *Commends* the United Nations Office on Drugs and Crime for encouraging international organizations to follow the principles of the United Nations Convention against Corruption.

#### **Resolution 1/8**

#### **Best practices in the fight against corruption**

*The Conference of the States Parties to the United Nations Convention against Corruption,*

*Bearing in mind* the importance of promoting and sharing best practices and the provisions of article 61, paragraph 2, of the United Nations Convention against Corruption,

1. *Decides* to hold, during its second session, a meeting on best practices in the fight against corruption, in which selected programmes of States shall be presented and discussed;

2. *Decides* to invite States to make proposals regarding best practices on an aspect of the United Nations Convention against Corruption that may be considered a priority;

3. *Decides* that non-governmental organizations with observer status may also be invited to suggest one case involving best practices;

4. *Also decides* that the Secretariat, in consultation with the bureau of the Conference of the States Parties, shall select up to four of those cases to be

discussed during the meeting and that each of the States responsible for the selected programmes shall be invited to make a presentation during the meeting;

5. *Further decides* that the Secretariat, subject to the availability of extrabudgetary resources, shall make available, after the second session of the Conference of the States Parties, a booklet with a summary of the best practices discussed in the meeting.

## **B. Decisions**

2. At its first session, the Conference of the States Parties adopted the following decision:

### **Decision 1/1**

#### **Venue for the second session of the Conference of the States Parties to the United Nations Convention against Corruption**

The Conference of the States Parties to the United Nations Convention against Corruption, recalling General Assembly resolution 47/202 A of 22 December 1992, on the pattern of conferences, taking into consideration rule 3, paragraph 2, and rule 6 of the rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption, and welcoming the offer by the Government of Indonesia to act as host to the second session of the Conference of the States Parties to the United Nations Convention against Corruption in 2007, decided that its second session would be held in Indonesia in 2007.

## **II. Introduction**

3. In its resolution 58/4 of 31 October 2003, the General Assembly adopted the United Nations Convention against Corruption. The Convention entered into force on 14 December 2005.

4. Article 63, paragraph 1, of the Convention established the Conference of the States Parties to the United Nations Convention against Corruption to improve the capacity of and cooperation between States parties to achieve the objectives set forth in the Convention and to promote and review its implementation. Pursuant to article 63, paragraph 2, of the Convention, the Secretary-General convened the Conference of the States Parties not later than one year following the entry into force of the Convention.

## **III. Organization of the session**

### **A. Opening of the session**

5. The Conference of the States Parties to the United Nations Convention against Corruption held its first session in Amman from 10 to 14 December 2006 under the patronage of King Abdullah II of Jordan. Ten meetings were held during the session.

6. Prior to the opening of the first session of the Conference, on 10 December, by the Prime Minister of Jordan, the Minister of State for Prime Ministry Affairs made introductory remarks in his capacity as Acting Chairman of the Ad Hoc Committee for the Negotiation of a Convention against Corruption.

7. In the opening statement delivered on behalf of King Abdullah II of Jordan, the Prime Minister underlined his country's desire to join the global fight against corruption and other transnational crimes. He stressed the need to address those issues on a multilateral basis in order to strengthen international cooperation to fight corruption, which undermined sustainable development and hindered foreign investment. In that respect, the Prime Minister acknowledged that the United Nations Convention against Corruption provided a legal framework for combating corruption. He noted that the Government of Jordan had striven to do so by adopting relevant anti-corruption legislation and establishing an independent body to oversee its implementation. The Prime Minister also referred to regional activities and the adoption of a plan of action.

8. The Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC) delivered a statement on behalf of the Secretary-General. The Secretary-General urged the delegates of the Conference to adopt an inclusive approach and seek the broadest and most effective measures to implement the Convention. He also called on States that had not yet done so to ratify or accede to the Convention.

9. The Director-General of the United Nations Office at Vienna and Executive Director of UNODC addressed the Conference. He pointed out that the first session of the Conference was taking place at a crucial time when anti-corruption efforts were gaining momentum. He called on delegates to seize the opportunity to broaden the global fight against corruption and stressed the need for a political decision to set the direction for the development of an effective, mutually supportive, impartial and pragmatic mechanism for reviewing the implementation of the Convention. The Executive Director noted that the success of the Convention depended on both individual and collective compliance. In that regard, he underlined the importance of providing technical assistance to help close gaps, whether at the national or the international level. He welcomed the progress made in the establishment of anti-corruption authorities and stressed the need for all States to continue those efforts. He pointed to the innovative provisions of the Convention, particularly those on asset recovery, and to the importance of exchanging information and expertise on such matters. He called on all States to take a political decision at the first session of the Conference in order to increase the capacity of States to prevent the diversion of assets and to help victims of corruption to recover their assets. The Executive Director concluded that the Convention belonged to everyone and recalled that all actors of society and government must be involved in combating corruption.

## **B. Election of officers**

10. At its 1st meeting, on 10 December, the Conference of the States Parties elected by acclamation Sharif Zu'bi, Minister of Justice of Jordan, as President of the Conference.

11. At the same meeting, the following three Vice-Presidents and Rapporteur were elected by acclamation:

*Vice-Presidents:* Eugenio María Curia (Argentina)  
François-Xavier Deniau (France)  
Dominika Krois (Poland)

*Rapporteur:* Olawale Maiyegun (Nigeria)

### **C. Adoption of the agenda and organization of work**

12. At its 1st meeting, on 10 December 2006, the Conference of the States Parties adopted the following agenda for its first session:

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.

## **D. Consideration and adoption of the rules of procedure for the Conference of the States Parties**

13. At its 1st meeting, on 10 December, the Conference of the States Parties considered the draft rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption (CAC/COSP/2006/3), which had been recommended for consideration and action by the Ad Hoc Committee on the Negotiation of a Convention against Corruption at its eighth session (CAC/COSP/2006/2 and Corr.1).

14. At its 5th meeting, on 12 December, the Conference of the States Parties decided to introduce an amendment to rule 17, paragraph 3 (b), of the draft rules of procedure, replacing the words “other input” with the words “written reports” so that it would state that non-governmental organizations may, “upon the invitation of the President and subject to the approval of the Conference, make oral statements or provide written reports at such meetings through a limited number of representatives on questions relating to their activities”. The Conference decided that the amendment would not create an obligation for the Secretariat to translate reports submitted by non-governmental organizations into the official languages of the United Nations and that the clarification would be reflected in a footnote to the final version of rule 17 of the rules of procedure.

15. At the same meeting, the Conference adopted the rules of procedure as amended.

## **E. Participation**

16. The following States parties to the Convention were represented at the first session of the Conference of the States Parties: Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Belarus, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Chile, China, Croatia, Dominican Republic, Egypt, El Salvador, Finland, France, Guatemala, Hungary, Indonesia, Jordan, Kenya, Latvia, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mexico, Mongolia, Montenegro, Namibia, Netherlands, Nicaragua, Nigeria, Norway, Paraguay, Peru, Philippines, Poland, Romania, Russian Federation, Serbia, Slovakia, South Africa, Spain, Trinidad and Tobago, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Yemen.

17. The following States signatories to the Convention were represented by observers: Belgium, Brunei Darussalam, Canada, Czech Republic, Denmark, Germany, Greece, Guinea, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kuwait, Liechtenstein, Lithuania, Malaysia, Morocco, Pakistan, Portugal, Republic of Korea, Saudi Arabia, Singapore, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Ukraine, Venezuela (Bolivarian Republic of) and Zimbabwe.

18. The European Community, a regional economic integration organization that is a signatory to the Convention, was represented at the session.

19. The following observer States were also represented: Bangladesh, Iraq and Oman.

20. The following 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 were represented by observers: Department of Safety and Security, United Nations Office on Drugs and Crime, Office of the United Nations High Commissioner for Human Rights, Global Compact Office, Economic Commission for Africa, United Nations Development Programme, Subcommission on the Promotion and Protection of Human Rights, United Nations Interregional Crime and Justice Research Institute, Food and Agriculture Organization of the United Nations, World Health Organization, World Bank and International Monetary Fund.

21. The following intergovernmental organizations were represented by observers: African Development Bank, Commonwealth Secretariat, Council of Arab Ministers of the Interior, Council of Europe, Council of the European Union, Customs Cooperation Council (also called the World Customs Organization), Interpol, League of Arab States, Organization for Economic Cooperation and Development and Organization of the Islamic Conference.

22. The following other international organizations were represented by observers: Global Organization of Parliamentarians against Corruption and International Association of Anti-Corruption Authorities.

23. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: Caritas Internationalis (International Confederation of Catholic Charities), Christian Aid, Commonwealth Human Rights Initiative, Interfaith International, International Chamber of Commerce, Islamic Relief, Open Society Institute, Oxfam Great Britain, Public Services International, Transparency International and World Economic Forum.

24. In accordance with rule 17 of the rules of procedure, the secretariat circulated a list of relevant non-governmental organizations not having consultative status with the Economic and Social Council that had applied for observer status. No objections to that list were received. The following other non-governmental organizations were represented by observers: Al-Noor Universal Foundation, Arab Thought Forum, Asociación Civil por Igualdad y la Justicia, Center for Transparency and Accountability in Liberia, Center for the Implementation of Public Policies Promoting Equality and Growth, Center for the Rule of Law, Centre for European Constitutional Law, Dóchas, Gender and Development Action, Global Witness, Human Rights Trust of Southern Africa, ICTAC, Indonesia Corruption Watch, Inter-Regional Civil Society Movement against Corruption, International Center on Nonviolent Conflict, International Centre for Asset Recovery, Iraqi Center for Transparency and Anti-Corruption, Korean Pact on Anti-Corruption and Transparency, Luta Hamutuk (Timor-Leste Institute for Research, Advocacy and Campaigns), Manchester Metropolitan University, Partnership for Governance Reform, Transnational Crime and Corruption Center, Transparency and Accountability Network, U4 Utstein Anti-Corruption Resource Centre, UNICORN, Zero-Corruption Coalition and Zorig Foundation.

## **F. Adoption of the report of the bureau on credentials**

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

26. The secretariat informed the bureau that, for the first session of the Conference of the States Parties, it was difficult to insist on the submission of credentials in accordance with rule 19 of the rules of procedure since, at the time of the preparations for the first session, the rules of procedure had not yet been adopted. The bureau decided to advise the Conference to that effect and to accept written communications submitted to the secretariat by States parties and observers containing the names of the members of those States' delegations as being sufficient for the first session of the Conference. It was understood that that arrangement would not constitute a precedent for future sessions of the Conference, at which the submission of credentials of representatives of each State party would be done in accordance with rule 19 of the rules of procedure. The bureau also reported to the Conference that it had examined the written communications and found them to be in order.

27. The Conference of the States Parties adopted the report of the bureau on credentials at its 10th meeting, on 14 December 2006.

## **G. Documentation**

28. At its first session, the Conference of the States Parties had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by Governments (CAC/COSP/2006/L.2, CAC/COSP/2006/L.19 and CAC/COSP/2006/L.21). A list of documents is contained in annex I to the present report.

## **H. Side events organized on the occasion of the first session of the Conference**

29. On the occasion of the first session of the Conference of the States Parties to the United Nations Convention against Corruption, three forums were held as side events bringing together representatives of civil society and the private sector, anti-corruption authorities and parliamentarians. The forums were organized with a view to providing a platform for various stakeholders to express their expectations to Governments, as well as to clarify their own role, in the effective implementation of the United Nations Convention against Corruption.

30. The Civil Society and Private Sector Forum, held on 11 December 2006 and co-organized by UNODC, the Global Compact Office, the International Chamber of Commerce, the World Economic Forum, Transparency International and UNICORN, was attended by representatives of a dozen major international corporations, as well

as 45 non-governmental organizations from 29 countries, who came together under the umbrella of the Coalition of the Civil Society Friends against Corruption. The Forum culminated in the adoption of the Declaration of the Coalition of the Civil Society Friends against Corruption and the declaration of the business community, spelling out what their respective constituencies considered to be key objectives for the successful implementation of the United Nations Convention against Corruption. The declarations were brought to the attention of the Conference at its 5th meeting, on 12 December 2006.

31. The Forum for Anti-Corruption Authorities, held on 12 December 2006 and co-organized by UNODC and the International Association of Anti-Corruption Authorities, was attended by representatives of anti-corruption bodies, as well as anti-corruption practitioners from more than 28 countries. The conclusions and recommendations of the Forum for Anti-Corruption Authorities were brought to the attention of the Conference at its 7th meeting, on 13 December 2006.

32. The Forum for Parliamentarians, held on 13 December 2006 and co-organized by UNODC, the Global Organization of Parliamentarians against Corruption and the Arab Region Parliamentarians against Corruption, was attended by members of parliament from more than 15 countries. The Forum concluded with the adoption of the Declaration of the Forum of Parliamentarians, which was brought to the attention of the Conference at its 9th meeting, on 14 December 2006.

33. The declarations of the forums will be made available on the UNODC website ([http://www.unodc.org/unodc/corruption\\_side\\_events\\_conference.html](http://www.unodc.org/unodc/corruption_side_events_conference.html)).

#### **IV. 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**

34. At its 1st to 5th meetings, from 10 to 12 December, the Conference of the States Parties considered agenda item 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". The Conference had before it the following documents:

(a) Background paper prepared by the Secretariat on methods for the review of the implementation of the Convention (CAC/COSP/2006/5 and Corr.1);

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

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

##### **A. General considerations**

35. The representative of Finland spoke on behalf of the States Members of the United Nations that are members of the European Union. The acceding countries



Bulgaria and Romania; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia; and the European Free Trade Association country Norway, member of the European Economic Area, as well as Moldova and Ukraine, associated themselves with the statement. The representative of Finland noted that, in addition to the many States members of the European Union, candidate countries and countries of the Stabilization and Association Process, the European Community was also in the process of ratifying the Convention. She emphasized that the challenge for the Conference was to breathe life into the words of the Convention by working towards its successful implementation. She noted that the first session of the Conference should lay the groundwork for ensuring that the most effective and efficient mechanisms were put in place to achieve that aim. The focus should be placed, in particular, on developing means for the review of implementation, strengthening technical assistance, facilitating asset recovery and ensuring the comprehensive participation of civil society and the engagement of the private sector in the prevention and control of corruption. Governments should involve all sectors of society to give their efforts the necessary strength and reach.

36. The representative of Morocco (speaking on behalf of the States Members of the United Nations that are members of the Group of African States) attached great importance to ensuring the success of the Conference, not only because Africa was the region with the largest number of parties to the Convention but also because of the continent's commitment to facing the major challenges posed by corruption and its negative impact on national economies, democracy and political stability. He noted that the Group of African States attached particular importance to three main issues: mechanisms for reviewing implementation of the Convention, asset recovery and the provision of technical assistance.

37. Many speakers noted that no State could fight corruption alone, without the assistance and cooperation of the international community. It was hoped that the Conference would bear fruitful results and bring new optimism in the concerted efforts to fight corruption.

38. Speakers emphasized their commitment to the goals and objectives of the Convention and the Conference. Most speakers highlighted the heavy toll that corruption exacted on a nation's social, political and economic well-being. Noting the negative effects that corruption had on good governance and the rule of law at the global level, speakers recognized the Convention as a comprehensive and coherent global instrument for tackling the global scourge of corruption.

39. Several speakers reported on the progress made in the process of ratification, and some gave specific time frames within which the process would be concluded.

40. Most speakers noted the national laws, measures and initiatives that their Governments had put in place to implement the Convention. Some reported on the successful prosecution of high-profile corruption cases and on cases of international cooperation. It was noted that many countries had established independent anti-corruption bodies and had put in place anti-corruption strategies and action plans. Representatives reported on a wide range of innovative initiatives at the national and regional levels to prevent and combat corruption, and several speakers stressed the need to promote a general culture of anti-corruption. Such initiatives

included legislative developments and reforms to criminalize acts of corruption and to widen the scope of existing legislation to include further acts, categories of individuals and regulated fields. Several initiatives specifically addressed public officials through proposed codes of conduct and ethics and measures to prevent high-level corruption. States had established legal regimes aimed at ensuring the independence of the judiciary. Many speakers highlighted efforts to increase awareness of the phenomenon of corruption through educational programmes in schools and media campaigns. One speaker placed particular emphasis on his country's efforts to mark International Anti-Corruption Day on 9 December each year. Speakers also reported on innovative private sector initiatives.

## **B. Review of implementation**

41. The representative of Finland, speaking on behalf of the European Union, expressed the willingness of the European Union to support the principle of establishing an effective, well-focused review mechanism. In that context, she stressed the importance of cooperating closely with international and regional organizations. She emphasized that the European Union expected the first session of the Conference to agree on the necessity of a review mechanism.

42. The representative of Morocco (speaking on behalf of the States Members of the United Nations that are members of the Group of African States) expressed the view that the review mechanism to be established by the Conference should be an ongoing process and that it should adopt a gradual approach. He noted that the mechanism should be effective, efficient, transparent and non-intrusive and must have predictable funding. He said that the Conference should consider the use of self-assessment reports, with a checklist of issues approved by the Conference to be used as an instrument for gathering information on compliance with and implementation of the Convention.

43. Speakers referred to the Convention as a new paradigm and phenomenon in international law. One speaker proposed the establishment of an open-ended working group to make recommendations on the establishment of a strong and credible review mechanism, to be considered by the Conference at its second session; he suggested that, as an interim objective, a combination of national reports and self-assessments could be used as the basis for a reporting mechanism for the next session of the Conference.

44. A number of speakers emphasized that it was essential to decide on the establishment of a realistic, effective and well-focused review mechanism to translate the principles of the Convention into practice. That would enable the Conference to identify difficulties encountered and good practices in the efforts of States parties to implement the Convention.

45. Some speakers noted that an overly complex and resource-intensive review mechanism should be avoided. Other speakers emphasized that the mechanism needed to be impartial, transparent, non-intrusive, participatory and equitable. The procedure for reviewing implementation of the Convention should be non-adversarial, non-political and forward-looking. In that connection, it was noted that it was imperative to establish mechanisms to monitor compliance with obligations

under the Convention in a manner consistent with the principle of the sovereignty of States.

46. Some speakers noted that there was a need to take into consideration the differing capacities and legal systems of States parties. Many speakers highlighted the close link between technical assistance and implementation review, emphasizing that the two went hand in hand. The review mechanism to be established should be aimed at enabling States parties to identify gaps in their legislative frameworks and to close those gaps, if necessary through requests for assistance from other States parties or the Secretariat.

47. The view was expressed by some speakers that a plenary review was the most appropriate mechanism to analyse and review the information obtained. Others suggested that the review could be conducted by an independent or expert review mechanism. It was noted that, if the Conference decided to establish a group of experts, care should be given to the composition of the group, taking into account the principle of equitable geographical distribution. The establishment of a committee of experts with the function of examining compliance issues and making recommendations to the Conference was one of the proposals made. One speaker noted his country's readiness to support the most ambitious form of review mechanism.

48. Some speakers noted that the Conference needed to set realistic goals. Taking into account the breadth of the Convention and the universality of its scope, some speakers emphasized that it was important for the mechanism to proceed gradually and to be selective in its content. They cautioned against hasty decisions. They expressed the view that it might be premature to establish an independent body or expert peer review mechanism at the current stage.

49. Some speakers noted that there was a need to strike a balance between the review mechanism on the one hand and financial and human resources on the other. Many emphasized the need for the review mechanism to have predictable and sustained funding.

50. Many representatives expressed their countries' readiness to support an initial review mechanism on a smaller scale and on an interim basis, the effectiveness and efficiency of which would be subsequently evaluated. The representatives of Argentina, Bolivia, Dominican Republic, Lesotho, Mexico and Peru, as well as the Minister of Justice of Jordan, indicated the readiness of their countries to take part in a pilot review process.

51. Several representatives made reference to regional and subregional instruments to which their States were parties, such as the African Union Convention on Preventing and Combating Corruption, the Inter-American Convention against Corruption (E/1996/99), the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions,<sup>1</sup> the Criminal Law Convention on Corruption,<sup>2</sup> the Civil Law Convention on Corruption<sup>3</sup> and the Southern African Development Community Protocol against Corruption and their

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<sup>1</sup> *Corruption and Integrity Improvement Initiatives in Developing Countries* (United Nations publication, Sales No. E.98.III.B.18).

<sup>2</sup> Council of Europe, *European Treaty Series*, No. 173.

<sup>3</sup> *Ibid.*, No. 174.

participation in the respective review mechanisms established for those instruments, such as the Group of States against Corruption, and the Organization for Economic Cooperation and Development (OECD) Working Group on Bribery in International Business Transactions. Many speakers emphasized the need for the Conference to work closely with existing review bodies, to promote coordination, complementarities and synergy and to avoid duplication wherever possible.

52. Speakers noted the need to identify priorities for reviewing implementation of the Convention. While some speakers expressed a preference for focusing the initial review on a limited number of selected provisions, especially the mandatory provisions, others emphasized that the review needed to be comprehensive.

53. One speaker suggested that one way to use limited resources efficiently was to have an intergovernmental, expert-oriented and issue-based agenda for the second session of the Conference of the States Parties, including working groups. Another speaker suggested that country statements be made while the expert working groups were being held and that the work of the Conference be action-oriented. In that regard, it was suggested that UNODC keep a register of States that had not complied with requests for international cooperation in corruption cases, as well as a list of private sector actors whose activities were contrary to the provisions of the Convention.

54. The representative of Indonesia announced that his Government was offering to act as host of the second session of the Conference, in 2007. The offer was welcomed by many representatives.

### **C. Information on patterns and trends in corruption**

55. There was general agreement that, to do its work, the Conference needed to be in a position to gather information on the implementation of the designated areas of priority.

56. With respect to the ways of gathering information, most speakers supported a process that would combine a self-assessment with a checklist to guide States. Some speakers noted that the checklist should be simple and brief. Some speakers emphasized the need for civil society to participate in the review process.

57. One speaker noted that the information gathered by the Secretariat should be aimed at facilitating the ratification and implementation of the Convention rather than at developing a world corruption report equivalent to the *World Drug Report*. Some speakers noted the important role that non-governmental organizations could play in providing and analysing information on trends in corruption.

58. It was also noted that the collection, analysis and exchange of information were crucial in responding to the increasingly international character of crime. Studying trends in corruption and related government responses could result in the international community being provided with a set of good practices to be followed in preventing and curbing corruption.

## D. Asset recovery

59. The President introduced the issue of asset recovery by noting the practical problems involved. He proposed that the Conference take stock of existing mechanisms for asset recovery and create a solid body of knowledge on that new and important subject.

60. The representative of Finland, speaking on behalf of the European Union, recognized the specific provisions on the recovery of assets as one of the achievements of the Convention. She noted the readiness of the European Union to support proposals on methods to facilitate asset recovery.

61. The representative of Morocco, speaking on behalf of the Group of African States, underscored the fact that States parties recognized that, for the successful return of assets, they all needed to afford one another the widest measure of cooperation and assistance.

62. Speakers agreed that asset recovery was one of the priority areas of the Convention that deserved due consideration by the Conference, without upsetting the delicate balance on which the Convention was based. Speakers emphasized that asset recovery needed to be placed high on the agenda of the Conference. To give due consideration to that unique and critical part of the Convention, the Conference needed to decide on special initiatives that would facilitate implementation and cooperation in that area.

63. It was noted that the focus should be on strengthening the political will among States parties to cooperate in the area of asset recovery. Special efforts needed to be made to overcome legal obstacles between requesting and requested States in order to close loopholes caused by discrepancies in legal systems, which criminals might take advantage of. It was also noted that the prevention and control of money-laundering should be emphasized.

64. It was stated that cooperation between States in the recovery of assets would enable the Convention to have a greater impact on persons engaging in corruption and erode the potential benefits of corrupt behaviour. Effective asset recovery would help countries to redress the worst effects of corruption, while sending a strong message to corrupt officials that there was no place to hide their illicit gains.

65. Many speakers elaborated on their national laws providing for the seizure, freezing and confiscation of assets. Some noted the recent adoption of legislation providing for, inter alia, broader investigative powers for law enforcement personnel and prosecutors and the possibility of accessing bank accounts. Some referred to regulations for the early detection of suspicious transactions. Most speakers stressed the importance of international cooperation in efforts to recover stolen assets. It was noted that consideration should be given to discrepancies between the legal systems of developing and developed countries. It was pointed out that cooperation was often hindered by differing standards of proof and the requisite conditions for granting requests for mutual legal assistance. One speaker stated that even if there was no treaty on mutual legal assistance between his State and the requesting State, the competent national authorities could still proceed on the basis of reciprocity, and they had done so, through diplomatic channels.

66. Some speakers referred to ongoing national and international initiatives, including the asset recovery initiative of the Group of Eight, the Lausanne intergovernmental process and cooperation with Interpol. They underlined the need to assess and build on existing mechanisms and efforts in the area of asset recovery and to discuss how to coordinate those efforts.

67. Some speakers expressed their States' readiness to cooperate with other States to ensure that the required measures were taken to return assets to their country of origin. It was recognized that States could find themselves requesting stolen assets to be returned just as easily as they could find themselves being requested to return stolen assets stored in their banks.

68. Some speakers emphasized the need for the Conference to encourage States to make effective use of legal measures for the tracing, seizure, freezing and confiscation of stolen assets. It was noted that States should be encouraged to allow for civil forfeiture and non-conviction-based forfeiture.

69. Some speakers, noting that corruption must be addressed in a holistic manner, called upon the Conference to agree on ways to intensify and strengthen international cooperation, especially in the area of asset recovery. One representative suggested conducting a comprehensive study on the current implementation of the asset recovery provisions of the Convention.

70. Several speakers proposed that the Conference should gather information on whether States parties had taken the necessary steps to adopt legislation and other measures that would allow for direct recovery of stolen property through international cooperation. One speaker proposed that States should broaden the channels for returning proceeds of corruption, including on the basis of a mechanism based on mutual trust between law enforcement agencies, through periodic contact, high-level visits and joint discussions.

71. Speakers supported the establishment of a knowledge-based body under the Conference to provide it with the required expertise in asset recovery. Some representatives were of the view that what was more important than the structure and composition of the body was the fact that the body needed to be specialized, objective, credible and impartial. During the discussion on the form that such a body should have, some speakers supported the idea of establishing a committee of experts, while others preferred to establish an open-ended non-governmental working group on asset recovery. One proposal involved the creation of an open-ended intergovernmental group of experts to collect and analyse good practices and submit a report to the Conference at its second session. The use of computer-based tools to exchange and disseminate technical information was also proposed.

72. Some speakers reported on successful cases of asset recovery and the steps taken in their countries to ensure the return of stolen property to the country of origin. It was noted that, with the exception of those cases, experiences and good practices in that area were lacking. One speaker noted that there was no common denominator in cases of grand corruption where illicitly acquired assets were returned to the countries of origin; he stressed that one of the unique achievements of the Convention was its holistic and integrated approach, addressing, in a single instrument, the prevention of corruption, the freezing of assets, international cooperation and asset recovery.

73. Many speakers welcomed the efforts made, including by UNODC, to provide to countries guidance and assistance in developing tools in the area of asset recovery. It was noted that technical assistance, particularly in the form of capacity-building and training, should be a key priority in the area of asset recovery.

74. One speaker emphasized that finding ways to implement the asset recovery provisions of the Convention depended on effective international cooperation in order to ensure that there was no safe haven for offenders wishing to hide their illicit assets.

75. Some speakers welcomed the proposal to establish a voluntary trust fund for providing technical assistance and building capacity in the area of asset recovery, in order to help requesting States acquire the necessary international legal expertise. Other speakers expressed reservations concerning the proposal, since it appeared to include conditionalities, such as the requirement of a guarantee that recovered assets would be used for appropriate public objectives, which was against the principle of the sovereignty of States.

76. The observer for OECD stressed his organization's readiness to cooperate and coordinate efforts, building on the monitoring experience of the OECD Working Group on Bribery. The observer for the League of Arab States underlined the need to strengthen international and regional cooperation to combat corruption and noted the cooperation with the Council of Arab Ministers of the Interior and the Council of Arab Ministers of Justice. The observer for the Organization of the Islamic Conference highlighted its long-standing relations with UNODC and pointed out that the Convention had been ratified by a large number of its member States. The observer for the Office of the United Nations High Commissioner for Human Rights underlined the fact that government efforts to fight corruption were assisted by and contributed to human rights protection. He invited States parties to pay special attention to the provisions of the Convention promoting participation, transparency and accountability as anti-corruption techniques.

77. At the invitation of the President and with the approval of the Conference, the observers for the following non-governmental organizations delivered statements: the International Chamber of Commerce (also speaking on behalf of the World Economic Forum, the International Federation of Consulting Engineers and the Global Compact); Transparency International; UNICORN; Global Witness; the Commonwealth Human Rights Initiative; Oxfam International; Caritas Internationalis (International Confederation of Catholic Charities); the Arab Thought Forum; and Manchester Metropolitan University. The observer for the Civil Society Friends of the United Nations Convention against Corruption delivered a statement on behalf of the organizations that had participated in the forum for civil society and the private sector. Speakers called for the establishment of an effective and efficient monitoring programme financed by the regular budget of the United Nations and supported by a well-resourced secretariat, which would allow room for the participation of civil society. Speakers recalled the need to protect whistleblowers, to safeguard the public's right to have access to information, to ensure asset recovery and to provide technical assistance where needed. One speaker commended the Group of African States on its strong stance against corruption and suggested broader options for the proposed self-assessments.

78. The outcome of the relevant discussions that had been held in informal consultations was brought to the attention of the Conference in the form of draft resolutions.

#### **Action taken by the Conference**

79. At its 9th meeting, on 14 December 2006, the Secretary of the Conference made an oral statement in connection with the financial implications of the revised draft resolutions entitled “Review of implementation” (CAC/COSP/2006/L.13/Rev.1), and “Establishment of an intergovernmental working group on asset recovery” (CAC/COSP/2006/L.15/Rev.1). (For the text of the oral statement, see annexes II and III to the present report.)

80. At the same meeting, the Conference adopted the revised draft resolution entitled “Review of implementation” (CAC/COSP/2006/L.13/Rev.1). (For the text, see chap I, sect. A, resolution 1/1.) It was understood that the Secretariat would make available to the intergovernmental working group established pursuant to the resolution the report referred to in paragraph 4 of the resolution.

81. At the same meeting, the Conference adopted the revised draft resolution entitled “Establishment of an intergovernmental working group on asset recovery” (CAC/COSP/2006/L.15/Rev.1). (For the text, see chap. I, resolution 1/4.)

82. At its 10th meeting, on 14 December, the Conference adopted a revised draft resolution entitled “Information-gathering mechanism on the implementation of the United Nations Convention against Corruption” (CAC/COSP/2006/L.17/Rev.1). (For the text, see chap. I, sect. A, resolution 1/2.)

83. At the same meeting, the Conference adopted a revised draft resolution entitled “Appeal to States parties and invitation to signatories to the United Nations Convention against Corruption to adapt their legislation and regulations” (CAC/COSP/2006/6). (For the text, see chap. I, sect. A, resolution 1/3.)

## **V. Technical assistance**

84. At its 7th meeting, on 13 December, the Conference of the States Parties considered agenda item 3, “Technical assistance”. The Conference had before it a note by the Secretariat on technical assistance (CAC/COSP/2006/9).

85. The meeting was chaired by one of the Vice-Presidents of the Conference of the States Parties, who, in her introductory remarks, stated that technical assistance had been made a key component of the United Nations Convention against Corruption and a strong link had been established between technical assistance and implementation of the Convention. She highlighted the importance of proper coordination and expressed the hope that ultimately, assistance providers would bring the provisions of the Convention into the mainstream of their anti-corruption and governance programmes, as the Convention should be the universal framework for action against corruption.

86. The representative of Finland, speaking on behalf of the European Union, noted the need for States parties to make concrete efforts, to the extent possible and in cooperation with each other, to provide technical assistance to developing



countries and countries with economies in transition to assist them in meeting their needs for the implementation of the Convention. She emphasized that the States members of the European Union were prepared to support mechanisms by which such technical assistance could be funded, administered, implemented and assessed, avoiding overlaps and duplication with planned, ongoing and concluded financial assistance programmes. She noted that the European Union stressed that the requirements for technical assistance should be based on specific assessments of needs undertaken in the first instance by the requesting State.

87. The representative of Morocco, speaking on behalf of the Group of African States, noted the cross-cutting nature of technical assistance. He stated that providing technical assistance was a *sine qua non* for the effective and efficient implementation of the Convention. Therefore, the Group of African States proposed the establishment of an open-ended working group on technical assistance as a subsidiary body of the Conference.

88. Many speakers expressed strong support for the establishment of an open-ended working group as a matter of priority. The group could meet during the intersessional period and advise and guide the Conference in identifying technical assistance priorities; reviewing needs for technical assistance; and facilitating the mobilization of resources, thus assisting the Conference in realizing its technical assistance mandate.

89. Speakers highlighted that technical assistance was a cross-cutting issue and was crucial for building the capacity of States to implement all chapters of the Convention and thus to fulfil their treaty obligations. Several States stated that technical assistance needed to be intensified to ensure that States had the capacity to implement the innovative provisions of the Convention, including those on prevention, criminalization and asset recovery.

90. While several speakers underscored the need to link technical assistance to the review of the implementation of the Convention, some expressed the view that compliance with the Convention should not be a prerequisite for technical assistance and that no conditions should be attached to the provision of assistance. Basic principles for providing technical assistance should be mutual benefit, respect for diversity and effectiveness. It should respect national sovereignty and contain a system of effective performance evaluation to ensure that it met the expected results. Non-governmental organizations and multinational corporations should take an active role in relevant assistance programmes.

91. More efforts needed be made to assist States in building their national capacities to prevent and fight corruption, with special attention being paid to technical and financial assistance to developing countries and countries with economies in transition. Speakers agreed that providing technical assistance to countries in need was a critical element of concerted international efforts against corruption. It should be preceded by an assessment of the existing capacities, as well as shortcomings and needs, in the requesting States.

92. As regarded priority areas for technical assistance, it was suggested that model laws on specific aspects of the Convention, in particular on the establishment of anti-corruption authorities and asset recovery, be prepared. Further proposals included assistance in developing anti-corruption strategies and policies, specialized training programmes, awareness-raising campaigns and programmes aimed at

involving of the private sector and civil society. Technical assistance in the area of international cooperation needed to be intensified as a matter of priority, including in the areas of joint investigations, mutual legal assistance and extradition.

93. Some speakers expressed support for the establishment of a specific UNODC anti-corruption legal assistance programme. Another concrete suggestion was to introduce subregional, regional and international meetings and symposiums in developing countries and countries with economies in transition to promote cooperation, networking and information exchange.

94. One speaker noted the nexus between anti-corruption efforts and official development assistance. He reported on the efforts made in his country to ensure that official development assistance was utilized optimally, including through a multisectoral initiative that fostered public-private involvement and consultations in anti-corruption programmes that incorporated a performance-based tracking system with clear and measurable targets.

95. Speakers made reference to their ongoing bilateral assistance programmes and assistance provided by other national, regional and international organizations and institutions, such as the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the United Nations Development Programme, the Economic Cooperation Organization, the German Agency for Technical Cooperation, the International Centre for Asset Recovery, the Japan International Cooperation Agency, the Norwegian Agency for Development Cooperation, OECD, the Swiss Agency for Development and Cooperation and the Organization of the Islamic Conference, as well as the work done by multilateral development banks.

96. Speakers expressed their satisfaction with ongoing UNODC assistance programmes, including the organization of regional conferences for promoting and supporting ratification, study tours, judicial integrity programmes, capacity-building programmes to strengthen government efforts on economic and financial crimes and mentor programmes.

97. Speakers noted that the Conference was a unique opportunity to inform donors and energize them to make significant contributions to the implementation of the Convention. The Conference needed to think creatively and propose realistic and useful initiatives to attract voluntary contributions.

98. It was emphasized by many speakers that technical assistance needed to be properly coordinated to avoid duplication, which could result in a waste of valuable resources. Speakers recalled the Paris Declaration on Aid Effectiveness and the OECD principles for donor action in anti-corruption. Those instruments presented a sound basis for developing a road map towards coordination and coherency in technical assistance activities.

99. In that context, several speakers expressed strong support for a conference aimed at coordinating technical assistance, to be held in advance of the next session of the Conference of the States Parties. Other proposals included the setting up of a database for donor coordination.

100. The Forum for Anti-Corruption Authorities, jointly organized by the International Association of Anti-Corruption Authorities and UNODC, presented a statement containing draft conclusions and recommendations to the Conference of the States Parties. It urged Governments to undertake the speedy ratification of or

accession to the Convention and to ensure its effective implementation. The statement underscored the need for capacity-building and legal advisory services for the implementation of the Convention, in particular to support anti-corruption authorities. In that respect, the statement called on States to take the necessary measures for such authorities to contribute effectively to preventing and fighting corruption by endowing them with independence, adequate resources and training.

101. The outcome of the relevant discussions that had been held in informal consultations was brought to the attention of the Conference in the form of draft decisions.

#### **Action taken by the Conference**

102. At its 10th meeting, on 14 December 2006, the Secretary of the Conference referred to the oral statement made in connection with the financial implications of the revised draft resolution entitled “Technical assistance” (CAC/COSP/2006/L.8/Rev.1). (For the text of the oral statement, see annex IV to the present report.) At the same meeting, the Conference adopted the revised draft resolution. (For the text, see chap. I, sect. A, resolution 1/5.)

103. At the same meeting, the Conference adopted a revised draft resolution entitled “International cooperation workshop on technical assistance for the implementation of the United Nations Convention against Corruption” (CAC/COSP/2006/L.19). (For the text, see chap. I, sect. A, resolution 1/6.)

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

104. At its 7th meeting, on 13 December, the Conference of the States Parties considered agenda item 4, “Consideration of bribery of officials of public international organizations”. The Conference had before it a note by the Secretariat on the question of bribery of officials of public international organizations (CAC/COSP/2006/8).

105. In her introductory remarks, one of the the Vice-Presidents noted that the issue had been referred to informal consultations. One speaker addressed the meeting, noting that the Conference had been requested by the General Assembly to consider the issue of passive bribery of officials of public international organizations. He pointed out that several States had already criminalized that offence and urged all of them to do so. He also noted that the question of criminalization in domestic law was distinct from that of privileges and immunities of such officials, and recommended that public international organizations should waive the immunity of their officials in certain situations.

106. The outcome of the relevant discussions that had been held in informal consultations was brought to the attention of the Conference in the form of a draft resolution.

**Action taken by the Conference**

107. At its 10th meeting, on 14 December 2006, the Conference adopted a revised draft resolution entitled “Consideration of bribery of officials of public international organizations” (CAC/COSP/2006/L.18). (For the text, see chap I, sect. A, resolution 1/7.) After adoption of the resolution, the representative of France stated that his Government welcomed the consensus reached in making a first step on that important issue. In order to promote clarity in the debate to come, he recalled his Government’s position that the question of criminalization of passive bribery of foreign public officials under domestic law was legally distinct from that of the immunities bestowed upon officials of public international organizations. The representative of Norway associated herself with that statement.

**VII. 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)**

108. At its 9th meeting, on 14 December 2006, the Conference of the States Parties considered agenda item 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 had before it a 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). The note provided information on the notifications submitted to the Secretary-General in accordance with the relevant provisions of the Convention. Declarations and reservations made by States parties at the time of signature, ratification, acceptance, approval or accession were also included.

**VIII. Other matters**

109. At its 10th meeting, on 14 December 2006, the Conference adopted a draft decision entitled “Venue for the second session of the Conference of the States Parties to the United Nations Convention against Corruption” (CAC/COSP/2006/L.21). (For the text, see chap. I, sect. B, decision 1/1.)

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

110. At its 10th meeting, on 14 December 2006, the Conference of the States Parties approved the draft provisional agenda and proposed organization of work for its second session (CAC/COSP/2006/L.20), on the understanding that the provisional agenda and proposed organization of work would be finalized by the Secretariat in accordance with the rules of procedure of the Conference. (For the provisional agenda, see annex V to the present report.)

111. At the same meeting, the Conference adopted a revised draft resolution entitled “Best practices in the fight against corruption” (CAC/COSP/2006/L.14/Rev.1). (For the text, see chap. I, sect. A, resolution 1/8.)

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

112. At its 10th meeting, on 14 December 2006, the Conference of the States Parties adopted the report on its first session (CAC/COSP/2006/L.1 and Add.1-3).

## Annex I

## List of documents before the Conference of the States Parties at its first session

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2006/1	Annotated provisional agenda and proposed organization of work
CAC/COSP/2006/2 and Corr.1	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/COSP/2006/3	Draft rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption
CAC/COSP/2006/4	Status of ratification of the United Nations Convention against Corruption as at 10 November 2006 and notifications, declarations and reservations thereto: note by the Secretariat
CAC/COSP/2006/5 and Corr.1	Methods for the review of the implementation of the United Nations Convention against Corruption: background paper prepared by the Secretariat
CAC/COSP/2006/6	Asset recovery: background paper prepared by the Secretariat
CAC/COSP/2006/7	Data collection and analysis: note by the Secretariat
CAC/COSP/2006/8	The question of bribery of officials of public international organizations: note by the Secretariat
CAC/COSP/2006/9	Technical assistance: note by the Secretariat
CAC/COSP/2006/10	Note verbale dated 28 November 2006 from the Permanent Mission of China to the United Nations (Vienna) addressed to the United Nations Office on Drugs and Crime
CAC/COSP/2006/11	Note verbale dated 7 December 2006 from the Permanent Mission of Guatemala to the United Nations (Vienna) addressed to the United Nations Office on Drugs and Crime
CAC/COSP/2006/L.1 and Add.1-3	Draft report
CAC/COSP/2006/L.2	Netherlands: draft decision on asset recovery
CAC/COSP/2006/L.3	United States of America: proposal on a draft self-assessment checklist
CAC/COSP/2006/L.4	France: draft decision on the establishment of an intergovernmental group of experts on asset recovery
CAC/COSP/2006/L.5	France: draft decision on the organization of a conference on the financing of technical assistance
CAC/COSP/2006/L.6	France: draft decision on an appeal to States Parties to the United Nations Convention against Corruption to adapt their legislation and regulations
CAC/COSP/2006/L.7	Nigeria: draft decision on the establishment of a working group on asset recovery

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2006/L.8/Rev.1	Nigeria: revised draft decision on technical assistance
CAC/COSP/2006/L.9	Netherlands: position paper on the review of the implementation of the United Nations Convention against Corruption
CAC/COSP/2006/L.10	Argentina: position paper on the central aspects of the United Nations Convention against Corruption to be discussed by the Conference of the States Parties
CAC/COSP/2006/L.11	United Kingdom of Great Britain and Northern Ireland: background paper on mechanisms for review of the implementation of the United Nations Convention against Corruption
CAC/COSP/2006/L.12	France: draft decision on the establishment of a legal assistance programme especially dedicated to combating corruption
CAC/COSP/2006/L.13/Rev.1	Revised draft decision on the review of implementation
CAC/COSP/2006/L.14/Rev.1	Argentina and Brazil: revised draft decision on best practices in the fight against corruption
CAC/COSP/2006/L.15/Rev.1	France and Nigeria: revised draft decision on the establishment of an interim intergovernmental working group on asset recovery
CAC/COSP/2006/L.16	France and Norway: draft decision on a recommendation on bribery of officials of public international organizations
CAC/COSP/2006/L.17/Rev.1	United States of America: revised draft decision on the information-gathering mechanism on the implementation of the United Nations Convention against Corruption
CAC/COSP/2006/L.18	France, Norway and United States of America: draft decision on the consideration of bribery of officials of public international organizations
CAC/COSP/2006/L.19	Finland, France, Netherlands and Norway: draft decision on international cooperation on technical assistance related to the follow-up of the United Nations Convention against Corruption
CAC/COSP/2006/L.20	Draft provisional agenda for the second session of the Conference of the States Parties to the United Nations Convention against Corruption
CAC/COSP/2006/L.21	Indonesia: draft decision on the venue for the second session of the Conference of the States Parties to the United Nations Convention against Corruption
CAC/COSP/2006/INF/1 and Corr.1	Information for participants
CAC/COSP/2006/INF/2/Rev.1	Revised list of participants
CAC/COSP/2006/CRP.1	Results of the informal consultations on the implementation of the United Nations Convention against Corruption
CAC/COSP/2006/CRP.2	Results of the informal consultations on the implementation of the United Nations Convention against Corruption held in Lisbon from 22 to 24 March 2006 and in Buenos Aires from 30 October to 1 November 2006

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2006/CRP.3	Message from the Working Group on Bribery in International Business Transactions of the Organization for Economic Cooperation and Development
CAC/COSP/2006/CRP.4	Communication adopted by the Group of States against Corruption of the Council of Europe on 8 December 2006 on the review of implementation of the United Nations Convention against Corruption in view of the first session of the Conference of the States Parties to the United Nations Convention against Corruption
CAC/COSP/2006/CRP.5	Efforts to facilitate asset recovery: position paper submitted by Indonesia
CAC/COSP/2006/CRP.6	Civil Society and Private Sector Forum, Forum for Anti-Corruption Activities and Forum for Parliamentarians: side events held on the occasion of the first session of the Conference of the States Parties to the United Nations Convention against Corruption



## Annex II

### **Financial implications of the draft resolution entitled “Review of implementation”\***

1. The present statement was made in accordance with rule 153 of the rules of procedure of the General Assembly and rule 75 of the rules of procedure of the Conference of the States Parties to the United Nations Convention against Corruption.

2. In the second operative paragraph of the draft resolution entitled “Review of implementation”, the Conference of the States Parties to the United Nations Convention against Corruption would decide to establish an open-ended intergovernmental working group.

3. By its resolution 60/247 A of 23 December 2005, the General Assembly approved regular budget resources totalling \$31,527,800 under section 16 (International drug control, crime prevention and criminal justice) of the programme budget for the biennium 2006-2007. The Assembly approved, under subprogramme 2 (Services for policy-making and treaty adherence) of section 16, substantive servicing of the Conference of the States Parties to the United Nations Convention against Corruption for a total of 40 meetings for the biennium 2006-2007 (A/60/16 (Sect. 16), para. 16.40 (a)(viii) a). Should the Conference of the States Parties decide to hold the open-ended intersessional, intergovernmental working group in 2007 within the total number of meetings already programmed for the biennium 2006-2007, no additional conference servicing resources would be required. Hence, based on this assumption, the adoption of the draft resolution would not entail any additional appropriation for the biennium 2006-2007.

4. Should the Conference of the States Parties decide to convene the open-ended intergovernmental working group during the biennium 2008-2009, resource requirements would be considered in the context of established budgetary procedures.

5. The attention of the Conference of the States Parties was drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Conference of the States Parties was also drawn to paragraph 67 of the first report to the Advisory Committee on the proposed programme budget for the biennium 2000-2001<sup>a</sup> which indicated that the use of the phrase “within existing resources” or similar language in resolutions had a negative impact on the implementation of activities; therefore efforts should be made to avoid the use of that phrase in resolutions and decisions.

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\* For the text of the resolution, which originally appeared under the symbol CAC/COSP/2006/L.13/Rev.1, see chapter I, section A, resolution 1/1.

<sup>a</sup> *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 7 (A/54/7).*

### Annex III

#### **Financial implications of the draft resolution entitled “Establishment of an intergovernmental working group on asset recovery”\***

1. The present statement was made in accordance with rule 153 of the rules of procedure of the General Assembly and rule 75 of the rules of procedure of the Conference of the States Parties to the United Nations Convention against Corruption.
2. In the first operative paragraph of the draft resolution entitled “Establishment of an intergovernmental working group on asset recovery”, the Conference of the States Parties to the United Nations Convention against Corruption would decide to establish an open-ended intergovernmental working group.
3. By its resolution 60/247 A of 23 December 2005, the General Assembly approved regular budget resources totalling \$31,527,800 under section 16 (International drug control, crime prevention and criminal justice) of the programme budget for the biennium 2006-2007. The Assembly approved, under subprogramme 2 (Services for policy-making and treaty adherence) of section 16, substantive servicing of the Conference of the States Parties to the United Nations Convention against Corruption for a total of 40 meetings for the biennium 2006-2007 (A/60/16 (Sect. 16), para. 16.40 (a)(viii) a). Should the Conference of the States Parties decide to hold the open-ended intersessional, intergovernmental working group in 2007 within the total number of meetings already programmed for the biennium 2006-2007, no additional conference servicing resources would be required. Hence, based on this assumption, the adoption of the draft resolution would not entail any additional appropriation for the biennium 2006-2007.
4. Should the Conference of the States Parties decide to convene the open-ended intergovernmental working group during the biennium 2008-2009, resource requirements would be considered in the context of established budgetary procedures.
5. The attention of the Conference of the States Parties was drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Conference of the States Parties was also drawn to paragraph 67 of the first report to the Advisory Committee on the proposed programme budget for the biennium 2000-2001<sup>a</sup> which indicated that the use of the phrase “within existing resources” or similar language in resolutions had a negative impact on the implementation of activities; therefore efforts should be made to avoid the use of that phrase in resolutions and decisions.

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\* For the text of the resolution, which originally appeared under the symbol CAC/COSP/2006/L.13/Rev.1, see chapter I, section A, resolution 1/4.

<sup>a</sup> *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 7 (A/54/7).*

## Annex IV

### **Financial implications of the draft resolution entitled “Technical assistance”\***

1. The present statement was made in accordance with rule 153 of the rules of procedure of the General Assembly and rule 75 of the rules of procedure of the Conference of the States Parties to the United Nations Convention against Corruption.
2. In the first operative paragraph of the draft resolution entitled “Technical assistance”, the Conference of the States Parties to the United Nations Convention against Corruption would decide to establish an open-ended intergovernmental working group.
3. By its resolution 60/247 A of 23 December 2005, the General Assembly approved regular budget resources totalling \$31,527,800 under section 16 (International drug control, crime prevention and criminal justice) of the programme budget for the biennium 2006-2007. The Assembly approved, under subprogramme 2 (Services for policy-making and treaty adherence) of section 16, substantive servicing of the Conference of the States Parties to the United Nations Convention against Corruption for a total of 40 meetings for the biennium 2006-2007 (A/60/16 (Sect. 16), para. 16.40 (a)(viii) a). Should the Conference of the States Parties decide to hold the open-ended intersessional, intergovernmental working group in 2007 within the total number of meetings already programmed for the biennium 2006-2007, no additional conference servicing resources would be required. Hence, based on this assumption, the adoption of the draft resolution would not entail any additional appropriation for the biennium 2006-2007.
4. Should the Conference of the States Parties decide to convene the open-ended intergovernmental working group during the biennium 2008-2009, resource requirements would be considered in the context of established budgetary procedures.
5. The attention of the Conference of the States Parties was drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters; and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions. The attention of the Conference of the States Parties was also drawn to paragraph 67 of the first report to the Advisory Committee on the proposed programme budget for the biennium 2000-2001<sup>a</sup> which indicated that the use of the phrase “within existing resources” or similar language in resolutions had a negative impact on the implementation of activities; therefore efforts should be made to avoid the use of that phrase in resolutions and decisions.

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\* For the text of the resolution, which originally appeared under the symbol CAC/COSP/2006/L.13/Rev.1, see chapter I, section A, resolution 1/5.

<sup>a</sup> *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 7 (A/54/7)*.

## Annex V

### **Provisional agenda for the second session of the Conference of the States Parties to the United Nations Convention against Corruption**

1. Organizational matters:
    - (a) Opening of the second 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) Participation of observers;
    - (e) Adoption of the report of the bureau on credentials;
    - (f) General discussion.
  2. Review of the implementation of the United Nations Convention against Corruption:
    - (a) Working group on the review of the implementation of the United Nations Convention against Corruption;
    - (b) Expert consultation on the prevention of corruption;
    - (c) Expert consultation on criminalization;
    - (d) Expert consultation on international cooperation.
  3. Asset recovery.
  4. Technical assistance.
  5. Consideration of bribery of officials of public international organizations.
  6. Other matters.
  7. Provisional agenda for the third session of the Conference of the States Parties.
  8. Adoption of the report of the Conference of the States Parties on its second session.
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