



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

Distr.: General
1 December 2009

Original: English

**Report of the Conference of the States Parties to the
United Nations Convention against Corruption on its
third session, held in Doha from 9 to 13 November 2009**

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Resolutions and decisions adopted by the Conference of the States Parties to the United Nations Convention against Corruption	1-2	3
A. Resolutions	1	3
3/1. Review mechanism		3
3/2. Preventive measures		19
3/3. Asset recovery		23
3/4. Technical assistance to implement the United Nations Convention against Corruption		25
B. Decisions	2	27
3/1. Venues for the fourth and fifth sessions of the Conference of the States Parties to the United Nations Convention against Corruption		28
II. Introduction	3	28
III. Organization of the session	4-40	28
A. Opening of the session	4-8	28
B. Election of officers	9	29
C. Adoption of the agenda and organization of work	10-11	29
D. Attendance	12-24	30
E. Adoption of the report of the Bureau on credentials	25-28	32
F. Documentation	29	33



G.	General discussion	30-40	33
IV.	Review of the implementation of the United Nations Convention against Corruption	41-78	36
A.	Expert consultations on the prevention of corruption	50-55	39
B.	Expert consultations on criminalization	56-61	40
C.	Expert consultations on international cooperation	62-75	41
D.	Action taken by the Conference	76-78	44
V.	Asset recovery	79-84	45
	Action taken by the Conference	85	46
VI.	Technical assistance	86-99	46
	Action taken by the Conference	99	49
VII.	Consideration of the issue of bribery of officials of public international organizations	100-105	49
VIII.	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)	106	51
IX.	Other matters	107-113	51
A.	Venues for the fourth and fifth sessions of the Conference	107	51
B.	Special events	108-112	51
C.	Sixth Global Forum on Fighting Corruption and Safeguarding Integrity and Global Youth Forum	113-114	52
X.	Provisional agenda for the fourth session of the Conference	115	53
XI.	Adoption of the report of the Conference on its third session	116-117	53
Annexes			
I.	List of documents before the Conference of the States Parties to the United Nations Convention against Corruption at its third session		54
II.	Provisional agenda for the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption		57

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

A. Resolutions

1. At its third session, held in Doha from 9 to 13 November 2009, the Conference of the States Parties to the United Nations Convention against Corruption adopted the following resolutions:

Resolution 3/1

Review mechanism

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

Recalling article 63, paragraph 1, of the United Nations Convention against Corruption,¹ which established the Conference of the States Parties to the Convention to, *inter alia*, promote and review the implementation of the Convention,

Recalling also article 63, paragraph 7, of the Convention, according to which the Conference is to establish, if it deems it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention,

1. *Takes note with appreciation* of the work of the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption at its five intersessional meetings;

2. *Adopts*, subject to the provisions of the present resolution, the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption,¹ contained in the annex to the present resolution, and the draft guidelines for governmental experts and the secretariat in the conduct of country reviews and the draft blueprint for country review reports, contained in the appendix to the annex, which will be finalized by the Implementation Review Group;²

3. *Decides* that each review phase shall be composed of two review cycles of five years each and that one fourth of the States parties will be reviewed in each of the first four years of each review cycle;

4. *Decides also* to review during the first cycle chapters III (Criminalization and law enforcement) and IV (International cooperation) and during the second cycle chapters II (Preventive measures) and V (Asset recovery);

5. *Requests* the Implementation Review Group to conduct an evaluation of the terms of reference, as well as the challenges encountered during the country

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

² See section IV.C of the terms of reference.

reviews, at the conclusion of each review cycle and to report to the Conference of the States Parties on the outcome of those evaluations;

6. *Decides* that a comprehensive self-assessment checklist shall be used as a tool to facilitate the provision of information on implementation of the United Nations Convention against Corruption;

7. *Requests* the Secretariat to finalize a comprehensive self-assessment checklist no later than two months after the conclusion of the third session of the Conference, using as a model the draft comprehensive self-assessment checklist, in consultation with States parties;

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

9. *Requests* States parties to complete and return the checklist to the Secretariat according to the time frame established in the guidelines for governmental experts and the secretariat in the conduct of country reviews;

10. *Decides* that the Implementation Review Group shall be in charge of following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance;

11. *Underlines* that the Mechanism will require a budget that ensures its efficient, continued and impartial functioning;

12. *Recommends* that the General Assembly finance the staffing requirements of the Secretariat necessary to implement the Mechanism through reallocation of existing resources of the regular budget of the United Nations for the biennium 2010-2011;

13. *Requests* the Secretary-General to propose to the Implementation Review Group, for its consideration and decision at its first meeting, further means of funding the implementation of the Mechanism;

14. *Decides* that the Implementation Review Group shall consider the resource requirements for the functioning of the Mechanism for the biennium 2012-2013;

15. *Requests* the Secretary-General to prepare for the first meeting of the Implementation Review Group a proposed budget for the Mechanism for the biennium 2012-2013.

Annex

Terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

Contents

	<i>Page</i>
Preamble.....	5
I. Introduction.....	6
II. Guiding principles and characteristics of the Mechanism.....	6
III. Relationship of the Mechanism with the Conference of the States Parties..	7
IV. Review Process.....	7
A. Goals.....	7
B. Country review.....	7
C. Implementation Review Group.....	11
D. Conference of the States Parties.....	11
V. Secretariat.....	11
VI. Languages.....	12
VII. Funding.....	12
VIII. Participation of signatories to the Convention in the Mechanism.....	12
Appendix	
Guidelines for governmental experts and the secretariat in the conduct of country reviews.....	13

Preamble

1. Pursuant to article 4, paragraph 1, of the United Nations Convention against Corruption,³ which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and non-intervention in the domestic affairs of other States, the Conference of the States Parties to the United Nations Convention against Corruption establishes the following mechanism to review implementation of the Convention.

³ United Nations, *Treaty Series*, vol. 2349, No. 42146.

I. Introduction

2. The Mechanism for the Review of Implementation of the United Nations Convention against Corruption (hereinafter “the Mechanism”) includes a review process that shall be guided by the principles contained in sections II and III and be carried out in accordance with the provisions contained in section IV. The Mechanism shall be supported by a secretariat as set out in sections V and VI and be financed in accordance with section VII.

II. Guiding principles and characteristics of the Mechanism

3. The Mechanism shall:

- (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) Assist States parties in the effective implementation of the Convention;
- (e) Take into account a balanced geographical approach;
- (f) Be non-adversarial and non-punitive and shall promote universal adherence to the Convention;
- (g) Base its work on clear, established guidelines for the compilation, production and dissemination of information, including addressing issues of confidentiality and the submission of the outcome to the Conference, which is the competent body to take action on such an outcome;
- (h) Identify, at the earliest stage possible, difficulties encountered by States parties in the fulfilment of their obligations under the Convention and good practices adopted in efforts by States parties to implement the Convention;
- (i) Be of a technical nature and promote constructive collaboration, inter alia, in preventive measures, asset recovery and international cooperation;
- (j) Complement existing international and regional review mechanisms in order that the Conference may, as appropriate, cooperate with those mechanisms and avoid duplication of effort.

4. The Mechanism shall be an intergovernmental process.

5. In conformity with article 4 of the Convention, the Mechanism shall not serve as an instrument for interfering in the domestic affairs of States parties but shall respect the principles of equality and sovereignty of States parties, and the review process shall be conducted in a non-political and non-selective manner.

6. The Mechanism shall promote the implementation of the Convention by States parties, as well as cooperation among States parties.

7. The Mechanism shall provide opportunities to exchange views, ideas and good practices, thus contributing to strengthening cooperation among States parties in preventing and fighting corruption.

8. The Mechanism shall take into account the levels of development of States parties, as well as the diversity of judicial, legal, political, economic and social systems and differences in legal traditions.

9. The review of implementation of the Convention is an ongoing and gradual process. Consequently, the Mechanism shall endeavour to adopt a progressive and comprehensive approach.

III. Relationship of the Mechanism with the Conference of the States Parties

10. The review of implementation of the Convention and the Mechanism shall be under the authority of the Conference, in accordance with article 63 of the Convention.

IV. Review process

A. Goals

11. Consistent with the Convention, in particular article 63, the purpose of the review process shall be to assist States parties in their implementation of the Convention. In this regard, the review process, *inter alia*, shall:

(a) Promote the purposes of the Convention as set out in its article 1;

(b) Provide the Conference with information on the measures taken by States parties in implementing the Convention and the difficulties encountered by them in doing so;

(c) Help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance;

(d) Promote and facilitate international cooperation in the prevention of and the fight against corruption, including in the area of asset recovery;

(e) Provide the Conference with information on successes, good practices and challenges of States parties in implementing and using the Convention;

(f) Promote and facilitate the exchange of information, practices and experiences gained in the implementation of the Convention.

B. Country review

12. The Mechanism shall be applicable to all States parties. It shall gradually cover the implementation of the entire Convention.

13. The review of all States that are parties at the start of a review cycle should be completed before a new review cycle begins. In exceptional cases, however, the Conference may decide to launch a new review cycle before the completion of all reviews of the previous cycle. No State party shall undergo a review twice in the same review cycle, without prejudice to the right of a State party to provide new information.

14. The number of States parties from each regional group participating in the review process in a given year shall be proportionate to the size of that regional group and the number of its members that are States parties to the Convention. The selection of States parties participating in the review process in a given year of a review cycle shall be carried out by the drawing of lots at the beginning of each review cycle. A State party selected for review in a given year may, with a reasonable justification, defer participation to the following year of the review cycle.

15. Each State party shall provide to the secretariat the information required by the Conference on its compliance with and implementation of the Convention, using the comprehensive self-assessment checklist as an initial step for that purpose. States parties shall provide complete, up-to-date, accurate and timely responses.

16. Assistance in the preparation of the responses to the checklist shall be provided by the secretariat to States parties requesting such assistance.

17. Each State party shall appoint a focal point to coordinate its participation in the review. Each State party shall endeavour to appoint, as a focal point, a person or persons with substantive expertise on the provisions of the Convention under review.

1. Conduct of the country review

18. Each State party shall be reviewed by two other States parties. The review process shall actively involve the State party under review.

19. One of the two reviewing States parties shall be from the same geographical region as the State party under review and shall, if possible, be a State with a legal system similar to that of the State party under review. The selection of the reviewing States parties shall be carried out by the drawing of lots at the beginning of each year of the cycle, with the understanding that States parties shall not undertake mutual reviews. The State party under review may request, a maximum of two times, that the drawing of lots be repeated. In exceptional circumstances, the drawing of lots may be repeated more than twice.

20. A State party under review may defer serving as a reviewing State party that same year. That same principle, *mutatis mutandis*, shall apply to the reviewing States parties. By the end of a review cycle, each State party must have undergone its own review and performed a minimum of one review and a maximum of three reviews.

21. Each State party shall appoint up to 15 governmental experts for the purpose of the review process. The secretariat shall, prior to the drawing of lots to select the reviewing States parties, compile and circulate a list of such governmental experts, which shall include information on their professional background, their current positions, relevant offices held and activities carried out and their areas of expertise as required for the respective review cycle. States parties shall endeavour to provide information necessary for the secretariat to compile that list and keep it up to date.

22. The secretariat shall develop a set of guidelines for governmental experts and the secretariat in the conduct of country reviews (hereinafter “the Guidelines”)⁴ in

⁴ See the appendix to the present annex.

consultation with the States parties. The Guidelines shall be endorsed by the Implementation Review Group.

23. The reviewing State parties shall carry out, in accordance with the Guidelines, a desk review of the response to the comprehensive self-assessment checklist by the State party under review. Such desk review shall entail an analysis of the response focused on measures taken to implement the Convention and on successes in and challenges of such implementation.

24. In accordance with the guiding principles set out in section II and in conformity with the Guidelines, the reviewing States parties, supported by the secretariat, may request the State party under review to provide clarifications or additional information or to address supplementary questions related to the review. The ensuing constructive dialogue may be carried out, *inter alia*, by way of conference calls, videoconferences or e-mail exchanges, as appropriate.

25. The schedule and requirements of each country review shall be established by the secretariat in consultation with the reviewing States parties and the State party under review and shall address all issues relevant to the review. The reviews should ideally be designed to take no longer than six months.

26. The country review shall lead to the elaboration of a country review report based on a blueprint,⁵ to be developed by the secretariat in consultation with the States parties and endorsed by the Implementation Review Group to ensure consistency.

27. The country review shall be carried out as follows:

(a) The desk review shall be based on the responses to the comprehensive self-assessment checklist and any supplementary information provided by the State party under review;

(b) In the context of the constructive dialogue between the governmental experts, the State party under review shall facilitate the exchange of information relevant to the implementation of the Convention;

(c) If the State party under review is a member of a competent international organization whose mandate covers anti-corruption issues or a regional or international mechanism for combating and preventing corruption, the reviewing States parties may consider information relevant to the implementation of the Convention produced by that organization or mechanism.

28. The State party under review shall endeavour to prepare its responses to the comprehensive self-assessment checklist through broad consultations at the national level with all relevant stakeholders, including the private sector, individuals and groups outside the public sector.

29. If agreed by the State party under review, the desk review should be complemented with any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna, in accordance with the Guidelines.

⁵ Contained in annex B to the guidelines for governmental experts and the secretariat in the conduct of country reviews (see the appendix to the present annex).

30. States parties are encouraged to facilitate engagement with all relevant national stakeholders in the course of a country visit.

31. The reviewing States parties and the secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process.

32. The secretariat shall organize periodic training courses for experts who participate in the review process, in order to familiarize them with the Guidelines and increase their capacity to participate in the review process.

2. Outcome of the country review process

33. The reviewing States parties shall, in accordance with the Guidelines and the blueprint, prepare a country review report, including an executive summary of the report, in close cooperation and coordination with the State party under review and assisted by the secretariat. The report shall identify successes, good practices and challenges and make observations for the implementation of the Convention. Where appropriate, the report shall include the identification of technical assistance needs for the purpose of improving implementation of the Convention.

34. The country review report, including the executive summary, shall be finalized upon agreement between the reviewing States parties and the State party under review.

35. The secretariat shall compile the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs contained in the country review reports and include them, organized by theme, in a thematic implementation report and regional supplementary addenda, for submission to the Implementation Review Group.

36. The executive summaries of all finalized country review reports shall be translated into the six official languages of the United Nations and be made available as documents of the Implementation Review Group for information purposes only.

37. The country review reports shall remain confidential.

38. The State party under review is encouraged to exercise its sovereign right to publish its country review report or part thereof.

39. In order to improve and strengthen cooperation and learning among States parties, States parties shall, upon request, endeavour to make country review reports accessible to any other State party. The requesting State party shall fully respect the confidentiality of such reports.

3. Follow-up procedures

40. In the following review phase, each State party shall submit information in its responses to the comprehensive self-assessment checklist on progress achieved in connection with the observations contained in its previous country review reports. As appropriate, States parties shall also provide information on whether technical assistance needs requested by them in relation to their country review reports have been provided.

41. The Conference, through the Implementation Review Group, shall assess and adapt, where appropriate, the procedures and requirements for the follow-up to the conclusions and observations emerging from the review process.

C. Implementation Review Group

42. The Implementation Review Group shall be an open-ended intergovernmental group of States parties. It shall operate under the authority of and report to the Conference.

43. The Implementation Review Group shall hold meetings at least once a year in Vienna.

44. The functions of the Implementation Review Group shall be to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention. The thematic implementation report shall serve as the basis for the analytical work of the Implementation Review Group. On the basis of its deliberations, the Implementation Review Group shall submit recommendations and conclusions to the Conference for its consideration and approval.

D. Conference of the States Parties

45. The Conference shall be responsible for establishing policies and priorities related to the review process.

46. The Conference shall consider the recommendations and conclusions of the Implementation Review Group.

47. The Conference shall establish the phases and cycles of the review process, as well as the scope, thematic sequence and details of the review. The review phase shall be finalized upon reviewing the status of implementation of all articles of the Convention in all States parties. Each review phase shall be divided into review cycles. The Conference shall determine the duration of each review cycle and decide on the number of States parties that shall participate in each year of the review cycle, taking into account the number of States parties to be reviewed and the scope of the cycle.

48. The Conference shall endorse any future amendments to the terms of reference of the Mechanism. Following the completion of each review cycle, the Conference shall assess the performance of the Mechanism and its terms of reference.

V. Secretariat

49. The secretariat of the Conference shall be the secretariat of the Mechanism and shall perform all tasks required for the efficient functioning of the Mechanism, including providing technical and substantive support, upon request, to States parties in the course of the functioning of the Mechanism.

VI. Languages

50. The working languages of the Mechanism shall be Arabic, Chinese, English, French, Russian and Spanish, subject to the provisions of this section.

51. The country review process may be conducted in any of the working languages of the Mechanism. The secretariat shall be responsible for providing the required translation and interpretation into any of the working languages of the Mechanism, as necessary for its efficient functioning.

52. The secretariat shall, if requested by the State party under review, endeavour to seek voluntary contributions to provide for translation and interpretation into languages other than the six working languages of the Mechanism.

53. The executive summaries of the country review reports and the thematic implementation report shall, as documents of the Conference, be published in the six working languages of the Mechanism.

VII. Funding

54. The requirements of the Mechanism and its secretariat shall be funded from the regular budget of the United Nations.

55. The requirements set out in paragraphs 29 and 32 relating, inter alia, to the requested country visits, the joint meetings at the United Nations Office at Vienna and the training of experts, shall be funded through voluntary contributions, which shall be free of conditions and influence.

56. The secretariat shall be responsible for preparing a proposed biennial budget for the activities of the Mechanism.

57. The Conference shall consider the budget for the Mechanism biennially. The budget shall ensure the efficient, continued and impartial functioning of the Mechanism.

58. Adequate financial and human resources must be provided to the secretariat to enable it to perform the functions assigned to it in the present terms of reference.

VIII. Participation of signatories to the Convention in the Mechanism

59. A State signatory to the Convention may participate in the Mechanism as a State under review on a voluntary basis. The costs associated with such participation shall be paid from available voluntary contributions.

Appendix

Guidelines for governmental experts and the secretariat in the conduct of country reviews

I. General guidance

1. Throughout the review process, governmental experts and the secretariat shall be guided by the relevant provisions of the United Nations Convention against Corruption and the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
2. In particular, governmental experts shall bear in mind article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.
3. Furthermore, governmental experts shall carry out the reviews in full recognition of the purpose of the review process as specified in paragraph 11 of the terms of reference.
4. During all interactions within the review process, governmental experts shall respect the collective approach. Governmental experts are expected to act with courtesy and diplomacy, and shall remain objective and impartial. Governmental experts need to be flexible in their approach and ready to adapt to changes in schedules.
5. Governmental experts and the secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process, as well as the outcome documents, as stipulated in the terms of reference. If there are serious grounds for believing that a governmental expert or a member of the secretariat has violated the obligation of confidentiality, the secretariat shall inform the Implementation Review Group.
6. It is also expected that governmental experts are not to be influenced in their assessment of the implementation of the Convention. While information generated through competent international organizations whose mandates cover anti-corruption issues and international and regional mechanisms for combating and preventing corruption is to be taken into account, governmental experts shall make their own analysis of the facts provided by the State party under review in order to present findings that are in line with all the specific requirements of the Convention provisions under review.
7. Throughout the review process, governmental experts are encouraged to contact the secretariat for any assistance required.

II. Specific guidance

Preparatory stage

8. The governmental experts shall prepare themselves by:

- (a) Studying thoroughly the Convention;
- (b) Reading the *Legislative Guide for the Implementation of the United Nations Convention against Corruption*,⁶ particularly those parts pertaining to the articles that are the subject of the relevant review cycle;
- (c) Familiarizing themselves with the substantive background information contained in annex A to the present guidelines;
- (d) Reviewing the responses provided by the State party under review in its self-assessment checklist and supplementary documentation;
- (e) Informing the secretariat if additional information and material are required;
- (f) Highlighting issues requiring further clarification;
- (g) Familiarizing themselves with the issues addressed by the State party under review, and formulating questions and comments.

Constructive dialogue

9. Constructive dialogue is key to the efficiency and effectiveness of the review process. In order to ensure the timely completion of the review, the time frame for the constructive dialogue is set for a period of three months as from the initial telephone conference or videoconference. During this period, various means of dialogue shall be employed and facilitated by the secretariat, including, inter alia, e-mail communications, telephone conferences or videoconferences, and meetings to be conducted upon request by the State party under review.

10. While governmental experts shall establish open lines of communication with the other members of the review team and governmental experts of the State party under review, experts shall keep the secretariat abreast of all these communications.

11. Within one month of the establishment of the review teams or of the receipt of the self-assessment checklist, governmental experts shall actively participate in a telephone conference or videoconference, to be organized by the secretariat, for the purpose of an initial introduction of the reviewing States parties, the State party under review and the staff of the secretariat assigned to the particular country review team and for general orientation, including a review of the schedule and requirements established for the review.

12. During this conference call, governmental experts shall discuss the initial analysis of the self-assessment checklist, as well as areas identified requiring further clarifications and information.

13. Governmental experts from reviewing States parties shall take a decision on how to divide tasks and issues among themselves, taking into account their respective fields of competence.

14. Within two weeks after the telephone conference or videoconference, governmental experts shall supply the secretariat, in writing, with requests for additional information sought and specific questions to be forwarded to the State party under review, if necessary.

⁶ United Nations publication, Sales No. E.06.IV.16.

15. Throughout the process, governmental experts shall take note of the information and material provided by the State party under review, through the different means of communication mentioned above.
16. Within one month after the completion of the dialogue stage, governmental experts shall provide their analysis, in writing, to the secretariat. When preparing the analysis, governmental experts shall avoid duplicating texts already contained in the self-assessment checklist. They are further requested to be concise and factual and to substantiate the analysis. Objective and impersonal language will aid understanding. When abbreviations and acronyms are used, these shall be defined upon their first use.
17. In line with the structure of the country review report, as contained in the blueprint, the analysis is to include governmental experts' findings and observations.
18. The analysis is to be concise and factual and is to include solid reasoning for the conclusions drawn and observations made for each article of the Convention assessed.
19. Depending on the scope of the review cycle, governmental experts shall include findings with respect to the domestication in national law of each article of the Convention, as well as its implementation in practice.
20. Governmental experts shall further identify successful measures and good practices, as well as challenges, implementation gaps and areas where technical assistance may be required.
21. At the request of the State party under review and as required, governmental experts may also be asked to provide the State party under review with explanations on how to bridge the gaps identified so as to allow the country to fully and effectively implement the relevant articles of the Convention.
22. As required, the secretariat will organize a telephone conference or videoconference bringing together the governmental experts of the reviewing States parties and the State party under review. During the conference call, governmental experts from the reviewing States parties shall introduce their parts of the draft report and explain the findings and observations.
23. Once governmental experts' contributions from the reviewing States parties have been received, the secretariat will prepare a first draft of the country review report, based on the blueprint format. Governmental experts from the reviewing States parties will be invited to comment on the first draft report within two weeks after receiving it. The secretariat will prepare an amended version of the draft report reflecting those comments. This draft report will then be sent to the State party under review.
24. Following comments from the State party under review, the secretariat will provide governmental experts of the reviewing States parties with the draft report incorporating these comments.

Finalizing the country review report

25. Governmental experts shall thoroughly read the updated draft country review report reflecting the comments by the State party under review, in order to agree on

final language to be used in the report and prepare an executive summary of the report.

26. The secretariat shall send this report and its executive summary to the State party under review for approval. In case of disagreement, there shall be a constructive dialogue between the State party under review and the governmental experts to arrive at a consensual final report and its executive summary.

Country visit or joint meeting in Vienna

27. A country visit or joint meeting in Vienna shall be planned and organized by the requesting State party under review. While the Secretariat will facilitate all practical arrangements, governmental experts shall take all necessary measures from their side to participate in the country visit.

28. During the country visit or joint meeting in Vienna, governmental experts shall uphold the principles and standards outlined in the general guidance above. In particular, governmental experts shall keep in mind the following points throughout the country visit.

29. When seeking additional information and asking for clarification, governmental experts shall bear in mind the non-adversarial, non-intrusive and non-punitive character of the review and the overall goal of assisting the State party under review to reach full implementation of the United Nations Convention against Corruption.

30. Governmental experts are expected to actively and constructively participate in all meetings, including at internal debriefings at the end of each working day, or at the end of the country visit or joint meeting in Vienna.

31. Governmental experts are expected to be respectful and courteous in meetings, respecting time frames set in the programme and allowing time for all members to participate. At the same time, governmental experts are expected to be flexible, as the programme may change during the visit.

32. Questions should seek to complement information already provided by the State party under review and relate only to the review process. Governmental experts shall therefore remain neutral and not voice personal opinions during the meetings.

33. Governmental experts are expected to take notes during all meetings, which can be referred to when producing the final report. They shall share their opinions and preliminary findings during debriefings, as well as in writing within two weeks after the country visit.

34. Once comments from governmental experts of the reviewing States parties have been received, the secretariat will prepare an amended draft country review report, taking into account the additional information received during the meetings. Governmental experts shall comment on this draft report within two weeks after receiving it.

35. The secretariat will then follow the same procedure as outlined in paragraphs 22 to 26 above.

Annex A

Substantive background information relevant to the articles subject to the review cycle

Relevant parts of the Legislative Guide for the Implementation of the United Nations Convention against Corruption and other relevant United Nations tools.

[...]

Annex B

Blueprint for country review reports

Review by [names of reviewing States] of the implementation by [name of State under review] of article[s] [number(s) of articles] of the United Nations Convention against Corruption for the review cycle [time frame]

I. Introduction

1. The Conference of the States Parties to the United Nations Convention against Corruption was established pursuant to article 63 of the Convention to, inter alia, promote and review the implementation of the Convention.
2. In accordance with article 63, paragraph 7, of the Convention, the Conference established at its third session, held in Doha from 9 to 13 November 2009, the Mechanism for the Review of Implementation of the Convention. The Mechanism was established also pursuant to article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.
3. The Review Mechanism, of which this report forms part, is an intergovernmental process with the overall goal of assisting States parties in implementing the Convention.
4. The review process is based on the terms of reference of the Mechanism.

II. Process

5. The following review of the implementation by [name of State under review] of the Convention is based on the comprehensive self-assessment checklist received from [name of State under review] and the outcome of the constructive dialogue between the experts from [names of the two reviewing States and the State under review], by means of [communication media, such as telephone conferences, videoconferences, e-mail exchanges, face-to-face meetings] and involving [names of experts involved].

Optional: 6. A voluntary country visit, requested by [name of State under review] was conducted from [date] to [date].

or

A joint meeting between [name of State under review] and [names of reviewing States] was held in Vienna from [date] to [date].

III. Executive summary

7. *[Summary of the following:*

(a) Findings and observations on the implementation of the articles under review by the State under review;

(b) Successful experiences and good practices;

(c) Gaps in implementation, where applicable;

(d) Priorities and actions, as well as technical assistance needs, identified by the State under review to improve its implementation of the Convention.]

IV. Implementation of the Convention

A. Ratification of the Convention

8. *[Name of State under review]* signed the Convention on *[date]* and ratified it on *[date]*. *[Name of State under review]* deposited its instrument of ratification with the Secretary-General on *[date]*.

9. The implementing legislation — in other words, the *[title of act ratifying the Convention]* — was adopted by *[name of national legislative body]* on *[date]*, entered into force on *[date]* and was published in *[name, number and date of official publication communicating adoption of the act]*. The implementing legislation includes *[summary of ratification legislation and overview of methods used to implement the Convention]*.

B. Legal system of *[name of State under review]*

10. Article *[number of article]* of the Constitution states that *[discuss whether treaties are self-executing or require implementing legislation, where the Convention fits into the hierarchy of law, etc.]*.

C. Implementation of selected articles

Article *[number of article]*

[title of article]

[Text of the article, block indented]

11. *[Reference to the relevant part of the Legislative Guide for the Implementation of the United Nations Convention against Corruption]*

(a) Summary of information relevant to reviewing the implementation of the article

12. *[Information provided by the State under review through the comprehensive self-assessment checklist and in the context of the constructive dialogue, as well as information available from other existing anti-corruption review mechanisms in which the State under review participates]*

(b) Findings and observations on the implementation of the article

13. [*Findings of the review team with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice*]

14. [*Findings on the status of implementation of the article, including successful implementation and gaps in implementation*]

(c) Successful experiences and good practices

15. [*Successful experiences and good practices in implementing the article, where applicable*]

(d) Identification of gaps in implementation, where applicable

16. [*Any gaps in implementation and relevant observations*]

(e) Priorities and actions identified by [name of State under review]

17. [*Where applicable, priorities and actions, as well as technical assistance needs, identified by the State under review to improve implementation of the Convention*]

Resolution 3/2**Preventive measures**

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

Recognizing the prominence that the United Nations Convention against Corruption⁷ has given to the prevention of corruption by devoting its entire chapter II to measures to prevent corruption in both the public and private sectors,

Stressing the importance of implementing articles 5 to 14 of the Convention to prevent and fight corruption,

Recognizing that the prevention of corruption is an ongoing and gradual process, aware that anti-corruption policies ought to be embedded into broader national crime prevention and criminal justice reform strategies as well as into public sector reform plans, and recognizing the importance of principles of good governance, integrity and transparency,

Recalling article 61, paragraph 2, of the Convention, which stresses the importance of developing and sharing best practices in the prevention of corruption,

Recalling also article 63, paragraph 4, of the Convention, which, inter alia, refers to the need to facilitate the exchange of information among States on successful practices for preventing corruption and the objective of the Conference of promoting the implementation of the Convention, inter alia, by facilitating the

⁷ United Nations, *Treaty Series*, vol. 2349, No. 42146.

exchange of information among States on successful practices for preventing corruption,

Welcoming the efforts made by States, the United Nations, other international organizations and other networks to develop appropriate policies and preventive measures, and acknowledging the need to build on such experiences with a view to developing more comprehensive, coherent, effective and efficient approaches in this field,

Bearing in mind the multiplicity and diversity of approaches to preventive measures, and that such approaches may require context-based, sector-specific or country-specific adaptation,

Recognizing that, while the implementation of the Convention is the responsibility of States parties, the promotion of a culture of integrity, transparency and accountability and the prevention of corruption are responsibilities to be shared by all stakeholders and sectors of society, in accordance with articles 7 to 13 of the Convention,

Recognizing also the role of national, regional and international donor organizations in delivering technical assistance in the prevention of corruption,

Welcoming the initiative of the International Criminal Police Organization, the United Nations Office on Drugs and Crime and the Government of Austria, with the support of the European Anti-Fraud Office and other partners, to work collaboratively towards the establishment of the International Anti-Corruption Academy, and also welcoming regional efforts to establish similar institutions,

Recalling the numerous initiatives undertaken by different sectors of society in the margins of the second session of the Conference, in particular the declaration of the peer-to-peer media forum and the Bali Business Declaration, which contains the commitment of the private sector entities present, inter alia, to work towards the alignment of business principles with fundamental values enshrined in the Convention, develop mechanisms to review company compliance and strengthen private-public partnerships for combating corruption,

1. *Takes note with appreciation* of the work carried out by the Secretariat to gather information on national efforts to implement the United Nations Convention against Corruption,⁸ including its provisions on prevention, through a self-assessment checklist on the implementation of the Convention, as reflected in the relevant reports prepared by the Secretariat;⁹

2. *Decides* to establish an interim open-ended intergovernmental working group, in accordance with article 63, paragraph 7, of the Convention, 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 the prevention of corruption;

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

⁸ United Nations, *Treaty Series*, vol. 2349, No. 42146.

⁹ CAC/COSP/2009/9 and Add.1 and CAC/COSP/2009/12.

- (a) Assist the Conference in developing and accumulating knowledge in the area of prevention of corruption;
 - (b) Facilitate the exchange of information and experience among States on preventive measures and practices;
 - (c) Facilitate the collection, dissemination and promotion of best practices in corruption prevention;
 - (d) Assist the Conference in encouraging cooperation among all stakeholders and sectors of society in order to prevent corruption;
4. *Further decides* that the work of the working group shall be subsumed under the work of the Implementation Review Group if the Implementation Review Group establishes thematic sub-groups;
 5. *Requests* the Secretariat to collect, analyse and disseminate information on good practices in the field of prevention of corruption, taking into account existing expertise within the United Nations system and other relevant organizations and focusing particularly on public procurement, management of public financing, integrity and transparency in public administration, awareness-raising initiatives and partnerships between the public and private sectors to prevent corruption, and requests the Secretariat to report on such efforts to the working group;
 6. *Strongly encourages* States parties to integrate anti-corruption policies to promote integrity and prevent corruption in broader crime prevention and criminal justice reform strategies, as well as in public sector reform plans;
 7. *Requests* the Secretariat to collect, analyse and disseminate information on existing regulation models for the public sector, including provisions addressing conflict of interest, and on professional codes of conduct;
 8. *Calls upon* States parties that have not done so to ensure the existence of anti-corruption bodies in accordance with article 6 of the Convention, strengthen the capacity and independence of those bodies in dealing with the prevention of corruption and take steps, in accordance with the fundamental principles of their legal systems, to safeguard those bodies from undue influence;
 9. *Also calls upon* all States parties that have not yet done so to inform the Secretary-General of the name and address of the national authority or authorities that may assist other States parties in developing and implementing specific measures for the prevention of corruption;
 10. *Requests* the Secretariat to collect and disseminate information on methodologies, including evidence-based approaches for assessing areas of special vulnerability in the public and private sectors that are potentially or recurrently prone to corruption and report on those efforts to the working group;
 11. *Calls upon* States parties to promote the business community's engagement in the prevention of corruption by, inter alia, developing initiatives to promote and implement public procurement reform, working with the business community to address practices that generate vulnerability to corruption and identifying elements of optimal self-regulation in the private sector;
 12. *Encourages* interested States parties, representatives of private sector entities and relevant international organizations to consult and collaborate with each

other in order to share best practices for the alignment of systems of public procurement with the requirements of article 9 of the Convention;

13. *Invites* States parties, where appropriate, to consider the use of computerized systems to govern public procurement and to track and identify suspect cases, and to consider, in accordance with the fundamental principles of their legal systems, the adoption and use of procedures to prohibit private sector entities involved in corrupt contracting practices from future participation in public tenders;

14. *Urges* States parties to raise public awareness of corruption and laws and regulations against it, as well as the existing rights of and possibilities for the general public with respect to obtaining information on the organization, functioning and decision-making processes of their public administration and raise public awareness of the responsibilities of public officials with respect to the performance of their functions, with due regard to the protection of privacy and personal data;

15. *Calls upon* States parties to enhance dialogue and synergies with other stakeholders outside the public sector in order to promote the involvement and engagement of those groups in the development and implementation of broader national policies and plans for promoting integrity and preventing corruption;

16. *Also calls upon* States parties, consistent with the fundamental principles of their educational and legal systems, to promote, at various levels of the education system, educational programmes that instil concepts and principles of integrity;

17. *Requests* the Secretariat to collect information on best practices for promoting responsible and professional reporting on corruption for journalists and report thereon to the working group;

18. *Calls upon* the Secretariat and national, regional and international donors and recipient countries to intensify their cooperation and coordination in the provision of technical assistance in preventing corruption;

19. *Requests* the Secretariat to strengthen its efforts to make specific information about the Convention and its prevention commitments widely available to schools of public administration, law and criminal justice schools, business schools, academies and training institutions;

20. *Also requests* the Secretariat to continue its efforts to assist international organizations with their adoption and implementation of the principles of the Convention, in particular through the institutional integrity initiative of the United Nations System Chief Executives Board for Coordination, and encourages States parties, in their capacity as States members of public international organizations, to continue promoting and aligning anti-corruption policies and rules of those organizations with the principles of the Convention;

21. *Decides* that the interim open-ended intergovernmental working group referred to in paragraph 2 above shall meet during the sessions of the Conference and, as appropriate, shall hold at least two intersessional meetings within existing resources;

22. *Also decides* that the working group shall submit reports on all its activities to the Conference;

23. *Requests* the Secretariat to assist the working group in the performance of its functions, including by providing interpretation services in the six official languages of the United Nations, within existing resources.

Resolution 3/3

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 a fundamental principle of the United Nations Convention against Corruption¹⁰ and that States parties to the Convention are obligated to afford one another the widest measure of cooperation and assistance in that regard,

Recalling its resolutions 1/4 and 2/3, in which it established and continued the work of the Open-ended Intergovernmental Working Group on Asset Recovery, welcoming the conclusions and recommendations of the Working Group,¹¹ and noting with interest the background paper prepared by the Secretariat on the progress made on the implementation of those recommendations,¹²

Acknowledging the important progress made towards implementation of chapter V of the Convention, but recognizing that States parties continue to face challenges in asset recovery owing, inter alia, to differences in legal systems, the complexity of multi-jurisdictional investigations and prosecutions, lack of familiarity with mutual legal assistance procedures of other States and difficulties in identifying the flow of corruption proceeds, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates,

Also acknowledging the vital importance of ensuring the independence and effectiveness of authorities charged with investigating and prosecuting corruption offences and recovering the proceeds of such crimes, including by establishing the necessary legal framework and allocating the necessary resources,

Concerned about the difficulties, particularly practical difficulties, that both requested and requesting States face in asset recovery, taking into account the particular importance of the restitution of these assets for development,

Calling on all States parties, acting as both requested and requesting parties, to commit the political will to act together to recover the proceeds of corruption,

1. *Renews* the commitment of all States parties to the United Nations Convention against Corruption¹³ to effective national action and international cooperation to recover the proceeds of corruption;

¹⁰ United Nations, *Treaty Series*, vol. 2349, No. 42146.

¹¹ CAC/COSP/WG.2/2009/3.

¹² CAC/COSP/2009/7.

¹³ United Nations, *Treaty Series*, vol. 2349, No. 42146.

2. *Urges* States parties to take a proactive approach to international cooperation in asset recovery by making full use of the mechanisms provided in chapter V of the Convention, including by initiating requests for assistance, making spontaneous disclosures of information on proceeds of offences to other States parties and considering making requests for notifications, in accordance with article 52, paragraph 2 (b), of the Convention;

3. *Calls on* States parties to give particular and timely consideration to the execution of international mutual legal assistance requests and to ensure that competent authorities have adequate resources to execute requests;

4. *Calls on* all States parties that have not yet done so to promptly designate a central authority responsible for mutual legal assistance requests and to notify the Secretary-General of the designated central authority, as required by article 46, paragraph 13, of the Convention;

5. *Encourages* States parties to promote informal channels of communication, in particular prior to making formal requests for mutual legal assistance, by, inter alia, designating officials or institutions, as appropriate, with technical expertise in international cooperation in asset recovery as focal points to assist their counterparts in effectively meeting requirements for formal mutual legal assistance;

6. *Encourages* those focal points and other relevant experts to come together, at the regional level or according to theme, to promote communication, coordination and development of best practices, including by taking advantage of existing networks¹⁴ to avoid duplication;

7. *Encourages* the further development of initiatives, such as those of the International Criminal Police Organization and similar regional institutions, to provide assistance in asset recovery case development at the request of States parties;

8. *Urges* States parties to ensure that procedures for international cooperation allow for the seizure and restraint of assets for a time period sufficient to preserve assets during the pendency of foreign proceedings, and to expand cooperation in the enforcement of foreign judgements, including through awareness-raising for judicial authorities;

9. *Also urges* States parties to strengthen the capacity of legislators, law enforcement officials, judges and prosecutors on matters relating to asset recovery, and to provide technical assistance in the fields of mutual legal assistance; confiscation matters, including criminal confiscations and, where appropriate, non-conviction-based forfeiture, in accordance with national legislation; and civil proceedings;

¹⁴ Including, but not limited to, the Camden Assets Recovery Inter-Agency Network, the Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition of the Organization of American States, the Lausanne process, the Red Iberoamericana de Cooperación Jurídica Internacional, the International Centre for Asset Recovery, the European Judicial Network, the Rede de Cooperação Jurídica e Judiciária Internacional dos Países de Língua Portuguesa, the Global Legal Information Network and other similar networks.

10. *Encourages* States parties to remove barriers to asset recovery, including, inter alia, by simplifying and preventing the abuse of their legal procedures;
11. *Also encourages* States parties to limit, where appropriate, domestic legal immunities, in accordance with their legal systems and constitutional principles;
12. *Further encourages* States parties to remove additional barriers to asset recovery by ensuring that financial institutions adopt and implement effective standards of customer due diligence and the identification of beneficial ownership and by establishing effective procedures for financial disclosure;
13. *Urges* further study and analysis of, inter alia, the results of asset recovery actions and, where appropriate, how legal presumptions, measures to shift the burden of proof and the examination of illicit enrichment frameworks could facilitate the recovery of corruption proceeds;
14. *Urges* States parties to document and disseminate successful asset recovery experience and to work in partnership with relevant international bodies to promote awareness of the positive development impact of asset recovery;
15. *Requests* the Working Group to consider the existing and developing body of studies for the development of best practices in asset recovery, including but not limited to, the studies of the Stolen Asset Recovery initiative;
16. *Urges* States parties to promote the use of modern information and communications technologies to expedite asset recovery operations;
17. *Decides* that the Working Group shall continue its work to advise and assist the Conference in the implementation of its mandate on the return of the proceeds of corruption and shall hold at least two meetings prior to the fourth session of the Conference, within existing resources;
18. *Requests* the Secretariat to assist, within existing resources, the Working Group in the performance of its functions, including by providing interpretation services in the six official languages of the United Nations.

Resolution 3/4

Technical assistance to implement the United Nations Convention against Corruption

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

Recalling resolutions 1/5 and 2/4 adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its first and second sessions,

Welcoming the recommendations contained in the reports of the Secretariat on the work of the Open-ended Intergovernmental Working Group on Technical Assistance,¹⁵ issued pursuant to the meetings of the Working Group held in Vienna on 18 and 19 December 2008 and 3 and 4 September 2009,

¹⁵ CAC/COSP/WG.3/2008/3 and CAC/COSP/2009/8.

Welcoming also the efforts of the Secretariat to analyse the technical assistance needs identified by States parties and signatories to the United Nations Convention against Corruption¹⁶ in their responses to the self-assessment checklist,

Welcoming further the development by the Secretariat of a computer-based information-gathering tool to produce statistics and visual aids, such as charts and other graphics, enabling the Conference to better identify technical assistance needs,

Acknowledging that a large number of States parties and signatories to the Convention continue to request technical assistance for the implementation of the Convention,

Noting that during the meetings of the Open-ended Intergovernmental Working Group on Technical Assistance, experts stressed the importance of country-based approaches to programming and delivery,

Recognizing the importance of coordination among donors, other technical assistance providers and recipient countries, based on the Paris Declaration on Aid Effectiveness, in order to leverage resources, increase efficiency, avoid duplication of effort and meet the development needs of recipient countries,

Noting with appreciation the partnership between the United Nations Office on Drugs and Crime, the International Criminal Police Organization and the Government of Austria, with the support of the European Anti-Fraud Office and other partners, to establish the International Anti-Corruption Academy, to serve as a centre of excellence for education, training and academic research in the field of anti-corruption,

1. *Takes note* of the recommendations of the Open-ended Intergovernmental Working Group on Technical Assistance contained in the report of the Secretariat on the work of that Working Group;¹⁷

2. *Urges* States parties and signatories to the United Nations Convention against Corruption¹⁸ and other donors to generate and disseminate knowledge on the substantive aspects of the Convention and provide technical assistance to requesting States;

3. *Also urges* States parties and signatories to the Convention to exchange expertise, experiences and lessons learned with respect to providing technical assistance in the area of combating and preventing corruption;

4. *Encourages* States parties and signatories to the Convention to continue to identify and communicate to the United Nations Office on Drugs and Crime the relevant information about anti-corruption experts, in particular those with experience in providing technical assistance to implement the Convention, so that the Office can include those experts in its database of anti-corruption expertise for the delivery of technical assistance, as recommended by the Open-ended Intergovernmental Working Group on Technical Assistance;

5. *Endorses* country-led and country-based, integrated and coordinated technical assistance programme delivery as an effective vehicle for furthering

¹⁶ United Nations, *Treaty Series*, vol. 2349, No. 42146.

¹⁷ CAC/COSP/2009/8.

¹⁸ United Nations, *Treaty Series*, vol. 2349, No. 42146.

implementation of the Convention, and encourages donors and other assistance providers to incorporate those concepts and capacity-building into their technical assistance programmes;

6. *Encourages* States, donors and other assistance providers to use the Convention and, as appropriate, other relevant international instruments as a framework for country-level dialogue to facilitate programme delivery;

7. *Urges* States and other donors to continue to provide resources for assistance efforts of the United Nations Office on Drugs and Crime in order to further implementation of the Convention, and to continue to provide coordinated assistance through other existing channels, including other relevant international and regional organizations and bilateral assistance programmes;

8. *Encourages* national, regional and international donors to accord high priority to technical assistance in order to ensure effective implementation of the Convention in a sustainable and coordinated manner;

9. *Encourages* States and the United Nations Office on Drugs and Crime to continue to develop and promote coordinated partnerships, including between the public and private sectors, in order to leverage resources for advancing technical assistance efforts;

10. *Requests* the United Nations Office on Drugs and Crime to continue to share with other possible technical assistance providers information on technical assistance needs compiled on the basis of responses to the self-assessment checklist and included in the matrix of technical assistance needs, in particular information on needs at the country level, in order to inform assistance activities in coordination with the beneficiary countries;

11. *Requests* the United Nations Office on Drugs and Crime, in providing technical assistance for the implementation of the Convention, to promote synergies with providers of assistance to combat crime, especially in the area of international cooperation in criminal matters, bearing in mind the complementarity of the Convention against Corruption with the United Nations Convention against Transnational Organized Crime;¹⁹

12. *Decides* to organize an expert panel during the consideration of the item on technical assistance for the implementation of the Convention against Corruption on the agenda of the Conference as an opportunity for recipient countries and technical assistance providers, including international organizations and bilateral donors, to share experiences and good practices in the delivery of technical assistance.

B. Decisions

2. At its third session, the Conference adopted the following decision:

¹⁹ United Nations, *Treaty Series*, vol. 2225, No. 39574.

Decision 3/1**Venues for the fourth and fifth sessions 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 its rules of procedure, and welcoming the offer by the Government of Morocco to act as host to the fourth session of the Conference and the offer by the Government of Panama to act as host to the fifth session, decided that its fourth session would be held in Morocco in 2011 and its fifth session would be held in Panama in 2013.

II. Introduction

3. In its resolution 58/4 of 31 October 2003, the General Assembly adopted the United Nations Convention against Corruption.²⁰ The Convention entered into force on 14 December 2005. 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.

III. Organization of the session**A. Opening of the session**

4. The Conference held its third session in Doha from 9 to 13 November 2009. Eighteen meetings were held during the session. The Conference had resources at its disposal to provide for 10 plenary meetings and eight informal consultations with full interpretation. The additional meetings were necessary because of the heavy agenda of the session and the need to provide opportunities for experts to interact and discuss a variety of substantive matters.

5. On 9 November, the outgoing President invited the Conference to elect its President for the third session. The Conference elected by acclamation Ali bin Fetais Al-Marri (Qatar) as its President.

6. After his election as President of the Conference at its third session, Mr. Al-Marri, Attorney-General of Qatar, made introductory remarks in which he highlighted the challenges to all parts of society caused by corruption. He noted the detrimental effects of corruption on development and economic growth. In order to safeguard societies against corruption, it was of utmost importance to promote the rule of law and ensure transparency. One of the best instruments at the disposal of the international community to guide States in their efforts to prevent and combat

²⁰ United Nations, *Treaty Series*, vol. 2349, No. 42146.

corruption was the United Nations Convention against Corruption. He emphasized that the Convention was the key to eliminating corruption, as a basic framework for all efforts in countries' fight against this scourge. He urged all States to work towards the common goal of a corruption-free society.

7. The President invited the Director-General of the United Nations Office at Vienna and Executive Director of the United Nations Office on Drugs and Crime (UNODC) to make opening remarks.

8. The Executive Director noted that the world had changed since the last session, referring to the global financial crisis, which had triggered an economic crisis that had led to a social crisis. While it would be inaccurate to blame corruption for all this, the role of corruption as a midwife of the crisis needed to be recognized and addressed. He urged Member States to take advantage of the opportunity presented by the current crisis: an unprecedented chance to base the world system on the rules of integrity enshrined in the Convention. He called on the Conference to use the Convention as a blueprint for restoring confidence in markets, businesses and Governments, as already recognized by the leaders of the Group of 20. While corruption was a serious crime in itself, it was also a lubricant for other forms of crime, facilitating illegal trade, terrorism and organized crime. He noted that law enforcement was important but that, at the same time, more needed to be done to prevent corruption, particularly by setting up independent anti-corruption authorities and ensuring transparency in hiring, tendering and procurement practices. He said that to assess the efforts of all States parties effectively, the Conference needed to reach agreement on a transparent, non-intrusive, inclusive and fair review mechanism that would provide the international community with knowledge about the effectiveness of the Convention and allow for targeted technical assistance. He called on States parties to "seal the deal" in Qatar and agree on the mechanism that would give the world for the first time a clear picture of how much progress was being made in confronting corruption.

B. Election of officers

9. At its 1st meeting, on 9 November, the Conference elected by acclamation Ali bin Fetais Al-Marri (Qatar) President of the Conference. At the same meeting, the following three Vice-Presidents and Rapporteur were elected by acclamation:

Vice-Presidents: Taous Feroukhi (Algeria)
Dominika Krois (Poland)
Elizabeth Verville (United States of America)

Rapporteur: Eugenio Curia (Argentina)

C. Adoption of the agenda and organization of work

10. At its 1st meeting, on 9 November 2009, the Conference adopted the following agenda for its third session:

1. Organizational matters:
 - (a) Opening of the third session of the Conference;

- (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) Expert consultation on the prevention of corruption;
 - (b) Expert consultation on criminalization;
 - (c) Expert consultation on international cooperation.
 3. Asset recovery.
 4. Technical assistance.
 5. Consideration of the issue of bribery of officials of public international organizations.
 6. 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).
 7. Other matters.
 8. Provisional agenda for the fourth session.
 9. Adoption of the report.

11. At its first meeting, on 9 November 2009, the Bureau discussed the division of labour among its members. In view of the multiple activities requiring the presence and direct guidance of its members, the Bureau decided to request the Rapporteur to lead informal consultations on the establishment of the review mechanism. This decision was taken also because of the Rapporteur's previous involvement in informal consultations on the issue in Vienna between the last meeting of the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption and the third session of the Conference.

D. Attendance

12. The following States parties to the Convention were represented at the third session of the Conference: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Benin, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Cuba, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea-Bissau, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jordan,

Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Namibia, Netherlands, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Sierra Leone, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe.

13. The Government of Singapore had recently deposited its instrument of ratification of the Convention with the Secretary-General. In accordance with article 68, paragraph 2, of the Convention, its ratification will enter into force on 6 December 2009.

14. The following States signatories to the Convention were represented by observers: Bahrain, Côte d'Ivoire, Czech Republic, Germany, India, Ireland, Japan, Liechtenstein, Saudi Arabia, Sudan, Swaziland, Syrian Arab Republic and Thailand.

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

16. The following observer State was also represented: Oman.

17. Palestine, an entity having received a standing invitation from the General Assembly to participate as an observer in the sessions and work of all international conferences convened under its auspices, was represented by an observer.

18. 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: Global Compact Office, United Nations Office on Drugs and Crime, United Nations Development Programme, United Nations Population Fund, Basel Institute on Governance, Economic Commission for Africa, World Bank and World Health Organization.

19. The following intergovernmental organizations were represented by observers: Asian Development Bank, Council of Europe, Council of the European Union, International Association of Anti-Corruption Authorities, International Criminal Police Organization (INTERPOL), League of Arab States and Organization for Economic Cooperation and Development.

20. The following other international organizations were represented by observers: Global Organization of Parliamentarians against Corruption and U4 Anti-Corruption Resource Centre.

21. The following partners of the United Nations Office on Drugs and Crime were represented by observers: International Anti-Corruption Academy, Microsoft Corporation and PricewaterhouseCoopers.

22. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: Anti-Slavery International, Article 19: International Centre against Censorship, Christian Aid, Fundación Mujeres en Igualdad, Global Alliance against Traffic in Women, Human

Rights Information and Training Centre, International Association of Prosecutors, International Federation of Consulting Engineers, Japan Federation of Bar Associations, Mediterranean Women's Studies Centre, Tearfund, Transparency International and World Economic Forum.

23. 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. Invitations were subsequently sent by the Secretariat to relevant non-governmental organizations.

24. The following other non-governmental organizations were represented by observers: Afro-Egyptian Human Rights Organization, Associação Contas Abertas, Association Sherpa, Barnabas Trust International, Buddhism and Society Development Association, Building Resources Across Community University, Centre for Applied Sociology, Centre for Development and Democratization of Institutions, Centre for Law and Research International, Civil Power Africa, Community Aid, Council of Geopolitics Foundation, Fundar Centro de Análisis e Investigación, Global Network for Good Governance, Global Witness, Human Rights and Development Trust of Southern Africa, Indonesia Corruption Watch, Luta Hamutuk, Pakistan Institute of Legislative Development and Transparency, Redemption Health Foundation for Sustainable Rural Development and Conservation, Sahkar Social Welfare Association Larkana, Stat View International, Syndicat national autonome des personnels de l'administration publique, Transparency and Accountability Network, Welfare Association for the Development of Afghanistan and Zero Corruption Coalition.

E. Adoption of the report of the Bureau on credentials

25. Rule 19 of the rules of procedure for the Conference provides that the bureau of any session shall examine the credentials of representatives 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 Bureau informed the Conference that, of the 104 States parties represented at the third session, 94 States were in compliance with the credentials requirements. Ten States parties, namely, Afghanistan, Burundi, Guyana, Haiti, Kazakhstan, Malawi, Pakistan, Rwanda, Slovenia and Yemen, were not in compliance with rule 18 of the rules of procedure. The Bureau emphasized that it was the obligation of each State party to submit the credentials of representatives, in accordance with rule 18, and called on those States parties that had not yet done so to provide the secretariat with original credentials as soon as possible but not later than 27 November 2009.

27. The Bureau reported to the Conference that it had examined the written communications received and found them to be in order.

28. The Conference adopted the report of the Bureau on credentials at its 10th meeting, on 13 November 2009.

F. Documentation

29. At its third session, the Conference had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by Governments. A list of documents is contained in annex I to the present report.

G. General discussion

30. The representative of Argentina, speaking on behalf of the States Members of the United Nations that are members of the Group of 77 and China, highlighted the importance of the third session of the Conference for the adoption of the mechanism for the review of implementation of the Convention and reaffirmed that the Group of 77 and China would continue to contribute constructively towards that end. He underscored that such a review mechanism should be constructed in consistency with the requirements of the Convention and Conference resolutions 1/1 and 2/1. In addition, the review mechanism should operate under the authority of the Conference, in accordance with article 63 of the Convention, and provide the necessary tools to States parties to assist them in identifying concrete needs for technical assistance. He also stressed that any mechanism for the review of implementation should be funded from the regular budget of the United Nations. It was necessary to streamline efforts to accumulate and disseminate more substantive and comprehensive knowledge on asset recovery issues. In that context, the recommendations of the Open-ended Intergovernmental Working Group on Asset Recovery were a step in the right direction, and the mandate of the Working Group should therefore be renewed until the fourth session of the Conference. In addition, he stressed the importance of technical assistance for capacity-building purposes as a cross-cutting issue of the Convention and an integral part of its effective and efficient implementation. In that regard, he welcomed the recommendations of the Open-ended Intergovernmental Working Group on Technical Assistance and called for the renewal of its mandate, pending a decision on the mechanism for the review of implementation of the Convention.

31. The representative of Sweden spoke on behalf of the States Members of the United Nations that are members of the European Union. Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine associated themselves with the statement. The representative of Sweden stressed that corruption, as a global phenomenon, was an impediment to all forms of development and progress and referred to a variety of measures that had been adopted within the European Union to raise awareness about the problem, safeguard integrity in the public and private sectors and put in place legal measures aimed at dealing with embezzlement and bribery. He also highlighted the importance of the Conference in providing a forum for practitioners and experts to meet and exchange views, information, expertise and good practices and called for closer cooperation between the Secretariat and other international organizations involved in anti corruption activities. He welcomed the

increasing number of ratifications of the Convention and noted that the few States members of the European Union that were not yet parties to the Convention were striving to complete the process in due time. There were three basic conditions for the successful implementation of the Convention: political will, sufficient resources and the active involvement of civil society. In that regard, he argued in favour of a strong and effective mechanism for the review of implementation of the Convention as a powerful vehicle for identifying technical assistance needs on the basis of peer reviews carried out in good faith in an environment of mutual trust. It was underlined that country visits were an integral part of such a review mechanism. Furthermore, the review mechanism needed to be transparent and make optimal use of all relevant information available, including information from non-governmental organizations. Referring to preparatory initiatives exploring the basis for a review mechanism, he noted the usefulness and positive impact of the pilot programme for reviewing the implementation of the Convention. The representative also acknowledged the importance of asset recovery in anti-corruption policies and pointed out that further work needed to be carried out in the field of mutual legal assistance to provide for the expeditious return of assets related to corruption and the elimination of safe havens for such assets.

32. The representative of Angola, speaking on behalf of the States Members of the United Nations that are members of the Group of African States, associated himself with the statement of the Group of 77 and China, reaffirmed the need to establish a mechanism for the review of implementation of the Convention and underlined the importance of technical assistance as a cross-cutting issue and a prerequisite for implementation of the Convention. In that context, he expressed appreciation for the work accomplished by the Working Group on Technical Assistance and supported the extension of its mandate, pending a decision on the mechanism for the review of implementation of the Convention. He also highlighted the key importance of promoting international cooperation to combat corruption, including by strengthening mechanisms for extradition, mutual legal assistance and law enforcement cooperation. He noted that the return of assets derived from acts of corruption was a fundamental principle of the Convention, as stated in article 51. However, for chapter V of the Convention to be implemented successfully, there was an urgent need to make the appropriate adjustments to domestic legal frameworks. The representative also noted the challenge of developing and accumulating knowledge and expertise on asset recovery and building mutual trust among practitioners in that field. In that connection, he expressed support for the continuation of the Working Group on Asset Recovery.

33. Speakers stressed the detrimental impact of corruption on development, economic growth and stability, as well as on the rule of law and democratic institutions, and highlighted the transnational dimensions of corruption and its links to organized crime and terrorism. It was argued that corruption could be dealt with through multifaceted and multi-stakeholder responses that combined law enforcement and preventive measures and empowered the private sector and civil society. Those responses included the promotion of the rule of law, transparency, accountability and standards of social responsibility in the public and private sectors in order to reduce crime opportunities. Initiatives to forge alliances between public and private sector entities to advance the anti-corruption agenda and the role of the Global Compact in that regard were duly noted and encouraged.

34. Speakers also emphasized the important role of the Convention, as the only global instrument against corruption, in serving as the tool and conduit for adopting effective measures and strategies to address the problem of corruption at the national, regional and international levels. Some speakers underscored the progress that had been made with regard to the ratification of the Convention in their countries, and the substantial increase in the number of States parties since the second session of the Conference was noted.

35. Speakers reported on national efforts and initiatives to implement the provisions of the Convention and, in that connection, they referred to domestic legislative, administrative and judicial measures to incorporate the requirements set out in the Convention in their countries' legal systems. Such measures included the following: revision of domestic legislation on corruption, economic crime and money-laundering, as well as procedural laws, to bring them in line with the standards enshrined in the Convention; strengthening the mandates and functions of anti-corruption authorities; establishment of inter-institutional mechanisms for better coordination of national authorities; adoption of codes of conduct for the public sector; preparation and adoption of national action plans to foster and provide an institutional framework for anti-corruption efforts; adoption of legislation to ensure transparency in the public sector and establish objective procurement systems; legislative reforms to allow for more effective access to information and reporting of corruption cases; establishment of asset declaration systems and conflict-of-interest rules for public officials; institutional reforms to ensure the independence of the judiciary; establishment of special anti-corruption judicial bodies; establishment of national auditing standards; regulatory and administrative arrangements to provide for whistle-blower and witness protection; and use of information technologies and online resources to promote transparency and access to information for the public. Other speakers provided information on the initiation and/or outcome of national criminal and administrative cases involving corruption of public officials.

36. Speakers acknowledged the dire need to put in place a functional mechanism for the review of implementation of the Convention to ensure that States parties comply with the provisions of the Convention and substantially contribute to meeting the specific needs of States parties, especially developing countries and least developed countries, in the area of technical assistance and capacity-building. Many speakers argued that such a review mechanism should be effective, objective, transparent, non-intrusive, non-discriminatory and impartial and that its work should be based on country visits by experts. They also stressed the importance of including civil society and the private sector in the process. Several speakers noted that the review mechanism should be funded from the regular budget of the United Nations. Some speakers were of the view that, in constructing such a mechanism, appropriate consideration should be given to the need to strike a balance between promoting the implementation of the Convention and observing the principles of national sovereignty and non-intervention in the internal affairs of States.

37. Speakers highlighted the significant role played by the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption as a forum for States parties to express their positions on a possible mechanism for the review of implementation of the Convention. Other speakers shared their experiences with the voluntary pilot review

programme launched by the secretariat as a technical assistance project to develop and test different methodologies for the review of implementation of the Convention. Some speakers representing States participating in the programme noted the positive value of the country visits undertaken in the framework of that programme, while others announced that they had published their final reports under the programme on their Government's website, allowing for greater transparency.

38. Some speakers stressed the need to make optimal use of the experience gained from existing review mechanisms at the regional level and thus prevent fragmented action and the duplication of efforts and further enable the consideration of needs and priorities at the regional level.

39. A number of speakers indicated that the identification of ways and means to evaluate the progress of individual States in their fight against corruption would be a crucial element of a mechanism for the review of implementation of the Convention. In that connection, concern was expressed about the methodological appropriateness of using surveys based on perception indices for the purpose of assessing a country's level of corruption and creating a ranking based on such indices. It was argued that such surveys might be based on ideological or political stereotypes that could hamper anti-corruption policies and result in a further "downgrading" of countries that were openly engaged in combating corruption, disclosing related investigations and enhancing the transparency of national authorities. It was also suggested that corruption surveys should be adjusted to the specific context of the targeted country, taking into account its national priorities and cultural and institutional specificities in that context.

40. Several speakers shed light on the perils and negative impact of corruption on vulnerable groups of people, including women and children. They argued that corruption fostered different types of discrimination, in particular against women, who often faced difficulties in seeking redress to overcome such discrimination. Moreover, corruption facilitated the commission of acts of organized crime and trafficking in persons, resulting in the sexual exploitation of victims of trafficking. Those speakers therefore suggested that anti-corruption policies take into serious consideration gender issues and the need to ensure the empowerment of women and children.

IV. Review of the implementation of the United Nations Convention against Corruption

41. In its consideration of agenda item 2, "Review of the implementation of the United Nations Convention against Corruption", the Conference had before it the draft terms of reference submitted to it by the Working Group on Review of the Implementation of the Convention (CAC/COSP/2009/L.9), as well as two draft resolutions submitted by States parties prior to the third session of the Conference (CAC/COSP/2009/L.4 and CAC/COSP/2009/L.5). Informal consultations were held from 10 to 13 November to consider the draft terms of reference, and the outcome of those consultations, a draft resolution containing terms of reference for the mechanism for the review of implementation of the Convention as well as guidelines for governmental experts and the secretariat and a blueprint for country reports, was submitted to the Conference for adoption on 13 November.

42. On 11 November 2009, the Conference continued its consideration of agenda item 2. The Conference had before it the following:

(a) Report of the Secretariat on compliance with the United Nations Convention against Corruption (CAC/COSP/2009/9 and Add.1);

(b) Background paper prepared by the Secretariat on the development of the comprehensive self-assessment checklist for the United Nations Convention against Corruption (CAC/COSP/2009/CRP.3);

(c) Responses to the self-assessment checklist for the United Nations Convention against Corruption as at 28 October 2009 (CAC/COSP/2009/CRP.4).

43. Dominika Krois (Poland), in her capacity as Vice-President of the Conference, delivered introductory remarks. She recalled Conference resolution 1/2, in which the Conference decided that a self-assessment checklist would be used as a tool to facilitate the provision of information on implementation of the Convention and requested the Secretariat to finalize the self-assessment checklist in consultation with and reflecting input from States parties and signatories. She also recalled resolution 2/1, in which the Conference welcomed the development of the self-assessment checklist and its effective use to compile initial information on the implementation of several articles of the Convention. The Vice-President informed the Conference that the documentation before it was based on the information provided by 77 States parties as at 14 August 2009. However, by 11 November 2009, 85 States parties had responded to the self-assessment checklist, raising the response rate to an unprecedented 61 per cent.

44. The Vice-President also recalled that in resolution 2/1, the Conference requested the Secretariat to explore the option of modifying the self-assessment checklist to create a comprehensive information-gathering tool that might serve as a useful starting point for collecting implementation information in any further reviews.

45. A representative of the Secretariat provided an account of the work done to develop the comprehensive self-assessment checklist. Both the content and the technological infrastructure of the tool were the result of a broad consultation process involving States parties, signatories and experts. In March 2009, the United Nations Office on Drugs and Crime invited States to test the application on a voluntary basis. To that end, the Chairs of the five regional groups had been invited to nominate three volunteer States per group. Thirty-seven States parties and signatories to the Convention responded to that call and tested the application between March and June 2009. Such broad consultations were also made possible thanks to the support provided by the United Nations Development Programme (UNDP). The UNDP Programme on Governance in the Arab Region was instrumental in facilitating the engagement of a large number of States of the Arab region. A list of all States that tested the comprehensive self-assessment checklist and a detailed account of the consultative process had been made available (CAC/COSP/2009/CRP.3). The representative of the Secretariat noted that all comments provided during the consultation process had been taken into account and were reflected in the final version of the comprehensive self-assessment checklist.

46. The representative of the Secretariat emphasized that the comprehensive self-assessment checklist cross-referenced the Convention against Corruption and the

United Nations Convention against Transnational Organized Crime and the Protocols thereto,²¹ in addition to other corruption-related instruments, and incorporated a large number of substantive and technological enhancements intended to further facilitate the process of reporting on efforts to implement the Convention. To validate the cross references contained in the checklist, on 24 April 2009, the secretariat of the Conference consulted with the secretariats of the African Union Convention on Preventing and Combating Corruption, the Criminal Law Convention on Corruption²² and the Civil Law Convention on Corruption,²³ the Inter-American Convention against Corruption of the Organization of American States, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development, the Forty Recommendations on Money-Laundering and the Nine Special Recommendations on Terrorist Financing of the Financial Action Task Force on Money Laundering. The secretariats of the Criminal Law Convention on Corruption, the Civil Law Convention on Corruption confirmed the accuracy of the relevant cross references on 8 June 2009. The secretariat of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions did likewise on 8 July, as did the secretariat of the Inter-American Convention against Corruption on 30 July.

47. In concluding, the representative of the Secretariat indicated that the comprehensive self-assessment checklist had been developed in English only and that time had to be allocated for the tool to be made available in the six official languages of the United Nations.

48. A representative of the Secretariat provided an account of another ongoing effort to collect and disseminate knowledge on the Convention with a view to promoting its implementation. The undertaking, known as the anti-corruption knowledge management consortium and the legal library for the Convention against Corruption, benefited from the pro bono support of Microsoft. In addressing the Conference, the representative of Microsoft noted that the company was committed to corporate social responsibility and that the support provided to the anti-corruption work of the United Nations Office on Drugs and Crime was a manifestation of that commitment. The representative of Microsoft indicated that careful consideration was being given to ways and means to advance the partnership with the Office in order to further support its efforts to promote the implementation of the Convention by making use of state-of-the-art information and communications technology solutions.

49. Speakers commended the work carried out by the Secretariat, including its efforts to collect and make publicly available reliable knowledge to facilitate the implementation of the Convention. Speakers commended the comprehensive self-assessment checklist and underscored the need to provide training for States parties to exploit its potential. Speakers welcomed the integrated approach taken by the Secretariat and encouraged it to continue to develop the self-assessment application in order to assist States parties in their reporting obligations under the Organized Crime Convention and its Protocols. It was highlighted that, in fulfilling their

²¹ United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

²² Council of Europe, *European Treaty Series*, No. 173.

²³ *Ibid.*, No. 174.

reporting obligations, States parties should make maximum use of the potential of the self-assessment checklist, which provided for the identification and subsequent dissemination of good practices on the implementation of the Convention. One speaker underlined the importance of safeguarding the prerogative of States to request that information submitted through the self-assessment checklist remain confidential.

A. Expert consultations on the prevention of corruption

50. During its consideration of agenda item 2, on the review of the implementation of the Convention, the Conference conducted expert consultations on the prevention of corruption to provide a forum for the exchange of views and experiences on implementation at the national level of chapter II (“Preventive measures”) of the Convention.

51. Dominika Krois (Poland), in her capacity as Vice-President of the Conference, chaired the consultations. In her introductory remarks, she recalled that at the end of its second session, the Conference had expressed vigorous support for the proposal made by the representative of Jordan, who had served as President of the Conference at its first session, to place particular emphasis on the prevention of corruption at the third session of the Conference. She stressed the importance of redoubling efforts to prevent corruption and implement the variety of measures contained in chapter II of the Convention. The Vice-President also recalled that preventive measures set forth by the Convention concerned both the public and the private sectors and underscored the role of other parts of society, such as non-governmental organizations, the media and community-based initiatives. That set of measures constituted recognition that each member of society, individually and collectively, had a contribution to make to a culture of integrity and that preventing and fighting corruption was a shared responsibility.

52. A representative of the Secretariat informed the Conference of the activities conducted by the United Nations Office on Drugs and Crime to raise awareness of the danger of corruption worldwide. The Secretariat further reported on its efforts to promote research on and analysis of corruption-related data with a view to stimulating a better understanding of the problem and evidence-based policymaking.

53. Speakers highlighted the importance of preventive measures to address the deep roots of corruption and build a culture of integrity. In that regard, they referred to the pivotal role of anti-corruption bodies and authorities in implementing preventive measures and policies at the national level. Speakers also stressed the need to encourage the involvement of civil society and the media in preventing corruption at the national level. A number of speakers argued in favour of promoting public-private partnerships to prevent corruption. Reference was also made to the need to further promote educational initiatives and campaigns to sensitize the public, including youth, about the risks and problems posed by corruption. Some speakers highlighted the paramount importance of educating youth in order to foster a culture of integrity.

54. Speakers provided an overview of the preventive measures taken in their countries to ensure compliance with the provisions for the prevention of corruption contained in the Convention. Most speakers gave an account of the development of

their national anti-corruption strategies and the establishment of bodies entrusted with their implementation. They reported that the main responsibilities of those bodies were anti-corruption policy development, the preparation of legislation and the monitoring of implementation of the anti-corruption strategies. Some States had established a single anti-corruption body, while others assigned those functions to various bodies, in conjunction with the creation of an inter-agency coordination mechanism.

55. 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 revised draft resolution on preventive measures sponsored by Austria, Argentina, Brazil, Bulgaria, Finland, Indonesia, Jordan, Morocco, the Netherlands, the United Republic of Tanzania and the United States (CAC/COSP/2009/L.7/Rev.2).

B. Expert consultations on criminalization

56. During its consideration of agenda item 2, on the review of the implementation of the Convention, the Conference conducted expert consultations on criminalization to provide a forum for the exchange of views and experiences on implementation at the national level of the criminalization provisions of the Convention.

57. Taous Feroukhi (Algeria), in her capacity as Vice-President of the Conference, chaired the consultations. In her introductory remarks, she referred to Conference resolutions 1/2 and 2/2, in both of which the Conference appealed to States parties to adapt their legislation and regulations to the mandatory provisions of the Convention, without prejudice to the other criminalization provisions. She defined the framework of the consultations so as to focus them on the challenges posed by the implementation of the criminalization provisions of the Convention and to identify, discuss and review the ramifications of the various ways in which States have chosen to implement those provisions, including in procedural laws, administrative legislation, regulations and legislation for the establishment of jurisdiction.

58. Several speakers noted the importance of the criminalization and law enforcement provisions of the Convention for creating a comprehensive response to the issue of corruption. They also stressed the need to fully and completely align national legislation with the requirements of the Convention, in particular with regard to the five offences the criminalization of which is mandatory under the Convention: bribery of national public officials (art. 15), active bribery of foreign public officials and officials of public international organizations (art. 16, para. 1), embezzlement, misappropriation or other diversion of property by a public official (art. 17), laundering of the proceeds of crime (art. 23) and obstruction of justice (art. 25). They further stressed that implementing these provisions did not involve issues of national sovereignty, as they could all be implemented within the limits of the domestic legislative systems of States parties.

59. One speaker noted the good practice of not having a statute of limitations for corruption offences, in the light of the difficulty of uncovering such offences in a timely manner and in order to maintain jurisdiction within the meaning of article 42 of the Convention. The speaker further noted that obstruction of justice was another

common obstacle in the investigation and adjudication of corruption cases, making the full adoption of article 25 of paramount importance. Two speakers noted the good practice of increasing punishment for corruption offences under the Convention, both as a deterrent and in order to more fully implement effective sanctions within the meaning of article 30.

60. Another speaker noted the good practice of criminal sanctions for the liability of corporations and other legal persons, even though article 26 of the Convention does not require that such legal liability be criminal in nature. The speaker also noted the necessity of creating effective provisions for whistle-blower protection for civil servants within the meaning of article 33. The importance of not allowing banking secrecy to impede effective investigations of corruption offences, consistent with article 40, was also noted. The speaker stressed the need to ensure that bribery laws cover all forms of benefits, not just money or securities, in order to fully implement the provisions of articles 15 and 16.

61. Another speaker noted the crucial link between technical assistance and the ability to fully implement the criminalization and law enforcement provisions of chapter III of the Convention. This was especially important for the incorporation of international norms into domestic legislation and for proper modalities of cooperation, both domestically and internationally.

C. Expert consultations on international cooperation

62. During its consideration of agenda item 2, on the review of the implementation of the Convention, the Conference conducted expert consultations on international cooperation to provide a forum for the exchange of views and experiences on implementation at the national level of the international cooperation provisions of the Convention.

63. Taous Feroukhi (Algeria), in her capacity as Vice-President of the Conference, chaired the consultations. In her introductory remarks, the Vice-President recalled that expert consultations on international cooperation under the Convention had also been incorporated in the agenda of the Conference at its second session, in Nusa Dua, Indonesia. This practice had been well received, as it had offered the opportunity for substantive discussions and exchange of views and national experiences among the participants. She urged the experts to build on that practice and, in doing so, to analyse both successful experiences and problems encountered as well as to formulate specific recommendations for the improvement of international cooperation in accordance with the Convention.

64. A representative of the secretariat defined the framework for the deliberations and highlighted the significance of chapter IV of the Convention and its close interdependence with chapter V, on asset recovery. It was noted that the effective implementation of the provisions of the Convention on mutual legal assistance could further enhance the efficiency of asset recovery mechanisms and foster cooperation for the freezing, seizure and confiscation of assets related to corruption. The interconnection with chapter III of the Convention, on criminalization and law enforcement, was also emphasized, as effective domestic criminal justice regimes and broad criminalization frameworks in line with the requirements of the Convention were prerequisites for effective international cooperation. The

representative of the secretariat underlined the need to promote the use of the Convention as a legal basis for international cooperation, especially in view of a number of innovative provisions, allowing, for example, the exclusion of bank secrecy as grounds for the denial of mutual legal assistance requests or deviations from the strict application of the principle of double criminality. It was noted that the deliberations among the experts could further benefit the consideration by the Conference of technical assistance under the Convention, as the recommendations resulting from these deliberations were expected to focus, inter alia, on capacity weaknesses in the field of international cooperation and ways to address them effectively.

65. Speakers were of the view that the investigation and prosecution of corruption could no longer be considered to be confined within national boundaries. They stressed that, with the growth of international travel and improvements in technology and communications, offenders were increasingly mobile and sought to evade justice by crossing international borders or taking advantage of those developments by, for example, planning their offences in one State, carrying out various elements of the offences in other States and ultimately transferring the proceeds to yet other States. They therefore agreed that there was a rapidly growing need to obtain assistance from other countries in bringing offenders to justice, gathering the necessary evidence and confiscating the proceeds of crime and to enhance, improve and streamline international cooperation in order to effectively combat corruption.

66. Some speakers recalled that the expert consultations on international cooperation at the second session of the Conference had identified a number of basic issues for further consideration, including, first, how to build mutual trust to make cooperation more efficient and, second, how to overcome practical challenges encountered in daily practice with a view to expediting the process of international cooperation. In that context, they underlined that, at the operational level, it would be essential to deepen and intensify mutual trust and confidence among practitioners in States parties and to facilitate and consolidate understanding and respect for different legal systems and procedures. They also stressed the need to ensure the speedy and prompt transmission of international cooperation requests, as well as expediting-related proceedings, in accordance with the requirements of the Convention (art. 44, para. 9, and art. 46, paras. 13 and 24). It was underlined that a substantive prerequisite for enhancing and speeding up cooperation was the designation of national central authorities to receive and transmit requests and the establishment of direct communication channels between them.

67. Several speakers underlined the need for more concerted and efficient international cooperation to combat corruption and reported on national action to implement the pertinent provisions of the Convention, such as the streamlining of domestic legislation and the conclusion of treaties, agreements or arrangements on different forms of such cooperation, including on the enforcement of foreign confiscation orders and the sharing of proceeds of crime. However, it was also noted that in some countries unnecessary limitations and obstacles to effective cooperation still existed and that there were not many successful cases involving the use of the Convention as a legal basis for extradition. It was therefore pointed out that more efforts were needed to bridge divergent legal approaches and bring domestic

provisions in line with the requirements of the Convention with a view to promoting international cooperation.

68. Speakers outlined initiatives that had been taken in their respective countries to develop and promote successful strategies and efficient mechanisms for international cooperation, including the conclusion of bilateral and regional treaties, agreements or arrangements; the adoption of legislation to supplement treaty arrangements or regulate procedural aspects of cooperation; and the development or reform of existing national structures and mechanisms to improve coordination and facilitate cooperation.

69. Some speakers emphasized that States parties should ensure flexibility in their domestic law and practice to afford one another the widest measure of mutual legal assistance with respect to investigations, prosecutions and judicial proceedings relating to corruption. Speakers highlighted the importance, especially with regard to proceeds derived from corruption offences, of continuing efforts to build and promote flexible and efficient schemes of international cooperation for the purpose of confiscation so as to allow greater flexibility in dealing with requests for tracing, freezing and confiscation. They also agreed that, at the national level, legislation and practice should be developed to allow greater flexibility in providing international cooperation in restraint and confiscation, with due regard to the legitimate interests of third parties.

70. One speaker raised the issue of immunities and jurisdictional privileges accorded by national laws to certain categories of public officials in the performance of their functions and expressed concerns about the impact of their excessive use on effective international cooperation for investigative purposes. He was of the view that in cases of corruption, activities of public officials should not be subject to such immunities and privileges.

71. Other speakers noted the positive contribution of certain provisions of the Convention to the efficiency and effectiveness of international cooperation, such as those allowing for offences established pursuant to the Convention not to be considered political offences when the Convention was used as the legal basis for extradition (art. 44, para. 4) and enabling mutual legal assistance in the absence of double criminality when such assistance did not involve coercive action (art. 46, para. 9 (b)).

72. Some speakers acknowledged the difficulties encountered when the requesting State might require special procedures for the execution of a mutual assistance request that were not recognized under the law of the requested State. Bearing in mind those difficulties, in particular when the requesting and the requested State had different legal traditions, speakers highlighted the flexibility that the Convention provided by permitting, to the extent not contrary to the domestic law of the requested State and where possible, the execution of a request in accordance with the procedures specified in the request (art. 46, para. 17).

73. Some speakers agreed that the enhancement of law enforcement cooperation to combat corruption should be a priority issue for States parties. In that context, they stressed the importance of developing more effective systems for sharing information at the regional and international levels with a view to increasing the efficiency and effectiveness of such cooperation. They further emphasized the need to establish channels of communication between national law enforcement

authorities and to conclude arrangements for assistance or joint activities of an operational nature.

74. Some speakers underlined the necessity of technical assistance to build capacity and strengthen relevant institutions, particularly in countries lacking the necessary resources and with particular emphasis on aspects related to cross-border investigation. Such technical assistance might range from the training of personnel to the provision of the necessary expertise and guidance for adopting or reviewing appropriate legal tools for use in this area.

75. Some speakers called for closer coordination and complementary initiatives, involving States parties, the Secretariat and other intergovernmental organizations, to help overcome major challenges encountered, particularly in the area of mutual legal assistance for the purposes of investigating and prosecuting cases of corruption. In addition, international cooperation for the purpose of confiscation was identified as providing opportunities for developing and accumulating knowledge on effective ways and means to trace, freeze, seize and confiscate proceeds of crime.

D. Action taken by the Conference

76. At its 10th meeting, on 13 November 2009, the Conference adopted a draft resolution entitled “Review mechanism” (CAC/COSP/2009/L.9), as orally amended. (For the text, see chap. I, sect. A, resolution 3/1.) Prior to the adoption of the draft resolution, the Conference expressed its common understanding that, taking into consideration the workload of the State party under review and the reviewing States parties, the list of nominated governmental experts for the Review Mechanism should be considered flexible, allowing for amendments to be made to the list where deemed appropriate. A request was also made for the secretariat to convene language consistency groups in order to finalize the translation of the report of the Conference on its third session into the six official languages of the United Nations.

77. Subsequent to the adoption of the draft resolution, the Executive Director of the United Nations Office on Drugs and Crime congratulated the Conference on its adoption of the terms of reference of the Review Mechanism. He urged delegates to brief their colleagues in New York on the crucial importance of securing the required funding for the Review Mechanism. The Executive Director noted that one of the features of the Mechanism would be the identification of technical assistance needs, and he urged States parties to make the delivery of technical assistance a priority. He welcomed the Conference’s work on asset recovery and expressed thanks that the Stolen Asset Recovery (StAR) initiative had pushed that issue forward. He underlined the fact that prevention was a priority, the important role that the next generation had to play, and the need to empower and protect individuals who risked their lives to prevent and fight corruption. He also stressed the important role of the private sector, in particular as the spirit of the Global Forum was to live on in the Conference.

78. At the same meeting, the Conference adopted the revised draft resolution entitled “Preventive measures” (CAC/COSP/2009/L.7/Rev.2), as orally amended. (For the text, see chap. I, sect. A, resolution 3/2.)

V. Asset recovery

79. On 13 November 2009, the Conference considered agenda item 3, "Asset recovery". The Conference had before it the following:

(a) Background paper prepared by the Secretariat on implementation of the recommendations of the Working Group on Asset Recovery (CAC/COSP/2009/7);

(b) Report of the Secretariat on compliance with the United Nations Convention against Corruption (CAC/COSP/2009/9 and Add.1);

(c) Articles of the United Nations Convention against Corruption on asset recovery: analysis of reported compliance and policy recommendations (CAC/COSP/2009/CRP.9).

80. Many speakers made reference to national efforts to implement the provisions on asset recovery of the Convention and the experience of their countries in the area of asset recovery. Speakers noted the innovative nature of the provisions contained in chapter V of the Convention and the importance of asset recovery for development and were of the view that the effective implementation of those provisions should remain a key priority of States parties. It was noted, however, that differences in legal systems and laws of States parties contributed to complexities in cooperation for the recovery of assets. Those legal complexities and technicalities, in addition to the lack of political will, were reported to have hampered efforts to freeze, confiscate and recover proceeds of crime from foreign jurisdictions. Bearing that in mind, further steps had to be taken to ensure the compliance of national laws with the relevant provisions of the Convention and that the Convention had to be used as a legal basis for asset recovery. Speakers also underlined the importance of communication between authorities and the need to develop a database of national focal points for handling asset recovery cases in order to facilitate cooperation on a case-by-case basis.

81. A number of speakers noted the difficulties that bank secrecy rules and the confidentiality of financial affairs posed to the effective fight against corruption and pointed out that the treatment of politically exposed persons should be thoroughly changed to allow for the monitoring of the financial transactions of those individuals and pave the way for the potential recovery of public funds. In that connection, it was suggested that an agreement be reached requiring all public officials, upon assumption of duties, to waive all confidentiality over their financial affairs without limitation for the period they held public office.

82. Several speakers urged countries to provide appropriate financial resources to facilitate the meaningful implementation of the Convention, especially in the area of asset recovery and eventual return of assets to their legitimate owners. Other speakers commended the work of the StAR initiative of the United Nations Office on Drugs and Crime and the World Bank to support anti-corruption and asset recovery programmes of national authorities. It was proposed that further action be taken to facilitate closer coordination between relevant actors, including the Secretariat and other intergovernmental organizations, in order to pursue the establishment of robust and more effective asset recovery regimes.

83. Many speakers referred to the positive contribution of the Open-ended Intergovernmental Working Group on Asset Recovery to building confidence among

States parties, promoting cooperation among them and facilitating the exchange of information and ideas on the expeditious return of diverted assets. In that connection, those speakers supported the renewal of the mandate of the Working Group until the fourth session of the Conference.

84. The outcome of the relevant discussions held in the informal consultations was brought to the attention of the Conference in the form of a revised draft resolution on asset recovery sponsored by Australia, Brazil, Canada, China, Indonesia, Nigeria, Norway, Philippines, Sierra Leone, Switzerland and the United States (CAC/COSP/2009/L.8/Rev.1).

Action taken by the Conference

85. At its 10th meeting, on 13 November 2009, the Conference adopted the revised draft resolution entitled “Asset Recovery” (CAC/COSP/2009/L.8/Rev.1). (For the text, see chap. I, sect. A, resolution 3/3.)

VI. Technical assistance

86. On 11 and 12 November 2009, the Conference considered agenda item 4, “Technical assistance”. For its consideration of item 4, the Conference had before it the following documents:

(a) Discussion paper prepared by the Secretariat on preliminary proposals for possible technical assistance activities to respond to needs identified by States parties through the self-assessment reports (CAC/COSP/2009/5);

(b) Report of the Secretariat on the work of the Open-ended Intergovernmental Working Group on Technical Assistance (CAC/COSP/2009/8);

(c) Report of the Secretariat on compliance with the United Nations Convention against Corruption (CAC/COSP/2009/9 and Add.1).

87. The following conference room papers were also made available to the Conference:

(a) Responses to self-assessment checklist for the United Nations Convention against Corruption as at 28 October 2009 (CAC/COSP/2009/CRP.4);

(b) Note by the Secretariat on the matrix of technical assistance needs identified through the United Nations Convention against Corruption self-assessment checklist (CAC/COSP/2009/CRP.5);

(c) Background paper prepared by the Secretariat on South-South cooperation in the fight against corruption (CAC/COSP/2009/CRP.6).

88. The discussion on agenda item 4 was chaired by one of the Vice-Presidents of the Conference, Dominika Krois (Poland).

89. A representative of the Secretariat outlined the new approach adopted by the United Nations Office on Drugs and Crime in delivering technical assistance through its regional and thematic programmes, as well as the voluntary contributions pledged and resource requirements for continuing existing initiatives,

as described in the discussion paper prepared by the Secretariat (CAC/COSP/2009/5). She also provided an update on the development of a pool of anti-corruption experts, for which curricula vitae had been received from 80 experts: 15 from members of the Group of African States, 4 from members of the Group of Asian and Pacific States, 14 from members of the Group of Eastern European States, 13 from members of the Group of Latin American and Caribbean States and 34 from members of the Group of Western European and Other States. With regard to progress made with respect to international cooperation, it was reported that the United Nations Office on Drugs and Crime was in the process of finalizing the list of central authorities of States parties required by article 46, paragraph 13, of the Convention. It was noted that the International Anti-Corruption Academy, a joint initiative by the Office, INTERPOL and the Government of Austria with the support of the European Anti-Fraud Office of the European Commission and other partners, had great potential for enhancing international cooperation.

90. Two panel discussions were held during the deliberations on item 4. Participants in the first panel discussion considered the role of technical assistance in the development and effective functioning of anti-corruption agencies. Representatives of Argentina, Austria, Haiti, Romania and Rwanda were invited to form part of the panel.

91. The second panel discussion was on South-South cooperation in the fight against corruption. For the second panel discussion, the Secretariat had prepared a background paper (CAC/COSP/2009/CRP.6). The panellists included representatives of Bangladesh, Brazil, Germany and Kenya.

92. Panellists emphasized the important role that coordinated and collaborative efforts played in establishing and further developing an efficient and effective anti-corruption agency. Panellists and other speakers highlighted the advantages of delivering tailored technical assistance over applying a “one-size-fits-all” approach. It was essential to take into account the unique cultural, political and historical characteristics of each State party when deciding on the structure and functions of anti-corruption agencies and other anti-corruption mechanisms. While it was recognized that the Convention was an international instrument, panellists emphasized the importance of a country-led approach to implementation.

93. Several panellists and other speakers placed emphasis on the close interdependence of technical assistance and the effective implementation of the Convention. Speakers underscored the need to deliver efficient and sustained technical assistance, to identify any gaps and to address technical capacity needs, particularly in countries with institutional weaknesses or limited human or technical resources. The matrix of technical assistance needs identified through the United Nations Convention against Corruption self-assessment checklist was welcomed as an effective tool for sharing knowledge on country-level needs with potential technical assistance providers. Speakers called for enhanced synergy among technical assistance providers and development partners. It was recommended that, in the spirit of article 62, paragraph 2 (c), of the Convention, a study should be carried out on the delivery of technical assistance at the national level and that the Office should be called upon to promote programmes addressing the technical assistance needs of requesting States parties.

94. Panellists and other speakers underlined the need to promote the exchange of information, good practices and experiences in different areas of implementation of the Convention. To that end, it was suggested that a network of focal points should be established to foster dialogue and trust among States parties. The network could be useful in avoiding duplication of effort and make efficient and effective use of existing resources. Reference was made to initiatives such as the International Anti-Corruption Summer School and the International Anti-Corruption Academy, aimed at promoting academic research and training on anti-corruption issues. Panellists and other speakers noted that staff of anti-corruption agencies were exposed to constant pressure, intimidation and threats and that consideration could be given to introducing measures to remedy that situation.

95. Speakers emphasized the need for increased technical assistance initiatives in the four priority areas of the Convention: prevention, criminalization, asset recovery and international cooperation. With respect to specific anti-corruption interventions at the country level, a four-pronged approach was proposed, focusing on prevention; education; prosecution and investigation; and international cooperation. Examples of specific technical assistance initiatives were brought to the attention of the Conference. They included providing advisory support and training for national anti-corruption authorities; providing assistance in identifying gaps in the implementation of the Convention and developing self-assessment reports; developing technical tools such as database systems; and organizing capacity development seminars to facilitate learning and the sharing of cross-country experiences in the prevention, detection and prosecution of corruption. It was pointed out that assistance in bolstering anti-corruption responses through capacity-building could be integrated into broader assistance schemes to pursue long-term governance and rule-of-law reforms and the sustained development of criminal justice systems. Several speakers drew the attention of the Conference to the need to enhance the training of professionals, including the judiciary and anti-corruption officers, as well as addressing, through capacity-building programmes, types of corruption more prone to occur in certain areas of the public and private sectors. It was suggested that one area of particular relevance to the effective functioning of anti-corruption authorities was the provision of leadership training.

96. Panellists described as favourable their own experiences with respect to South-South cooperation and commended the background paper prepared by the Secretariat on that subject. The analysis of compliance with the Convention and the gap analysis revealed how South-South cooperation had been effective. Reference was made to the usefulness of learning from each other's experiences. In the context of the gap analysis, such learning had not been formally planned but had developed out of necessity. It was suggested that a formal mechanism be established to enable like-minded peers to learn from each other by holding regular meetings to exchange experiences and share knowledge in areas of common interest, such as asset recovery, international cooperation and the review of compliance with the Convention. It was proposed that an initial meeting on the subject be held in Kenya.

97. Many speakers commended the work carried out by the Open-ended Intergovernmental Working Group on Technical Assistance and supported the renewal of its mandate, pending a decision on the mechanism to review implementation of the Convention.

98. The outcome of the relevant discussion held during the informal consultations was brought to the attention of the Conference in the form of a revised draft resolution sponsored by the United States (CAC/COSP/2009/L.3/Rev.1).

Action taken by the Conference

99. At its 10th meeting, on 13 November 2009, the Conference adopted a revised draft resolution entitled “Technical assistance to implement the United Nations Convention against Corruption” (CAC/COSP/2009/L.3/Rev.1), as orally amended. (For the text, see chap. I, sect. A, resolution 3/4.)

VII. Consideration of the issue of bribery of officials of public international organizations

100. On 11 November, the Conference considered agenda item 5, “Consideration of the issue of bribery of officials of public international organizations”. For its consideration of that item, the Conference had before it a note by the Secretariat on the implementation of Conference resolution 2/5 (CAC/COSP/2009/10), concerning the bribery of officials of public international organizations.

101. Taous Feroukhi (Algeria), in her capacity as Vice-President of the Conference, chaired the consultations. In her introductory remarks, she referred to General Assembly resolution 58/4, in which the Assembly had requested the Conference to address the criminalization of bribery of officials of public international organizations, including the United Nations, and related issues. She also referred to Conference resolutions 1/7 and 2/5, in which States parties had been encouraged to criminalize the offences set forth in article 16 of the Convention. In Conference resolution 1/7, States had also affirmed their commitment, 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 belonged to the principles of the Convention, and the Conference had requested the United Nations Office on Drugs and Crime to facilitate an open-ended dialogue on the issues of privileges and immunities, jurisdiction and the role of international organizations.

102. She also referred to the separate, but parallel, institutional integrity initiative of the United Nations System Chief Executives Board for Coordination, which seeks to review the regulations and rules of the organizations of the United Nations system in the light of the principles of the Convention. The Vice-President recalled that, in its resolution 2/5, the Conference had recommended that a workshop be held to exchange best practices and address the technical issues related to, inter alia, cooperation between public international organizations and States parties and exchange of information on ongoing investigations. She suggested that those issues also be the focus of the expert consultations.

103. At the request of the Vice-President, a representative of the Secretariat introduced the note by the Secretariat on the implementation of Conference resolution 2/5 (CAC/COSP/2009/10), which contained information on the procedural history of the issue of bribery of international public officials. The

document had been prepared pursuant to Conference resolution 1/7, in which the Secretariat was requested to facilitate an open-ended dialogue on the issues of privileges and immunities, jurisdiction and the role of international organizations. In the framework of that effort, a workshop was held in Vienna on 27 September 2007, and a meeting of representatives of members of the Chief Executives Board was held on 28 September 2007 in Vienna to discuss the institutional integrity initiative. In the note by the Secretariat, it was noted that the open-ended dialogue continued to be a focus in Conference resolution 2/5 and that another workshop, as well as a second meeting on the institutional integrity initiative, had been held in January 2009; together, those initiatives had led to a growing convergence of views on several key issues. Those issues included the following: encouraging States parties to authorize the central authority designated to cooperate with other States parties, pursuant to article 46, paragraph 13, of the Convention, to serve as a focal point for cooperation with international organizations; encouraging international organizations to adopt a written policy on cooperation with anti-corruption authorities from both States parties and other international organizations; and encouraging States parties to use their status as members of international organizations to encourage those organizations to align their internal rules and regulations with the principles of the Convention.

104. There were no objections to the proposals contained in the document prepared by the Secretariat, reflecting agreement that the focus on the technical issues of improving cooperation between international organizations and States parties on ongoing investigations was the way forward. In that regard, one speaker noted the good practice of identifying obstacles to such effective cooperation in the early stages of an investigation, noting that cooperation in exchanging information was crucial for the effective punishment of officials of public international organizations involved in misconduct. That same speaker also noted that the issue of privileges and immunities must be addressed in investigations if such investigations were to be effective.

105. Another speaker noted the desirability of adopting extraterritoriality or “long-arm” statutes that allowed States parties to prosecute their nationals engaged in corruption abroad or while serving as officials of public international organizations. The two-tiered approach, consisting of both the open-ended dialogue and the institutional integrity initiative of the Chief Executives Board, was praised by several speakers, and the Executive Director of the United Nations Office on Drugs and Crime was commended for launching the integrity initiative. However, one speaker expressed disappointment that many organizations of the United Nations system had not yet responded to the request made by the Office for information on the ways in which their internal rules and regulations adhered to the principles of the Convention, even though the institutional integrity initiative had been endorsed by the directors of those organizations. That same speaker suggested that, consistent with Conference resolution 2/5, individual Member States should continue to use their status as members of international organizations to encourage a review of regulations and rules in the light of the principles of the Convention.

VIII. 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)

106. At its 3rd meeting, on 10 November 2009, the Conference considered agenda item 6, “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 conference room paper on the status of ratification of the Convention as at 28 October 2009 (CAC/COSP/2009/CRP.1). The conference room paper 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.

IX. Other matters

A. Venues for the fourth and fifth sessions of the Conference

107. At its 8th meeting, on 12 November 2009, the Conference adopted a draft decision entitled “Venues for the fourth and fifth sessions of the Conference of the States Parties to the United Nations Convention against Corruption” (CAC/COSP/2009/L.6), as orally amended. In doing so, it welcomed the offer of the Government of Morocco to act as host to the fourth session of the Conference, in 2011, and the offer of the Government of Panama to act as host to the fifth session of the Conference, in 2013. (For the text, see chap. I, sect. B, decision 3/1.)

B. Special events

108. A number of special events were organized in conjunction with the third session of the Conference, as described below.

Media relations and good practices in anti-corruption awareness-raising campaigns

109. On 10 November 2009, a special event was held to provide anti-corruption practitioners with an opportunity to share experiences on establishing collaborative relationships with the media and good practices in awareness-raising. The special event, organized by the United Nations Office on Drugs and Crime and the World Bank Communication for Governance and Accountability Programme, focused on media relations, and two case studies from anti-corruption agencies were presented and discussed. Examples of anti-corruption campaigns carried out by Member States and civil society were also presented. Panellists from Transparency International and the United Nations Development Programme contributed to the subsequent discussions.

110. The event highlighted that awareness-raising and educational activities were an integral part of anti-corruption efforts and stressed the importance of identifying successful campaigns and learning from the experience of others. Coalition-building, leadership, mass exposure and public pressure were considered key factors for effective campaigns. It was emphasized that successful awareness-raising and media engagement required the involvement of stakeholders from the outset, as well as continuous dialogue. The event also stressed the need to engage youth in the fight against corruption and to design educational programmes to meet the aspirations of new generations. The role of the media in contributing to a culture of integrity was highlighted, as was the importance of ensuring integrity within the media and responsible reporting. At the conclusion of the event, reference was made to the need to develop technical assistance tools and identify good practices to assist anti-corruption bodies in developing their media and awareness-raising capacity.

Fostering public-private partnerships in the fight against corruption

111. On 10 November 2009, the Basel Institute on Governance, the International Development Law Organization and the World Economic Forum Partnering against Corruption Initiative staged a panel discussion to strengthen the business case for fighting corruption.

112. Panellists discussed the reasons behind the increasing engagement of the private sector in the fight against corruption. The event underscored the importance of balancing repressive measures with incentives for the corporate community to uphold the highest standards of integrity. In this regard, panellists regarded the United Nations Convention against Corruption and other relevant instruments as useful tools for striking an optimum balance between government regulation and self-regulation.

C. Sixth Global Forum on Fighting Corruption and Safeguarding Integrity and Global Youth Forum

113. Speakers made reference to the sixth Global Forum on Fighting Corruption and Safeguarding Integrity, which was organized by the Government of Qatar in Doha on 7 and 8 November 2009. Speakers commended the ability of the Global Forum to provide a platform for public-private partnerships to prevent and fight corruption and welcomed the wealth of approaches that the event recommended with a view to strengthening the effectiveness of public and private responses to corrupt practices. Speakers took note of the conclusions and recommendations of the event, including the decision to bring to an end the Global Forum series with the successful conclusion of sixth Global Forum (see www.gf6.pp.gov.qa).

114. While acknowledging the legacy of the Global Forum, speakers also took note with appreciation of the conclusions of the Global Youth Forum, which, at the initiative of the Government of Qatar, was held parallel to the sixth Global Forum, in Doha on 8 November. The event, which brought together youth between the ages of 14 and 17 from a number of States, underscored the importance of teaching new generations a culture of integrity and intolerance to corruption.

X. Provisional agenda for the fourth session of the Conference

115. At its 10th meeting, on 13 November 2009, the Conference approved the draft provisional agenda for its fourth session (CAC/COSP/2009/L.2), 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. The provisional agenda for the fourth session of the Conference is contained in annex II to the present report.

XI. Adoption of the report of the Conference on its third session

116. At its 10th meeting, on 13 November 2009, the Conference adopted the report on its third session (CAC/COSP/2009/L.1 and Add.1-4).

117. Also at the 10th meeting, the representative of Sweden, on behalf of the European Union, noted that, prior to requests for the Conference to take action on draft decisions, States parties needed to be made aware of the time when such decisions were to be taken in order to ensure adequate representation in the plenary meeting.

Annex I

List of documents before the Conference of the States Parties to the United Nations Convention against Corruption at its third session

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2009/1 and Corr.1	Provisional agenda and annotations
CAC/COSP/2009/2	Work of the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption
CAC/COSP/2009/3	Draft terms of reference of the mechanism for the review of implementation of the United Nations Convention against Corruption: rolling text
CAC/COSP/2009/4	Effective implementation of the United Nations Convention against Corruption: note by the Secretariat
CAC/COSP/2009/5	Preliminary proposals for possible technical assistance activities to respond to needs identified by States parties through the self-assessment reports: discussion paper prepared by the Secretariat
CAC/COSP/2009/6 and Add.1	Recommendations of the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption and proposals and contributions received from Governments
CAC/COSP/2009/7	Implementation of the recommendations of the Open-ended Intergovernmental Working Group on Asset Recovery: background paper prepared by the Secretariat
CAC/COSP/2009/8	Work of the Open-ended Intergovernmental Working Group on Technical Assistance: report of the Secretariat
CAC/COSP/2009/9 and Add.1	Compliance with the United Nations Convention against Corruption and technical assistance needs for implementation: report of the Secretariat
CAC/COSP/2009/10	Implementation of resolution 2/5 of the Conference of the States Parties to the United Nations Convention against Corruption: note by the Secretariat
CAC/COSP/2009/11	Financial implications of the proposed review mechanism of the United Nations Convention against Corruption: note by the Secretariat
CAC/COSP/2009/12	Meeting of experts on good practices to prevent corruption and foster a culture of integrity, held in Doha from 9 to 11 February 2009: note by the Secretariat
CAC/COSP/2009/13	Note verbale dated 24 September 2009 from the Permanent Mission of Brazil to the United Nations (Vienna) addressed to the United Nations Office on Drugs and Crime
CAC/COSP/2009/14	International cooperation in the prevention, investigation, prosecution and punishment of economic fraud and identity-related crime: note by the Secretariat
CAC/COSP/2009/L.1 and Add.1-4	Draft report
CAC/COSP/2009/L.2	Provisional agenda for the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2009/L.3/Rev.1	United States of America: revised draft resolution on technical assistance to implement the United Nations Convention against Corruption
CAC/COSP/2009/L.4	Algeria, Angola, China, Egypt, Iran (Islamic Republic of), Pakistan, Russian Federation, Venezuela (Bolivarian Republic of) and Zimbabwe: draft resolution on the mechanism for the review of implementation
CAC/COSP/2009/L.5	Chile, Liechtenstein, Mexico, Norway, Peru, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Switzerland and Turkey: draft resolution on the mechanism for the review of implementation of the United Nations Convention against Corruption
CAC/COSP/2009/L.6	Morocco and Panama: draft decision on the venues for the fourth and fifth sessions of the Conference of the States Parties to the United Nations Convention against Corruption
CAC/COSP/2009/L.7/Rev.2	Austria, Argentina, Brazil, Bulgaria, Finland, Indonesia, Jordan, Morocco, Netherlands, United Republic of Tanzania and United States of America: revised draft resolution on preventive measures
CAC/COSP/2009/L.8/Rev.1	Australia, Brazil, Canada, China, Indonesia, Nigeria, Norway, Philippines, Sierra Leone, Switzerland and United States of America: revised draft resolution on asset recovery
CAC/COSP/2009/L.9	Algeria, Angola, Chile, China, Egypt, Iran (Islamic Republic of), Liechtenstein, Mexico, Norway, Pakistan, Peru, Russian Federation, Sweden (on behalf of the States Members of the United Nations that are members of the European Union), Switzerland, Turkey, Venezuela (Bolivarian Republic of) and Zimbabwe: draft resolution on the review mechanism
CAC/COSP/2009/INF/1 and Corr.1 and 2.	Information for participants
CAC/COSP/2009/INF/2	List of participants
CAC/COSP/2009/CRP.1	Status of ratification of the United Nations Convention against Corruption as at 28 October 2009
CAC/COSP/2009/CRP.2	Quantitative approaches to assess and describe corruption and the role of the United Nations Office on Drugs and Crime in supporting countries in performing such assessments: background paper prepared by the Secretariat
CAC/COSP/2009/CRP.3	Development of the comprehensive self-assessment checklist for the United Nations Convention against Corruption: background paper prepared by the Secretariat
CAC/COSP/2009/CRP.4	Responses to self-assessment checklist for the United Nations Convention against Corruption as at 28 October 2009
CAC/COSP/2009/CRP.5	Matrix of technical assistance needs identified through the United Nations Convention against Corruption self-assessment checklist: note by the Secretariat
CAC/COSP/2009/CRP.6	South-South cooperation in the fight against corruption: background paper prepared by the Secretariat

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2009/CRP.7	Message dated 8 October 2009 from the Council of Europe Group of States against Corruption addressed to the Conference of the States Parties to the United Nations Convention against Corruption at its third session
CAC/COSP/2009/CRP.8	Good practices and lessons learned from implementing the United Nations Convention against Corruption Pilot Review Programme: note by the Secretariat
CAC/COSP/2009/CRP.9	Articles of the United Nations Convention against Corruption on asset recovery: analysis of reported compliance and policy recommendations
CAC/COSP/2009/CRP.10	Communications related to the work of the Conference of the States Parties to the United Nations Convention against Corruption received by the Executive Director of the United Nations Office on Drugs and Crime
CAC/COSP/2009/CRP.11	Communications related to the work of the Conference of the States Parties to the United Nations Convention against Corruption received by the Secretary-General of the United Nations
CAC/COSP/2009/CRP.12	Communications received from the President of the sixth Global Forum on Fighting Corruption and Safeguarding Integrity
CAC/COSP/2009/CRP.13 and Add.1	Communications related to the work of the Conference of the States Parties to the United Nations Convention against Corruption received by the United Nations Office on Drugs and Crime

Annex II

Provisional agenda for the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption

1. Organizational matters:
 - (a) Opening of the fourth 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: criminalization and law enforcement and international cooperation.
 3. Technical assistance.
 4. Prevention.
 5. Asset recovery.
 6. Other matters.
 7. Provisional agenda for the fifth session of the Conference.
 8. Adoption of the report of the Conference on its fourth session.
-