



General Assembly

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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

Contents

Chapter

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1-4	2
II. Organization of the session	5-14	2
A. Opening of the session	5-11	2
B. Attendance	12	4
C. Adoption of the agenda and organization of work	13	4
D. Documentation	14	4
III. Consideration of the draft rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption	15-23	4
IV. Finalization and approval of the draft rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption	24	6
V. Adoption of the report of the Ad Hoc Committee on its eighth session	25-27	6

Annexes

I. List of participants	7
II. List of documents before the Ad Hoc Committee at its eighth session	12



I. Introduction

1. 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 (resolution 55/25, annex I), was desirable and decided to establish an ad hoc committee for the negotiation 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.*
2. In its resolution 56/260 of 31 January 2002, the General Assembly decided that the Ad Hoc Committee for the Negotiation of a Convention against Corruption should negotiate a broad and effective convention, which, subject to the final determination of its title, should be referred to as the “United Nations Convention against Corruption”.
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. In resolution 58/4, the General Assembly decided that the Ad Hoc Committee for the Negotiation of a Convention against Corruption would complete its tasks arising from the negotiation of the United Nations Convention against Corruption by holding a meeting well before the convening of the first session of the Conference of the States Parties to the Convention in order to prepare the draft text of the rules of procedure of the Conference of the States Parties and of other rules described in article 63 of the Convention, which would be submitted to the Conference of the States Parties at its first session for consideration.

II. Organization of the session

A. Opening of the session

5. The Ad Hoc Committee on the Negotiation of a Convention against Corruption held its eighth session in Vienna on 25 and 26 January 2006, during which it held four meetings.
6. At the 142nd meeting, on 25 January, the Acting Chairman of the Ad Hoc Committee declared the session open.
7. The Acting Chairman congratulated the members of the Ad Hoc Committee on their good work, which had led in record time to the negotiation of the Convention against Corruption and its subsequent entry into force. He noted that the fight against corruption had received priority attention at the national, regional and global levels. The figures provided by the World Bank and the International Monetary Fund with regard to estimated funds lost through corruption and money-laundering illustrated the urgency of speeding up the ratification and implementation of the Convention. The Acting Chairman highlighted a number of important developments with regard to the Convention and expressed his appreciation to the Government of

* Now called the United Nations Office on Drugs and Crime.

Mexico for hosting the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption, held in Merida, Mexico, from 9 to 11 December 2003, which had attracted 95 signatures and one ratification.

8. The Acting Chairman noted the efforts made by the United Nations Office on Drugs and Crime (UNODC) to assist countries in the ratification of the Convention. With the support of the United Nations Interregional Crime and Justice Research Institute, the draft legislative guide for the implementation of the Convention had been developed, with input from international experts. Five regional seminars aimed at promoting the ratification and implementation of the Convention had so far been held, with two more to come. The seminars had provided a platform for countries from the same region to share with their neighbouring countries and with UNODC their experience and good practices and innovative new initiatives. The results of the seminars demonstrated that the Convention had created a new momentum around the world to reinforce efforts against corruption. The recommendations made were good stepping stones for the first session of the Conference of the States Parties. The Acting Chairman expressed his hope that consultations would be concluded soon between the Secretariat and the Government of Jordan concerning its hosting of the first session of the Conference of the States Parties in the first half of December 2006.

9. The Acting Chairman announced the current status of ratification of the Convention—140 signatories and 44 ratifications—called on delegations to demonstrate the same spirit of cooperation as they had shown in the negotiations at the previous sessions. He expressed his hope that by the time of the first session of the Conference of the States Parties many more countries would have ratified the Convention and a better regional balance would have been achieved.

10. The representative of Austria 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), as well as the countries of the Stabilization and Association Process and potential candidates (Albania, Bosnia and Herzegovina and Serbia and Montenegro), the European Free Trade Association countries (Iceland, Liechtenstein and Norway), members of the European Economic Area, as well as the Republic of Moldova and Ukraine. He expressed his appreciation to the members of the bureau for the diligent work carried out during the period of negotiations and paid tribute to the late Hector Charry Samper, Ambassador of Colombia and former chairman of the Ad Hoc Committee. He expressed the satisfaction of the European Union with the high number of signatures and the growing number of ratifications, which augured well for the Convention to become a truly global instrument, providing the legal framework to combat corruption at the global level and in an efficient manner. He emphasized the comprehensive set of standards, measures and rules offered by the Convention, which made it a landmark instrument. Stressing that strong preventive measures were the first essential step towards combating corruption, he underscored the importance of the active involvement of civil society in preventive measures. He assured the Ad Hoc Committee that the European Union was fully committed to complete the ratification and implementation process as soon as possible.

11. The Secretary of the Ad Hoc Committee introduced the draft rules of procedure for the Conference of the States Parties to the United Nations Convention

against Corruption (A/AC.261/27). He emphasized that the draft rules relied extensively on the rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, which, in turn, had been based on the rules of procedure of the General Assembly and other bodies similar to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption.

B. Attendance

12. The eighth session of the Ad Hoc Committee was attended by representatives of 84 States. Also attending the eighth session were observers for an institute of the United Nations Crime Prevention and Criminal Justice Programme network, organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations. A list of participants is contained in annex I to the present report.

C. Adoption of the agenda and organization of work

13. At its 142nd meeting, on 25 January 2006, the Ad Hoc Committee adopted the following agenda for its eighth session:

1. Opening of the eighth session of the Ad Hoc Committee.
2. Adoption of the agenda and organization of work.
3. Consideration of the draft rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption.
4. Finalization and approval of the draft rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption.
5. Adoption of the report of the Ad Hoc Committee on its eighth session.

D. Documentation

14. At its eighth session, the Ad Hoc Committee had before it the documents prepared by the Secretariat. A list of the documents is contained in annex II to the present report.

III. Consideration of the draft rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption

15. At its 142nd to 145th meetings, on 25 and 26 January, the Ad Hoc Committee considered all the provisions of the draft rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption. It based its work on the draft rules of procedure prepared by the Secretariat (A/AC.261/27).

16. With respect to rule 3 (Regular sessions) of the draft rules of procedure, the representative of the Secretariat pointed out that, contrary to provisions of the rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, only the first two sessions of the Conference of the States Parties to the United Nations Convention against Corruption would be held annually and thereafter sessions would be held biennially, which would allow for the two conferences to be held in alternating years starting in 2007.

17. In connection with rule 12 (Representation of States parties), the Ad Hoc Committee highlighted the importance of the participation of experts in the sessions of the Conference of the States Parties in view of the complexity of its provisions and expressed the view that States should endeavour to include such experts in their delegations as advisers.

18. As regards rule 14 (Participation of signatories), the Ad Hoc Committee decided that the distinction made between signatories and States parties was necessary and in line with the assigned rights and privileges of States parties in accordance with rule 25 of the rules of procedure of the General Assembly. It would, *inter alia*, maintain the impetus for ratification. The representative of the Secretariat informed the Ad Hoc Committee that, in order to reflect the spirit of inclusiveness and the values of consensus-building that had governed the negotiation process, rule 14, paragraph 2 (e), had been included so as to allow any signatory to the Convention to participate in the deliberative process of the Conference.

19. In connection with rule 17 (Participation of non-governmental organizations), the Ad Hoc Committee was informed that paragraph 3 (b) contained a deviation from the rules of procedure of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, as it foresaw not only oral statements by non-governmental organizations, but also the provision of other input. That referred to the provision of written documentation and information material that could not be included in an oral statement, given the time constraints at the session.

20. With respect to rule 18 (Submission of credentials), in order to give due consideration to practical problems encountered by the credentials committee during the second session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, the Ad Hoc Committee decided, following consultations in an informal working group established by the Chairman, to accept the revisions introduced in rule 18, paragraphs 3 and 4, with the addition of a reference to compliance with domestic law in paragraph 3.

21. In connection with rule 22 (Election), the Secretary briefed the Ad Hoc Committee on the changes proposed in the draft rules of procedure for the Conference of the Parties to the United Nations Convention against Corruption, contrasting them with the rules of procedure for the Conference of the Parties to the United Nations Convention against Transnational Organized Crime. Since the latter Conference had to deal not only with the Organized Crime Convention but also with the three Protocols thereto (resolution 55/25, annexes II and III, and resolution 55/255, annex), which had all entered into force, an enlarged bureau had been foreseen in its rules of procedure. It was felt that the same was not required for

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

22. In connection with rule 26 (Replacement of the President), the Ad Hoc Committee decided to amend the draft rule in order to ensure that the replacement officers continued to represent the five regional groups.

23. With respect to rule 58 (Decisions on matters of substance and budgetary issues), the Ad Hoc Committee decided to revert to the text of rule 58 of the rules of procedure for the Conference of Parties to the United Nations Convention against Transnational Organized Crime, which had been carefully negotiated by the ad hoc committee responsible for the negotiation of that convention.

IV. Finalization and approval of the draft rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption

24. At its 145th meeting, on 26 January 2006, the Ad Hoc Committee approved the draft rules of procedure (A/AC.261/L.259) and decided to submit them to the Conference of the States Parties to the United Nations Convention against Corruption for its consideration and action at its first session, in accordance with General Assembly resolution 58/4.

V. Adoption of the report of the Ad Hoc Committee on its eighth session

25. At its 145th meeting, on 26 January 2006, the Ad Hoc Committee adopted the report on its eighth session (A/AC.261/L.258).

26. Following the adoption of the report, the Chairman encouraged all States that had not yet done so to ratify and implement the United Nations Convention against Corruption. He noted the importance of speedy ratification in time for a number of States to participate as full members in the first session of the Conference of the States Parties. He again expressed his hope that an agreement could be reached between the Government of Jordan and UNODC to host the first session of the Conference in Jordan in December 2006. He thanked the Secretariat and the interpreters for their assistance, dedication and patience throughout the negotiation process.

27. The representative of Austria, speaking as the host country and on behalf of the European Union, and many other speakers thanked the Chairman for his excellent work and able leadership. They commended the spirit of cooperation that had prevailed during the negotiations of the United Nations Convention against Corruption, as well as the United Nations Convention against Transnational Organized Crime and the Protocols thereto. They expressed their satisfaction with the draft rules of procedure for the Conference of States Parties to the United Nations Convention against Corruption.

Annex I

List of participants

States

Afghanistan	Amanullah Zeweri, Mohammad Daud Wedah
Albania	Zef Mazi, Albana Dautllari
Algeria	Taous Feroukhi, Nabil Hattali, Mokhtar Lakhdari, Thouraya Benmokrane
Argentina	Nélida Contreras de Ecker
Australia	Nicola Rosenblum
Austria	Thomas Stelzer, Brigitte Pfriemer, Smera Rehman, Christoph Klose
Azerbaijan	Fuad Ismayilov, Muqaddas Sultanov, Geray Muradov, Gulmirza Cavadov, Nargiz Qurbanova
Belarus	Andrei Shved, Igor Mishkorudny
Belgium	Philippe Nieuwenhuys, Jochen De Vylder
Bolivia	Horacio Bazoberry Otero, Sergio Olmos Uriona, Julio Mollinedo Claros, María Szarka Torres
Brazil	Carmen Lídia Richter Ribeiro Moura, Maria Feliciano Ortigão
Brunei Darussalam	Intan Kassim, Swee Kiang Ang, Muhammad Juanda Rashid
Bulgaria	Peter Poptchev, Iassen Tomov
Cameroon	Jean Melaga, Aoudou Moussa, Nicolas Nzoyoum
Canada	Bruce Gillies, Yves Beaulieu
Chile	Milenko E. Skoknic, Eduardo Schott
China	Jia Guide, Zhang Honghong, Sun Jin, Gao Ye, Yin Haigang
Colombia	Rosso José Serrano Cadena, Ciro Arevalo Yepes, Julian Pinto Galvis
Croatia	Željko Horvatić, Vladimir Matek, Ljiljana Vodopija-Čengiđ, Vesna Vukovic, Branko Zebić
Czech Republic	Zdenka Streblova, Petr Havlik
Denmark	Thomas Tordal-Mortesen
Ecuador	Byron Morejón Almeida, Rosa Vásquez de Messmer
Egypt	Ramzy Ezzeldin Ramzy, Mootaz Ahmadein Khalil, Abdulwahab Bakir, Reeham Khalil, Ibrahim Salem

El Salvador	Mario Ernesto Castro Grande
Ethiopia	Girma Worku Ayalew
Finland	Kirsti Kauppi, Jarmo Littunen, Ilari Rantakari, Johanna Jokinen-Gavidia, Martti Antola, Tarja Kangaskorte
France	Francois-Xavier Deniau, Michèle Ramis-Plum, Olivia Diego, Nicolas Lorach
Germany	Jörg-Werner Marquardt, Matthias Korte, Martina Hackelberg, Ursula Elbers
Greece	Nicholas Cricos, Athina Chanaki, Dimitrios Dadiotis
Guatemala	Sandra Noriega, Sylvia Wohlers de Meie
Guinea	Sadou Diallo, Abdoulaye Balde
Hungary	Gábor Molnár, Györgyi Martin Zanathy, Kozima Kopesik, Zsolt Bunford
India	Brahm Dutt, R.K.S. Joshi, Anuja Sarangi, Pawan K. Kumar, Hemant Karkare, Prashant Pise
Indonesia	Rachmat Budiman, Elsa Miranda
Iran (Islamic Republic of)	Mohammad Mehdi Akhondzadeh, Ali Hajigholam Saryazdi
Italy	Stefano Dambruoso, Fabrizio Gandini, Francesca Sommella
Japan	Shigeki Sumi, Satoko Toku
Jordan	Shehab A. Madi, Muhieddeen Touq, Emad Al-Madadha, Ghaith Z. Malhas, Raya Al-Kadi, Zeina Al Mukheimer
Kuwait	Badr Abdulla Al-Misad, Salah Yousef bin Ali, Zakaria A. Alansari
Latvia	Aivars Vovers, Martins Klive
Lebanon	Samir Chamma, Pierre Kanaan
Lesotho	Borotho Matsoso, Leomile Esther Mojaki, Malefetsane Moseme
Libyan Arab Jamahiriya	Abdel Omran ben Aisha, Mohamad Saleh Sughair, Mohamad Hamsa Abdelrahman
Lithuania	Rytis Paulauskas, Lina Ruksteliene
Luxembourg	Christian Braun, Pierre Franck
Malaysia	Rajmah Hussain, Jojie Samuel, Nor Azam Mohd Idrus
Mexico	Eduardo P. Peña Haller, Armando Vivanco Castellanos, Billy Ortiz Harrsch Bañales
Monaco	Claude Giordan

Morocco	Omar Zniber, Redouane Houssaini, Dina Bennani, Abdelkrim Ben Sellam
Mozambique	Pedro Comissário
Myanmar	Aye Maung Thann, Khine Myat Chit
Netherlands	J. J. De Visser, J. F. Abma, A. Van Woudenberg, A. J. Ter Hoeve-Van Heek, C. D. De Jong
Nicaragua	Isolda Frixione Miranda
Nigeria	Olawale Idris Maiyegun
Norway	Helle Klem, Kamilla H. Kolshus
Oman	Salim Al-Riyami, Abdullah Al-Amri, Selim Abbas
Paraguay	Oscar Cabello, Marcela Afara
Peru	Harry Belevan McBride, Carmen Azurin, Denisse Luyo, Carla Vaccarella
Philippines	Julio C. Dery, Josel F. Ignacio
Poland	Zdzislaw Galicki, Anna Grupinska
Portugal	António Inocêncio Pereira, Maria do Carmo Costa, Helena Bicho
Qatar	Salem Saqar Al-Morekhi, Yousif Ibrahim Al-Mahmoud
Republic of Korea	Chong-hoon Kim, Kwang-yong Chung
Romania	Alina Plata, Florin Urs, Narcisa Vladulescu
Russian Federation	Vladimir V. Andreev, Alexander F. Merkurhin, Valery A. Grobovoy, Oleg P. Sidorov, Olga I. Mytsykova, Valentin I. Mikhailov, Alla B. Nanieva, Valery A. Kolodyazhny, Eduard V. Lokotunin
Saudi Arabia	Omar Bin Mohammed Kurdi, Jamal Nasef
Slovakia	Juraj Machac, Tomas Hrbac, Eva Surkova, Miroslava Forgacova, Ronald Kakas
Slovenia	Dragica Urtelj, Goran Kriz
South Africa	B. J. Lombard, T. Gopane, S. V. Mangcotywa, A. Mogadingwane
Spain	Aurelio Pérez Giralda, Clara Randulfe Sánchez, Jose Maria de las Cuevas Carretero, Raimundo Díaz Sánchez, Ignacio Baylina Ruiz
Sri Lanka	Aruni Wijewardane, Ransiri Perera, Poshitha Perera
Sweden	Håkan Öberg, Åsa Gustafsson
Thailand	Adisak Panupong, Vongthep Arthakaivalvatee, Mathurawee Wisuthakul

The former Yugoslav Republic of Macedonia	Donka Gligorova, Zoran Stojcevski
Tunisia	Mohamed Daouas, Sami Bougacha, Lamia Houidi
Turkey	Ahmet Ertay, Bekir Uysal, Tufan Hbek, Blent Tarhan
Ukraine	Oleh Herasymenko, Volodymyr Omelyan, Olha Kavun
United Arab Emirates	Ali Hassan Al Shirawi, Abdullah Yousuf Al Shamsi, Rashed Saeed Al Shamsi
United Kingdom of Great Britain and Northern Ireland	Peter Jenkins, Lydia Strachan, Peter Farr, Alison Crocket
United States of America	John Brandolino, Virginia Prugh, Howard Solomon, Scott Thompson
Uruguay	Jorge Perez Otermin, Elsa Borges
Venezuela (Bolivarian Republic of)	Miriam Garcia de Prez
Viet Nam	Nguyen Truong Giang, Nguyen Thanh Ha
Zimbabwe	G. T. Mutandiro

Entities represented by observers

Palestine Zuheir Elwazer, Muhieddin Massoud

United Nations Secretariat

Office of the United Nations High Commissioner for Refugees, Economic Commission for Africa

Research institutes

United Nations Interregional Crime and Justice Research Institute

Specialized agencies of the United Nations system

United Nations Industrial Development Organization

Other intergovernmental organizations

Council of Arab Ministers of the Interior, Council of the European Union, European Commission, League of Arab States, Offshore Group of Banking Supervisors

Entities maintaining permanent observer offices

Sovereign Military Order of Malta

Non-governmental organizations

General consultative status: Asia Crime Prevention Foundation, International Alliance of Women, International Council of Women, International Federation of Business and Professional Women, Soroptimist International

Special consultative status: International Association of Judges, International Association of Prosecutors, International Police Association, National Council of German Women's Organizations, Pax Romana, Transparency International

Annex II

List of documents before the Ad Hoc Committee at its eighth session

<i>Document symbol</i>	<i>Title or description</i>
A/AC.261/26	Annotated provisional agenda and proposed organization of work
A/AC.261/27	Draft rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption
A/AC.261/L.258	Draft report
A/AC.261/L.259	Revised draft rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption
A/AC.261/L.260	Proposal submitted by the Secretariat concerning rule 26 (Replacement of the President)
