



General Assembly

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Ad Hoc Committee for the Negotiation of a Convention against Corruption

First session
Vienna, 21 January-1 February 2002

Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Opening of the first session of the Ad Hoc Committee.
2. Election of officers.
3. Adoption of the agenda and organization of work.
4. Consideration of the draft United Nations Convention against Corruption.
5. Adoption of the report of the Ad Hoc Committee on its first session.

Annotations

1. Opening of the first session of the Ad Hoc Committee

In its resolution 55/61 of 4 December 2000, the General Assembly recognized that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime (Assembly resolution 55/25, annex I), was desirable; decided to begin the elaboration of such an instrument in Vienna at the headquarters of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention; and also decided to establish an ad hoc committee for the negotiation of such an instrument to start its work in Vienna as soon as the draft terms of reference for such negotiation were adopted.

Pursuant to resolution 55/61, the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption met in Vienna from 30 July to 3 August 2001. The Intergovernmental Open-Ended Expert Group recommended to the General Assembly at its fifty-sixth session, through the Commission on Crime Prevention

and Criminal Justice at its resumed tenth session and the Economic and Social Council, the adoption of a draft resolution outlining the terms of reference for the negotiation of a United Nations convention against corruption. At its resumed tenth session, held in Vienna on 6 and 7 September 2001, the Commission on Crime Prevention and Criminal Justice approved the report of the Intergovernmental Open-Ended Expert Group and the draft resolution contained therein and decided to transmit the report and the draft resolution through the Council to the Assembly for consideration and adoption, as appropriate. Subsequently, the Council recommended to the Assembly the adoption of the draft resolution. In accordance with the draft resolution, the Assembly would accept with gratitude the offer of the Government of Argentina to host an informal preparatory meeting of the ad hoc committee established pursuant to resolution 55/61, prior to its first session.

The Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption was held in Buenos Aires from 4 to 7 December 2001.

The first session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption will be convened on Monday, 21 January 2002, at 10 a.m.

2. Election of officers

In accordance with the draft resolution recommended by the Intergovernmental Open-Ended Expert Group for adoption by the General Assembly, through the Commission on Crime Prevention and the Economic and Social Council, the Assembly would decide that the bureau of the Ad Hoc Committee would be elected by the Committee itself and would consist of two representatives from each of the five regional groups.

Accordingly, the Ad Hoc Committee may wish to elect a chairman, eight vice-chairmen and a rapporteur.

Based on previous practice and taking into account General Assembly decision 33/417 of 14 December 1978, on the organization of the work of United Nations bodies, it is urged that the regional groups start their consultations on the nomination of candidates to fill the elective offices well in advance of the beginning of the session, with a view to agreeing on a slate of candidates that is equal to the number of offices to be filled, thus allowing all officers of the Ad Hoc Committee to be elected by acclamation and dispensing with the requirement of a secret ballot.

3. Adoption of the agenda and organization of work

The provisional agenda of the first session of the Ad Hoc Committee was prepared in accordance with the pertinent General Assembly resolutions and the outcome of the Informal Preparatory Meeting of the Ad Hoc Committee, held in Buenos Aires in December 2001.

The resources available to the Ad Hoc Committee at its first session will permit the holding of two meetings per day with simultaneous interpretation in the official languages of the United Nations.

The proposed organization of work contained in the annex is intended to facilitate consideration of the agenda items within the time and in accordance with the conference services available.

4. Consideration of the draft United Nations Convention against Corruption

In its resolution 55/61, the General Assembly requested the Secretary-General to prepare a report analysing all relevant international instruments, other documents and recommendations addressing corruption and to submit it to the Commission on Crime Prevention and Criminal Justice; and requested the Commission, at its tenth session, to review and assess the report of the Secretary-General and, on that basis, to provide recommendations and guidance as to future work on the development of a legal instrument against corruption.

In its resolution 55/188 of 20 December 2000, the General Assembly reiterated its request to the Secretary-General, as contained in resolution 55/61, to convene an intergovernmental open-ended expert group to examine and prepare draft terms of reference for the negotiation of the future legal instrument against corruption, and invited the expert group to examine the question of illegally transferred funds and the return of such funds to the countries of origin.

On the recommendation of the Commission on Crime Prevention and Criminal Justice at its tenth session, the Economic and Social Council adopted resolution 2001/13 of 24 July 2001, entitled "Strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, derived from acts of corruption, including the laundering of funds, and in returning such funds", in which it requested the Intergovernmental Open-Ended Expert Group to consider, within the context of its mandates, the following issues, *inter alia*, as possible items of work to be included in the draft terms of reference for the negotiation of a future legal instrument against corruption: (a) strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, including the laundering of funds derived from acts of corruption, and promoting ways and means of enabling the return of such funds; (b) developing the measures necessary to ensure that those working in banking systems and other financial institutions contributed to the prevention of the transfer of funds of illicit origin derived from acts of corruption, for example, by recording transactions in a transparent manner, and to facilitate the return of those funds; (c) defining funds derived from acts of corruption as proceeds of crime and establishing that an act of corruption might be a predicate offence in relation to money-laundering; and (d) establishing criteria for the determination of countries to which funds, referred to above, should be returned and the appropriate procedures for such return.

In accordance with the draft resolution recommended by the Intergovernmental Open-Ended Expert Group for adoption by the General Assembly, through the Commission on Crime Prevention and the Economic and Social Council, the Assembly would decide that the Ad Hoc Committee would negotiate a broad and effective convention, which, subject to the final determination of its title, would be referred to as the "United Nations Convention against Corruption". In addition, the Assembly would request the Ad Hoc Committee, in developing the draft convention, to adopt a comprehensive and multidisciplinary approach and to consider, *inter alia*, the following indicative elements: definitions; scope; protection of sovereignty; preventive measures; criminalization; sanctions and remedies; confiscation and seizure; jurisdiction; liability of legal persons; protection of witnesses and victims; promoting and strengthening international cooperation; preventing and combating the transfer of funds of illicit origin derived from acts of corruption, including the laundering of funds, and returning such funds; technical assistance; collection,

exchange and analysis of information; and mechanisms for monitoring implementation. Moreover, the Assembly would invite the Ad Hoc Committee to draw on the report of the Intergovernmental Open-Ended Expert Group, on the report of the Secretary-General on existing international legal instruments, recommendations and other documents addressing corruption (E/CN.15/2001/3 and Corr.1), as well as on the relevant parts of the report of the Commission on Crime Prevention and Criminal Justice on its tenth session, and in particular on paragraph 1 of Economic and Social Council resolution 2001/13 as resource materials in the accomplishment of its tasks; and would request the Ad Hoc Committee to take into consideration existing international legal instruments against corruption and, whenever relevant, the United Nations Convention against Transnational Organized Crime.

In preparation for the Informal Preparatory Meeting, the Secretariat invited Governments to submit proposals concerning the substantive content of the draft United Nations convention against corruption. The Secretariat received proposals and contributions from the Governments of Argentina, Austria, Azerbaijan, Belarus, Bolivia, Canada, Chile, China, Colombia, France, Indonesia, Japan, Mexico, the Netherlands, Pakistan, Peru, the Philippines, Sri Lanka, Switzerland, Tunisia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela and Zambia.

The Informal Preparatory Meeting prepared a consolidation of the proposals submitted by Governments for the text of the draft United Nations convention against corruption, which would form the basis for the work of the Ad Hoc Committee, together with any other proposals submitted by delegations, as they deemed opportune and appropriate, during the negotiation process.

Documentation

Report of the Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption (A/AC.261/2)

Draft United Nations Convention against Corruption: preamble and articles 1-18 (A/AC.261/3 (Part I))

Draft United Nations Convention against Corruption: articles 19-50 (A/AC.261/3 (Part II))

Draft United Nations Convention against Corruption: articles 51-59 (A/AC.261/3 (Part III))

Draft United Nations Convention against Corruption: articles ... (A/AC.261/3 (Part IV))

Proposals and contributions received from Governments (A/AC.261/IPM/2-27)

Background documents

Report of the Secretary-General on existing international legal instruments, recommendations and other documents addressing corruption (E/CN.15/2001/3 and Corr.1)

Report of the Meeting of the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of an International Legal Instrument against Corruption (A/AC.260/2 and Corr.1)

5. Adoption of the report of the Ad Hoc Committee on its first session

The Ad Hoc Committee is to adopt a report on its first session, the draft of which will be prepared by the Rapporteur.

In accordance with the draft resolution recommended by the Intergovernmental Open-Ended Expert Group for adoption by the General Assembly, the Assembly would request the Ad Hoc Committee to submit a progress report to the Commission on Crime Prevention and Criminal Justice at its eleventh session. The progress report would comprise a summary of the report of the Informal Preparatory Meeting and the report of the Ad Hoc Committee on its first session.

Annex

Proposed organization of work of the first session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, to be held in Vienna from 21 January to 1 February 2002

| <i>Date</i> | <i>Time</i> | <i>Item</i> | <i>Title or description</i> |
|--|--------------------------------|-------------|---|
| Monday, 21 January | 10 a.m.-1 p.m. | 1 | Opening of the first session of the Ad Hoc Committee |
| | | 2 | Election of officers |
| | | 3 | Adoption of the agenda and organization of work |
| | | 4 | Consideration of the draft United Nations Convention against Corruption |
| | 3-6 p.m. | 4 | Continuation of the discussion |
| Tuesday, 22 January- Thursday, 31 January | 10 a.m.-1 p.m. and 3-6 p.m. | 4 | Continuation of the discussion |
| Friday, 1 February | 10 a.m.-1 p.m. | 4 | Continuation and conclusion of the discussion |
| | 3-6 p.m. | 5 | Adoption of the report of the Ad Hoc Committee on its first session |