



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

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**Report of the Conference of the States Parties to the
United Nations Convention against Corruption on
its second session, held in Nusa Dua, Indonesia,
from 28 January to 1 February 2008**

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

A. Resolutions

1. At its second session, held in Nusa Dua, Indonesia, from 28 January to 1 February 2008, the Conference of the States Parties to the United Nations Convention against Corruption adopted the following resolutions:

Resolution 2/1

Review of implementation

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 United Nations Convention against Corruption 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,

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

Recalling its resolution 1/2, in which it decided that a self-assessment checklist should be used as a tool to facilitate the gathering of information on the implementation of the Convention,

Welcoming the subsequent development of the self-assessment checklist, its effective use to compile initial information on the implementation of several articles of the Convention and the two reports of the Secretariat analysing the information collected,²

Noting the activities undertaken pursuant to its resolution 1/1 to collect and analyse information on several possible methods to review the implementation of the Convention,

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

Recalling its resolution 1/1, in which it agreed on the necessity of establishing an appropriate and effective mechanism to assist it in the review of the implementation of the Convention, and established an open-ended intergovernmental expert working group to make recommendations to the Conference at its second session on the appropriate mechanisms or bodies for

¹ General Assembly resolution 58/4, annex.

² CAC/COSP/2008/2 and Add.1.

reviewing the implementation of the Convention and on the terms of reference of such mechanisms or bodies,

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 meeting held in Vienna from 29 to 31 August 2007 and the report on that meeting;³

2. *Reaffirms* that any such mechanism established to assist the Conference of the States Parties to the United Nations Convention against Corruption in the effective implementation of the United Nations Convention against Corruption⁴ should:

- (a) Be transparent, efficient, non-intrusive, inclusive and impartial;
- (b) Not produce any form of ranking;
- (c) Provide opportunities to share good practices and challenges;

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

3. *Decides* that any such mechanism should also reflect, inter alia, the following principles:

(a) Its objective should be to assist States parties in the effective implementation of the Convention;

(b) It should take into account a balanced geographical approach;

(c) It should be non-adversarial and non-punitive and should promote universal adherence to the Convention;

(d) It should base its work on clear, established guidelines for the compilation, production and dissemination of information, including addressing issues of confidentiality and submission of the outcome to the Conference, which is the competent body to take action on such outcome;

(e) It should identify, at the earliest stage possible, difficulties encountered by parties in the fulfilment of their obligations under the Convention and good practices adopted in efforts by States parties to implement the Convention;

(f) It should be of a technical nature and promote constructive collaboration, inter alia, in preventive measures, asset recovery and international cooperation;

4. *Decides also* that the Working Group shall prepare terms of reference for a review mechanism for consideration, action and possible adoption by the Conference at its third session;

5. *Decides further* that the Working Group shall hold at least two meetings prior to the third session of the Conference in order to perform its mandated tasks;

6. *Requests* the United Nations Office on Drugs and Crime, in the interim and subject to the availability of voluntary contributions, to continue to assist

³ CAC/COSP/2008/3.

⁴ General Assembly resolution 58/4, annex.

parties, upon request, in their efforts to collect and provide information requested by the self-assessment checklist, and to analyse and report on the information collected to the Conference at its third session, and urges States parties and signatory States that have not yet done so to complete the checklist and submit it to the United Nations Office on Drugs and Crime;

7. *Requests* 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 future reviews;

8. *Also requests* the Secretariat to assist the Working Group by submitting to it background information, including terms of reference of existing review mechanisms and information on the activities undertaken pursuant to Conference resolution 1/1 to collect and analyse information on possible methods for reviewing implementation;

9. *Calls upon* States parties and signatory States to submit proposals to the Working Group for the terms of reference of the mechanism sufficiently in advance of the meetings of the Working Group for its consideration;

10. *Requests* the Secretariat to assist, within existing resources, the Working Group in the performance of its functions, including by providing interpretation services.

Resolution 2/2

Appeal to States parties and invitation to signatories to the United Nations Convention against Corruption to continue to adapt their legislation and regulations

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

Recalling its resolution 1/3, entitled “Appeal to States parties and invitation to signatories to the United Nations Convention against Corruption to adapt their legislation and regulations”,

Bearing in mind General Assembly resolution 62/202 of 19 December 2007, entitled “Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption”, in which the Assembly encouraged all Governments to penalize corruption in all its forms,

Recognizing that adaptation of the domestic legal systems of the States parties to the United Nations Convention against Corruption⁵ is essential to the implementation of the Convention,

Taking note with appreciation of the analytical report of the Secretariat on the self-assessment of the implementation of the Convention,⁶ including the self-assessment of technical assistance needs for its implementation,

⁵ General Assembly resolution 58/4, annex.

⁶ CAC/COSP/2008/2.

Welcoming the efforts of States parties and signatories to the Convention that have enacted laws and taken other positive measures to prevent and combat corruption in all its forms,

Acknowledging that some States parties have expressed technical assistance needs with a view to adopting measures fully consistent with the Convention in order, inter alia, to criminalize bribery of national public officials, bribery of foreign public officials and officials of public international organizations, embezzlement, misappropriation or other diversion of property by a public official, laundering of proceeds of crime and obstruction of justice,

1. *Requests* those States parties to the United Nations Convention against Corruption⁷ that have not yet done so to adapt their legislation and regulations, pursuant to article 65 of the Convention, in order to comply with the obligation to establish as criminal offences the acts covered by the Convention in articles 15, 16 (paragraph 1), 17, 23 and 25;

2. *Stresses* the importance of all the provisions of the Convention, and requests States parties to continue to adapt their legislation and regulations in order to implement the Convention;

3. *Invites* the States signatories to the Convention to adapt their legislation and regulations in accordance with paragraph 1 above, and encourages them to ratify the Convention as early as possible;

4. *Requests* all States that have not yet done so to provide, through the self-assessment checklist, information on their programmes, plans and practices and on their legislative and administrative measures to implement the Convention, inter alia, chapter III of the Convention, pursuant to article 63, paragraphs 5 and 6;

5. *Invites* States and the Secretariat to assist, within existing resources, States requesting technical assistance with a view to enabling them to adopt measures fully consistent with the provisions of the Convention, including in the areas of criminalization and law enforcement.

Resolution 2/3

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 also a fundamental principle of the United Nations Convention against Corruption⁸ and that States parties to the Convention are obligated to afford one another the widest measures of cooperation and assistance in that regard,

Recalling its resolution 1/4, in which it established an interim open-ended intergovernmental working group to advise and assist it in the implementation of its mandate on the return of proceeds of corruption,

⁷ General Assembly resolution 58/4, annex.

⁸ General Assembly resolution 58/4, annex.

1. *Welcomes* the report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 27 and 28 August 2007;⁹
2. *Decides* that the Working Group shall continue its work, according to its mandate as set out in Conference resolution 1/4, to advise and assist the Conference in the implementation of its mandate on the return of proceeds of corruption, including the consideration of any further proposals, should the Working Group deem it appropriate;
3. *Decides also* that the Working Group shall continue its deliberations on the conclusions and recommendations contained in the report on its meeting with a view to identifying ways and means of translating those conclusions and recommendations into concrete action;
4. *Decides further* that the Working Group shall hold at least two meetings prior to the third session of the Conference in order to perform its mandated task, within existing resources;
5. *Decides further* that the Working Group shall explore means of building confidence, facilitate the exchange of information and ideas on the expeditious return of assets among States and encourage cooperation between requesting and requested States;
6. *Requests* the Working Group to continue its deliberations with a view to further developing cumulative knowledge in the area of asset recovery, especially with regard to the implementation of chapter V, entitled “Asset recovery”, of the United Nations Convention against Corruption;¹⁰
7. *Requests* the United Nations Office on Drugs and Crime and invites, as appropriate, other organizations to continue to support States in strengthening their capacities in all areas relevant to the successful recovery of assets, taking into account the conclusions and recommendations contained in the report of the meeting of the Working Group;
8. *Decides* that the Working Group shall submit reports on all its intersessional activities to the Conference at its third session;
9. *Requests* the Secretariat to assist, within existing resources, the Working Group in the performance of its functions, including by providing interpretation services.

⁹ CAC/COSP/2008/4.

¹⁰ General Assembly resolution 58/4, annex.

Resolution 2/4

Strengthening coordination and enhancing technical assistance for the implementation of the United Nations Convention against Corruption

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

Recalling its resolution 1/5, entitled “Technical assistance”, and its resolution 1/6, entitled “International cooperation workshop on technical assistance for the implementation of the United Nations Convention against Corruption”,

Taking note of the report on the International Cooperation Workshop on Technical Assistance for the Implementation of the United Nations Convention against Corruption, held in Montevideo from 30 May to 1 June 2007,¹¹ and the report on the meeting of the Open-ended Intergovernmental Working Group on Technical Assistance held in Vienna on 1 and 2 October 2007,¹²

Recognizing that technical assistance is an essential element in the effective and speedy implementation of the United Nations Convention against Corruption,¹³ having regard to the deliberations of the Workshop and the conclusions of the Working Group,

Reaffirming that a clear request for technical assistance in order to implement the Convention remains a prerequisite,

Recalling that it is useful for recipient States to be able to define their needs clearly in order to facilitate the provision and coordination of technical assistance,

Emphasizing the fact that, given the multiplicity of cooperation programmes and agencies, the coordination of technical assistance must be an ongoing concern and absolute priority,

Emphasizing also the fact that the primary purpose of such coordination must be to optimize the use of resources and the impact of technical assistance by avoiding duplication to the extent possible,

I. Donor coordination

1. *Requests* national, regional and international anti-corruption donors to continue their coordination efforts, as agreed in the Paris Declaration on Aid Effectiveness, adopted at the High-level Forum on Joint Progress towards Enhanced Aid Effectiveness, held in Paris from 28 February to 2 March 2005, both in host countries and at the international level, including in forums such as the International Group for Anti-Corruption Coordination and the Network on Governance of the Development Assistance Committee of the Organization for Economic Cooperation and Development, so that they can share their approaches on how to implement the

¹¹ CAC/COSP/2008/6.

¹² CAC/COSP/2008/5.

¹³ General Assembly resolution 58/4, annex.

needs identified by recipient States and to define guidelines and policies based on their best practices and comparative advantages, with a view to enhancing the effectiveness of technical assistance and regular information exchange, and, to that end, encourages all donors to establish effective coordination between departments and agencies at the national level in the donor's country;

2. *Calls upon* donors to consider developing their capacity to assess the results of their anti-corruption cooperation by strengthening, in particular, their standards on transparency in the implementation of such activities;

3. *Calls upon* the international community to continue to develop tools and training programmes that can be applied through technical assistance efforts;

4. *Invites* providers of technical assistance to emphasize coordination efforts in host countries, including consultation with the relevant national authorities of the host country, to ensure that technical assistance activities meet identified needs;

5. *Urges* donors to enhance their technical assistance by giving high priority to using the provisions of the United Nations Convention against Corruption¹⁴ in the formulation of their general development policies and other relevant policies on anti-corruption assistance;

II. Identification of technical assistance needs

6. *Recognizes* that many development programmes may help States in need of technical assistance to implement the provisions of the Convention, reaffirms that the delivery of development assistance should not be linked to the implementation of the Convention and reaffirms also that the delivery of technical assistance should be based on the needs and priorities identified by the requesting States and should respect the national sovereignty of States;

7. *Invites* States receiving technical assistance in the framework of the Convention to develop, if they have not already done so, a multi-year national framework of their needs for technical assistance to prevent and combat corruption, making that framework known to the donor community, which can use it as the basis for the implementation of cooperation activities, pursuing a coordinated approach through specific allocation of tasks among donors;

8. *Urges* States to designate a focal point in order to avoid duplication and to facilitate contacts with the donor community;

III. Open-ended Intergovernmental Working Group on Technical Assistance

9. *Decides* that the Open-ended Intergovernmental Working Group on Technical Assistance shall continue its work to advise and assist the Conference in the implementation of its mandate on technical assistance, and reaffirms that the Working Group shall meet during the third session of the Conference and, as

¹⁴ General Assembly resolution 58/4, annex.

appropriate and within existing resources, shall hold at least two intersessional meetings prior to the third session of the Conference;

10. *Decides also* that the Working Group shall submit reports on its activities to the Conference;

11. *Requests* the Secretariat to assist the Working Group in the performance of its functions.

Resolution 2/5

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

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

Recalling General Assembly resolution 58/4 of 31 October 2003, in which the Assembly requested that the Conference address the criminalization of bribery of officials of public international organizations, including the United Nations, and related issues, taking into account questions of privileges and immunities, as well as of jurisdiction and the role of international organizations, by, inter alia, making recommendations regarding appropriate action in that regard,

Recalling also article 16 of the United Nations Convention against Corruption,¹⁵ in paragraph 1 of which States parties are obliged to adopt legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the active bribery of officials of public international organizations, and in paragraph 2 of which States parties are requested to consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance, directly or indirectly, of an undue advantage by an official of a public international organization,

Recalling further its resolution 1/7, entitled “Consideration of bribery of officials of public international organizations”,

Taking note with appreciation of the efforts made by the United Nations Office on Drugs and Crime to implement Conference resolution 1/7, in particular the establishment of an open-ended dialogue, and expressing appreciation to the Member States and international organizations that participated in the dialogue,

Welcoming the note by the Secretariat on the question of bribery of officials of public international organizations, which included information on efforts to address the concerns of the General Assembly expressed in its resolution 58/4 of 31 October 2003,¹⁶

¹⁵ General Assembly resolution 58/4, annex.

¹⁶ CAC/COSP/2006/8.

Taking note of the document prepared by the Secretariat on the implementation of Conference resolution 1/7, in which it was noted that additional work would be required,¹⁷

Noting that participants in the open-ended dialogue established pursuant to Conference resolution 1/7 agreed that the Convention did not affect the system established by the Convention on the Privileges and Immunities of the United Nations¹⁸ and the specialized agencies,

1. *Recalls* paragraph 2 of its resolution 1/7, in which it encouraged States parties that had not already done so to criminalize, when appropriate and consistent with their principles of jurisdiction, the offences set forth in article 16 of the United Nations Convention against Corruption;¹⁹

2. *Invites* the Secretariat to continue the dialogue initiated with relevant public international organizations in order to gather concrete information concerning the manner in which they ensure prevention of corruption and manage corruption cases that may involve their agents, and to present to the Conference at its third session a report on the efforts undertaken to align the financial and other public integrity rules of public international organizations to the principles set forth in the Convention;

3. *Recommends* that an open-ended workshop of practitioners and experts, including representatives of the Office of Internal Oversight Services and the Office of Legal Affairs of the Secretariat and the oversight offices of other international organizations and members of the judiciary and law enforcement officers who have had to deal with corruption cases involving officials of public international organizations, should be held before the end of 2008, with the main purpose of the workshop being to exchange best practices and to address the technical issues highlighted in the note by the Secretariat on the implementation of Conference resolution 1/7,²⁰ in particular cooperation between public international organizations and States parties, exchange of information on ongoing investigations and jurisdiction, and with the outcome of the workshop possibly leading to, inter alia, the setting up of a network capable of allowing further exchanges between participants;

4. *Requests* the Secretariat to facilitate, in consultation with Member States and subject to the availability of extrabudgetary resources, the organization of the workshop;

5. *Also requests* the Secretariat to coordinate its work as relevant with the Ad Hoc Committee on criminal accountability of United Nations officials and experts on mission, established by General Assembly resolution 61/29 of 4 December 2006.

¹⁷ CAC/COSP/2008/7, para. 64.

¹⁸ General Assembly resolution 22 A (I).

¹⁹ General Assembly resolution 58/4, annex.

²⁰ CAC/COSP/2008/7.

B. Decisions

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

Decision 2/1

Venue for the third session of the Conference of the States Parties to the United Nations Convention against Corruption

The Conference of the States Parties to the United Nations Convention against Corruption, recalling General Assembly resolution 47/202 A of 22 December 1992, on the pattern of conferences, taking into consideration rule 3, paragraph 2, and rule 6 of its rules of procedure and welcoming the offer by the Government of Qatar to act as host to the third session of the Conference, decided that its third session would be held in Qatar in 2009.

II. Introduction

3. In its resolution 58/4 of 31 October 2003, the General Assembly adopted the United Nations Convention against Corruption. The Convention entered into force on 14 December 2005. 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 second session in Nusa Dua, Indonesia, from 28 January to 1 February 2008. Twenty meetings were held during the session. It should be noted that the Conference had resources at its disposal to provide full interpretation for 10 meetings. Thanks to voluntary contributions from a number of donors, the Secretariat was able to organize an additional 10 meetings with full interpretation. The additional meetings were necessary because of the heavy agenda at the session and the need to provide opportunities for experts to interact and discuss a variety of substantive matters.
5. On 28 January, the outgoing President of the Conference made introductory remarks in which he highlighted the opportunity presented at the second session for the Conference to take the discussion beyond the point reached at the close of its first session, held in Amman from 10 to 14 December 2006.
6. The outgoing President then invited the Conference to elect its President for the second session.

7. Following his election, the incoming President invited the Director-General of the United Nations Office at Vienna and Executive Director of the United Nations Office on Drugs and Crime to make opening remarks.

8. Referring to the United Nations Climate Change Conference held in Nusa Dua, Indonesia, under the United Nations Framework Convention on Climate Change,²¹ from 3 to 15 December 2007, the Executive Director suggested that the goal of the Conference of the States Parties to the United Nations Convention against Corruption should be to curb corruption and foster progress towards an environment of integrity. He reminded the Conference of its tasks to set targets to curtail the poisonous emissions of bribery, graft and greed that had overheated the administrative apparatus in both the public and private sectors. He urged delegations to focus on three priorities: (a) explaining what had been done at the national level to fight corruption and implement the Convention as a way of completing the self-assessment phase; (b) identifying gaps and technical assistance needs, for which self-assessments could help to identify what still needed to be done; and (c) supporting the rapid development of a solid mechanism for reviewing implementation. Identifying the third of those priorities as the main task of the Conference, he urged the Conference participants to reach agreement on the review mechanism or, if an agreement could not be reached, at a minimum to commit to settling the matter at the third session of the Conference. He noted with appreciation the offer made by the Government of Qatar to host the third session in 2009 and stated that clearing the course towards development of the review mechanism with tasks, targets and deadlines should be the centrepiece of the roadmap to Doha. The Executive Director concluded by urging the Conference to seize the opportunity to live up to the expectations of billions of people around the world who were disillusioned by the misuse of their resources.

9. In an opening statement made on behalf of the President of Indonesia, the Coordinating Minister for Political, Legal and Security Affairs of Indonesia underlined the commitment of Indonesia to fighting corruption, as manifested also by the international and regional meetings organized by Indonesia, including the second annual conference of the International Association of Anti-Corruption Authorities. He announced that Indonesia would continue its efforts to provide a platform for anti-corruption experts to exchange experiences and best practices. Referring to corruption as “public enemy number one” in Indonesia, as it diminished the quality of life of all sectors of society, especially the poor, he gave examples of the measures put in place by Indonesia to implement the United Nations Convention against Corruption. He stressed the negative effects of corruption on investment and noted that corruption was an obstacle to development. He highlighted that, at the global level, corruption hindered the achievement of the Millennium Development Goals. He called on the Conference participants to stand united against corruption at the local, national and global levels. In concluding, he urged States that had not yet done so to ratify and fully implement the Convention.

²¹ United Nations, *Treaty Series*, vol. 1771, No. 30822.

B. Election of officers

10. At its 1st meeting, on 28 January, the Conference elected by acclamation Hendarman Supandji (Indonesia) as President of the Conference.

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

Vice-Presidents: Thomas Stelzer (Austria)
 Fortuné Guezo (Benin)
 Horacio Bazoberry (Bolivia)

Rapporteur: Dominika Krois (Poland)

C. Adoption of the agenda and organization of work

12. At its 1st meeting, on 28 January, the Conference adopted the following agenda for its second session (CAC/COSP/2008/1):

1. Organizational matters:
 - (a) Opening of the second 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) Working group on the review of the implementation of the Convention;
 - (b) Expert consultations on the prevention of corruption;
 - (c) Expert consultations on criminalization;
 - (d) Expert consultations on international cooperation, including asset recovery.
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 third session of the Conference.
9. Adoption of the report on the second session of the Conference.

D. Attendance

13. The following States parties to the Convention were represented at the session: Albania, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Croatia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Ghana, Guatemala, Hungary, Indonesia, Jordan, Kenya, Kuwait, Latvia, Lesotho, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Mauritius, Mexico, Mongolia, Montenegro, Morocco, Namibia, Netherlands, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russian Federation, Serbia, Sierra Leone, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Tajikistan, Trinidad and Tobago, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yemen, Zambia and Zimbabwe.

14. The following States signatories to the Convention were represented by observers: Afghanistan, Bahrain, Belgium, Brunei Darussalam, Czech Republic, Germany, Greece, Haiti, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Lao People's Democratic Republic, Liechtenstein, Malaysia, Republic of Korea, Saudi Arabia, Singapore, Sudan, Switzerland, Syrian Arab Republic, Thailand, Timor-Leste, Tunisia, Ukraine, Venezuela (Bolivarian Republic of) and Viet Nam.

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

16. The following observer States were also represented: Democratic Republic of the Congo, Equatorial Guinea, Gambia, Holy See, Iraq, Lebanon and 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, Office of Legal Affairs of the Secretariat, United Nations Office on Drugs and Crime, Economic Commission for Africa, Joint United Nations Programme on HIV/AIDS (UNAIDS), Office of the United Nations High Commissioner for Refugees, Special Court for Sierra Leone, United Nations Development Programme, United Nations Human Settlements Programme (UN-Habitat), World Food Programme, United Nations Interregional Crime and Justice Research Institute, Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Institute for Security Studies, Basel Institute on Governance, United Nations Educational, Scientific and Cultural Organization (UNESCO), World Bank and International Monetary Fund.

19. The following intergovernmental organizations were represented by observers: African Development Bank, Asian-African Legal Consultative Organization, Asian Development Bank, Council of Europe, Council of the European Union, Inter-American Development Bank, International Criminal Police Organization (INTERPOL), League of Arab States, Organization for Economic Cooperation and Development and World Customs Organization.

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

21. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: American Bar Association, Caritas Internationalis (International Federation of Catholic Charities), Christian Aid, DrugScope, Fondation Humanus/Humanus International, International Association of Prosecutors, International Chamber of Commerce, International Council of Women, International Council on Human Rights Policy, International Federation of Non-Governmental Organizations for the Prevention of Drug and Substance Abuse, International NGO Forum on Indonesian Development, Japan Federation of Bar Associations, Muslim World League, Public Services International, Transparency International, Women's Right to Education Programme and Yayasan Cinta Anak Bangsa.

22. 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.

23. The following other non-governmental organizations were represented by observers: Abuja Children and Youth International Association of Nigeria, Arab Organization for International Cooperation, Asociación Civil por la Igualdad y la Justicia, Blossom Nigeria Projects, Business for Integrity and Stability of Our Nation, Centennial Force Foundation Inc., Centre for European Constitutional Law, Forum Solidaridad Perú, Human Rights Trust of Southern Africa, IBON Foundation Inc., Indonesian Corruption Watch, Inter-American Bar Association, International Center on Nonviolent Conflict, Kemitraan Partnership for Governance Reform, Korean Pact on Anti-Corruption and Transparency, Kuwait Economic Society, Mauritius Council of Social Service, Namibia Institute for Democracy, Pact Cambodia, People Center for Development and Peace, Public Services Labor Independent Confederation, Transparency and Accountability Network, UNICORN and Zero-Corruption Coalition.

E. Adoption of the report of the Bureau on credentials

24. 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.

25. The Bureau informed the Conference that, of the 80 States parties represented at the second session, 76 States complied with the credentials requirements. Four States parties, namely, Ghana, Papua New Guinea, Tajikistan and Yemen, did not comply with rule 18 (on the submission of credentials) 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 15 February 2008. The Bureau reported to the Conference that it had examined the written communications and found them to be in order.

26. The Conference adopted the report of the Bureau on credentials at its 10th meeting, on 1 February 2008.

F. Documentation

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

G. General discussion

28. The representative of Portugal spoke on behalf of the States Members of the United Nations that are members of the European Union and Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey, as well as Norway; Moldova and Ukraine associated themselves with the statement. The representative reported on the measures taken by the European Community with the aim of building up a comprehensive anti-corruption policy for the European Union. He highlighted that the European Union attached great importance to the establishment of a strong, objective and effective mechanism for the review of implementation of the Convention. He stressed that the preliminary outcome of the voluntary pilot programme of the United Nations Office on Drugs and Crime for reviewing the implementation of the Convention constituted an important building block and, for that reason, it should be extended. The representative noted that the European Union regarded asset recovery as a crucial and challenging area of anti-corruption policy and in that connection welcomed the Stolen Asset Recovery (StAR) initiative of the United Nations Office on Drugs and Crime and the World Bank. In the area of technical assistance, he emphasized that the Conference could benefit from the experiences of Member States and of regional and international entities in order to avoid, to the extent possible, any duplication of effort. In that context, he noted the participatory in-country dialogue used by the European Consensus on Development Policy as one mechanism for country-level coordination. The representative stressed the importance that the member States of the European Union placed on corruption prevention and expressed his support for

the open-ended dialogue on the issue of bribery of officials of public international organizations.

29. The representative of Pakistan, 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 technical assistance as an integral part and cross-cutting issue of the Convention. He noted that the provision of technical assistance should not be made subject to conditions and should be based on mutual benefit, respect for diversity and effectiveness. The representative emphasized that a core priority of the Conference should be to ensure the availability of sufficient and stable funding for technical assistance. He welcomed the work of the Open-ended Intergovernmental Working Group on Technical Assistance and recommended that the mandate of the Working Group should be extended until the third session of the Conference. Regarding asset recovery, the representative stressed the need to implement fully chapter V of the Convention, in particular its provisions on the return of confiscated assets. In that regard, the establishment of a consultative mechanism for asset recovery, composed of experts possessing proven expertise in disciplines relevant to asset recovery, would strengthen the ability of States to implement the relevant provisions of the Convention and thus improve asset recovery. Noting the potential of the StAR initiative for facilitating asset recovery, he stressed the need for clarity on how technical assistance under the StAR initiative was funded and stated that the Working Group was opposed to any form of external monitoring of the use of recovered assets, as that was regarded as being intrusive. On the review of the implementation of the Convention, he highlighted that the Conference should be the only body responsible for the review and that any mechanism or body to be established should be subsidiary to the Conference. Further to the characteristics described in Conference resolution 1/1, the representative indicated that the review mechanism should base its reports exclusively on information provided by States parties and that the Conference should be the competent body to approve and issue reports on the review of the implementation of the Convention. He stressed that any mechanism for the review of implementation should be funded from the regular budget of the United Nations.

30. The representative of Bolivia, speaking on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States, drew the attention of the Conference to the outcome of the regional conference on the implementation of the Convention held in La Paz from 18 to 20 December 2007 (CAC/COSP/2008/14, annex). The representative stressed the need to establish a mechanism for reviewing the implementation of the Convention, noting that the mechanism should be based on peer review between States with similar legal systems and should focus on improving international cooperation. He recommended the extension of the mandate of the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption and the expansion of the pilot review programme in order to allow other Member States to join on a voluntary basis. He called upon the Secretariat to develop further the self-assessment checklist. Stressing the importance of technical assistance, he highlighted the need to strengthen the financial and operational capacity of the Secretariat to provide such assistance. He emphasized the exchange of information as a crucial element for enhancing effective and international cooperation between States. In that context, he recommended the

establishment of a web page containing, inter alia, legislation and best practices on the implementation of the Convention.

31. Speakers called on those States that had not yet done so to ratify or accede to the Convention. Some speakers reported that their States were in the final stages of ratification or accession, citing delays related to constitutional and legal requirements. Speakers stressed the importance of maintaining a sense of national ownership to enhance the implementation of the innovative provisions of the Convention. They highlighted the detrimental effects of corruption on security, stability, economic prosperity and development and its links to organized and economic crime. They emphasized their commitment to the goals and objectives of the Convention and of the Conference and their hope that the Conference would produce fruitful results and chart a course for the future by adopting practical and meaningful resolutions.

32. Speakers took stock of the efforts made by their countries in the area of preventing corruption, referring in some cases to deep-rooted obstacles that had to be overcome and stressing the importance of establishing and strengthening anti-corruption authorities with broad mandates in the area of prevention. Transparency, integrity and honesty in the public and private sectors were hailed as cornerstones in the fight against corruption. The preparation and adoption of national action plans to channel anti-corruption efforts were mentioned, as was the importance of inter-agency coordination at the national level. Speakers noted the important role of society and the media and highlighted efforts to encourage participation by civil society, for example as members of national anti-corruption authorities. Some speakers emphasized the need to educate people and raise their awareness regarding the dangers of corruption in order to bring about changes vis-à-vis impunity and lack of accountability from the bottom up, including through school curricula. Speakers reported on efforts to use information technology and particularly online resources to promote transparency and access to information for the public.

33. Speakers reported on national measures to criminalize both the mandatory and non-mandatory offences covered by the Convention. They recalled the overarching need to adopt and update legislation to properly implement the Convention and to enable international cooperation with other States. Speakers referred to new or amended legislation on money-laundering, on protection for whistle-blowers and on the adoption of codes of conduct for the public sector, in particular the judiciary. In that respect, speakers underscored the need to strengthen law enforcement agencies through capacity-building and training, in particular with regard to the complex financial investigations often required in corruption cases.

34. Speakers stressed the importance of international cooperation in order to effectively implement the Convention and reported on the establishment and functioning of central authorities. In particular, it was deemed necessary to simplify and expedite procedures for mutual legal assistance in order to ensure effective and efficient cooperation.

35. Speakers emphasized the innovative provisions on asset recovery contained in the Convention and their potential to ensure that public assets stolen by corrupt officials were returned to the rightful owners. Some speakers pointed out that requesting and requested States had a shared responsibility to give full effect to

measures on asset recovery. Those measures also highlighted the importance of dialogue and assistance for effective cooperation.

36. Addressing the issue of technical assistance and noting the need to identify requirements and respond accordingly, speakers referred to the usefulness of the self-assessment checklist developed pursuant to resolution 1/2 in determining such requirements. Speakers recalled the need to deliver effective technical assistance, particularly in least developed countries, and called for enhanced coordination of the work of technical assistance providers.

37. Speakers highlighted the need for cooperation among assistance providers and commended the efforts to undertake joint initiatives, such as the StAR initiative, to offer assistance to States seeking to recover stolen assets. Speakers welcomed the cooperation of the United Nations Office on Drugs and Crime with the International Centre for Asset Recovery, the European Anti-Fraud Office and the International Association of Anti-Corruption Authorities.

38. Speakers underscored the progress that had been made since the first session of the Conference, in particular with regard to the implementation of the resolutions adopted at that session. Several speakers noted the success of the self-assessment checklist developed by the Secretariat as a tool for gathering information on the implementation of the Convention. They expressed the wish for further development and enhancement of the tool. Speakers called on States that had not yet done so to complete their self-assessment and submit it to the Secretariat.

39. Speakers noted the usefulness of the pilot programme in reviewing the implementation of the Convention. Some indicated the willingness of their countries to join an expanded group of pilot countries. Speakers stressed the importance of coordination and cooperation with regional and sectoral mechanisms in order to avoid duplication of effort. In that connection, some speakers made reference to the work of the Working Group on Bribery of the Organization for Economic Cooperation and Development, the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption of the Organization of American States, the Group of States against Corruption and the New Economic Partnership for Africa's Development.

40. Speakers stressed the need to encourage the exchange of best practices and information on the implementation of the Convention and noted the opportunity for such an exchange during the expert consultations held within the framework of the Conference.

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

41. On 29 January 2008, the Conference considered agenda item 2, "Review of the implementation of the United Nations Convention against Corruption". The Conference had before it the following documents:

(a) Report of the Secretariat on self-assessment of the implementation of the United Nations Convention against Corruption (CAC/COSP/2008/2);

(b) Report of the Secretariat on self-assessment of technical assistance needs for the implementation of the United Nations Convention against Corruption (CAC/COSP/2008/2/Add.1);

(c) Report on the meeting of the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption held in Vienna from 29 to 31 August 2007 (CAC/COSP/2008/3);

(d) The pilot review programme: an assessment; background paper prepared by the Secretariat (CAC/COSP/2008/9);

(e) Parameters for defining the review mechanism for the United Nations Convention against Corruption: background paper prepared by the Secretariat (CAC/COSP/2008/10).

42. A representative of the Secretariat gave brief introductory remarks on the agenda item concerning the review of the implementation of the Convention.

43. Speakers noted that the self-assessment approach established pursuant to Conference resolution 1/2 had yielded positive results. In the opinion of some speakers, the development of a software-based application to facilitate the completion of the self-assessment checklist had proved to be a valuable experience, and the user-friendliness of that application was evidenced by the relatively high response rate. Support was expressed for expanding the self-assessment checklist to cover more provisions of the Convention, thus making it a comprehensive survey tool for gathering information.

44. With respect to the review mechanism to be established by the Conference pursuant to its resolution 1/1, speakers recalled the characteristics that such a review mechanism should encompass in accordance with that resolution, namely, that it should: (a) be transparent, efficient, non-intrusive, inclusive and impartial; (b) not produce any form of ranking; (c) provide opportunities to share good practices and challenges; and (d) complement existing international and regional review mechanisms. Speakers stressed the importance of designing the review mechanism in such a way that it would fully incorporate those features. It was emphasized that the primary objective of the review mechanism was to assist States in enhancing their implementation of the Convention with due respect for State sovereignty. Speakers pointed out that the review mechanism should provide a platform for dialogue and exchange among States in order to foster a collaborative approach to the implementation of the Convention. It was felt that that would also be a useful way to identify and respond to technical assistance needs for implementation.

45. Speakers stressed the importance of adopting a step-by-step approach to the development of the review mechanism with a view to advancing the process sufficiently to enable the Conference to reach a decision on that matter at its third session. They acknowledged the paramount importance of a decision based on consensus and on the consideration of available experiences and information. Some speakers noted that the review mechanism would need to be a subsidiary body of the Conference, according to article 63 of the Convention. It was reiterated that cost-effectiveness and proper management of resources should be key considerations.

46. Speakers highlighted the role of the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption, established by Conference resolution 1/1, in recommending to the

Conference terms of reference for the review mechanism. They shared the view that the foundations laid in resolution 1/1 were a good starting point. It was proposed that the mandate of the working group be extended and that it continue its deliberations during the intersessional period in order to make progress in identifying the appropriate review mechanism.

47. Several speakers made reference to review mechanisms in place elsewhere and underlined the need to make optimal use of experience gained in the context of such mechanisms, as that would avoid duplication of efforts to a certain extent. However, some speakers cautioned against making indiscriminate use of the elements and output of other mechanisms. The unique and universal nature of the Convention was stressed in that regard, and speakers recalled that the scope and diversity of the parties to the Convention and the inherently positive and constructive approach of the Convention to anti-corruption efforts should be used as the basis for the review mechanism. One speaker noted that adopting a purely regional approach to peer review would deprive States of the opportunity to exchange information and best practices with States in other regions. Speakers expressed the view that the review mechanism for the implementation of the Convention should be specific to the Convention and should adopt a global approach. It was felt that doing so would avert a fragmented approach to implementation of the Convention and would encourage an approach that promoted compliance. Speakers identified ownership of the review process by States as the underlying objective.

48. Speakers shared experiences on the participation of their States in the voluntary pilot review programme launched pursuant to Conference resolution 1/1 as a technical assistance project of the United Nations Office on Drugs and Crime designed to develop and test different methodologies to review the implementation of the Convention. Under the volunteer pilot programme, 16 States participated in peer reviews of one State from their own regional group and one State from another regional group. Several speakers viewed that experimental endeavour as a useful exercise that had promoted an in-depth analysis of the self-assessment report submitted by each participating State. It was observed that an active and fruitful dialogue had taken place among the States under review, the experts appointed by the States concerned and the Secretariat. One speaker noted that his national authorities had been galvanized by the exchanges with experts and the Secretariat related to his country's national action plan; the testing of methodologies to review the implementation of the Convention in that country had involved an on-site visit at the invitation of the State. The visit was deemed to have been very productive and to have been conducted in an open and collaborative manner. The difficulties reported by speakers included securing translations of relevant documentation, defraying the costs involved and the limited capacity of national authorities. It was reiterated that the final product of the review process should be the fruit of extensive dialogue between the country under review and the experts.

49. Speakers noted with interest the experience gained under the pilot programme and suggested that its activities should be continued until the third session of the Conference – in order to obtain further knowledge on methodologies for reviewing the implementation of the Convention – and that participation should be expanded. At the same time, speakers emphasized the need to build a sunset clause into the expanded pilot programme in order to ensure that lessons learned could inform the Conference at its third session and to address concerns expressed about creating a

two-tiered system for review and about maintaining geographical balance. Several speakers expressed the interest of their Governments in volunteering to participate in an expanded pilot review group.

A. Working group on the review of the implementation of the Convention

50. The Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption held an informal meeting on 27 January 2008, prior to the opening of the second session of the Conference. The Working Group exchanged views on progress achieved since its meeting held in Vienna from 29 to 31 August 2007. The outcome of the informal discussion was brought to the attention of the Conference during the discussion of the relevant item of its agenda.

B. Expert consultations on the prevention of corruption

51. 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.

52. Horacio Bazoberry (Bolivia), in his capacity as Vice-President of the Conference, chaired the consultations. In his introductory remarks, he highlighted that the prevention of corruption was most likely to be effective in environments that minimized opportunities for corruption, encouraged integrity, allowed transparency, enjoyed strong and legitimate normative guidance and integrated the efforts of the public sector, the private sector and civil society. He recalled that the Convention devoted an entire chapter to a variety of prevention measures concerning both the public and the private sectors, underscored the role of other sectors of society, such as non-governmental organizations, the media and community initiatives, and invited each State party to contribute to efforts to increase the general awareness about the problem of corruption. The Vice-President highlighted that, while in the report of the Secretariat on the self-assessment of implementation of the Convention, many positive aspects were noted in its section on preventive measures, it was also pointed out that much remained to be done (CAC/COSP/2008/2, paras. 30-47).

53. Pursuant to Conference resolution 1/8, in which the Conference decided to invite States to make proposals regarding best practices on an aspect of the Convention that might be considered a priority, and decided that the Secretariat should select up to four of those best practices for future discussion during the second session of the Conference, the representatives of Brazil, Latvia and Madagascar were each asked to make a brief presentation on a national case study as a best practice in the prevention of corruption.

54. The representative of Brazil reported on the transparency portal set up in his country to enhance transparency in public administration. Through its website (www.portaldatransparencia.gov.br), the Government informed the public about the

allocation of public resources, providing a comprehensive listing of expenditure and of every transaction and transfer of resources to states, municipalities, the Federal District and individuals, as well as expenditures incurred by the Government for the procurement of goods and services. The speaker indicated that the amount reported on totalled US\$ 2.2 trillion and that the website, which had already received 1.4 million visits, was used by the public as a social audit tool.

55. The representative of Latvia reported on the creation in 2002 of a single independent anti-corruption body having a mandate that included prevention, law enforcement and oversight of the finances of political parties. The speaker reported that the body was independent in its decision-making, organization and funding and that it promoted a participatory approach involving other sectors and entities in the process of formulating the national strategy through a consultative council. Among the actions of the anti-corruption body, the speaker highlighted measures to raise the awareness of public officials on the issue of conflict of interest, the establishment of a public online database on the finances of political parties, the introduction of a public reporting system that received reports and complaints on corruption cases from citizens, the analysis of asset declarations and control measures for the financing of pre-election campaigns of political parties; the body was also entrusted with developing the policy documents for the anti-corruption strategy and following up on its implementation. The speaker indicated that the anti-corruption body fulfilled, apart from a preventive function, functions in law enforcement and criminal investigation as well.

56. The representative of Madagascar reported that Madagascar had established an independent anti-corruption body that enjoyed operational autonomy and management; the body was taking leadership in the establishment of a national anti-corruption strategy and had an institutional structure that mirrored the three parts of the strategy: prevention, education/communication and investigation. The speaker indicated that the body was assisted by a consultative committee composed of members of the public who offered advice on activities concerning education and prevention. The speaker underscored the importance of combining the two aspects of prevention and education, as that contributed to limiting the opportunities for corruption. The speaker reported that the anti-corruption body pursued partnerships and cooperation agreements with a variety of sectors of society. Among the other activities engaged in by the body were the development of a user's guide for public information on corruption, the progressive development of codes of conduct for various areas of the public and private sectors and the organization of open-door days in public institutions.

57. Other speakers provided an overview of the preventive measures taken in their countries to ensure compliance with the prevention provisions of the Convention. Some speakers shared their experiences with specific successful prevention cases and practices. One speaker stressed the importance of learning from others' experiences with complex issues, such as administration reform, and with the effective implementation of reforms taken.

58. Most speakers gave an account of the development of 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 speakers reported the establishment of a single

anti-corruption body, while others reported the assignment of those functions to various bodies, combined with an inter-agency coordination mechanism. One speaker reported the establishment of a unit for countering money-laundering, a financial intelligence unit and a public procurement regulatory authority.

59. Speakers made reference to legislative amendments enacted in their countries, such as laws on money-laundering, confiscation, asset declarations, suspicious transaction reporting, procurement, public finance control and auditing. One speaker noted that, while regulations had been adopted, there was a need to ensure their consistent implementation. Regarding procurement legislation, it was reported that the United Nations Commission on International Trade Law expected to finalize in 2009 its revision of the 1994 Model Law on Procurement of Goods, Construction and Services of the United Nations Commission on International Trade Law,²² which could be a useful tool for legislators in the establishment of procurement systems based on transparent, competitive and objective criteria for decision-making; a guide on anti-corruption considerations in establishing procurement systems (CAC/COSP/2008/CRP.2) was made available to the Conference.

60. Many speakers referred to the fight against corruption in human resource management. The need for merit-based selection and recruitment processes was stressed, as was appropriate education and training of civil servants. In that respect, speakers reported on the development of codes of conduct, the introduction of asset declaration systems, training and awareness-raising activities. One speaker reported that in his country transparency issues were made part of the management-by-results and performance evaluation systems. Another speaker reported a successful experience with the establishment of an authority as an independent organ of the national parliament whose dual mandate was to conduct administrative investigations of acts of corruption by public servants and to protect the individuals who disclosed information on such acts.

61. The involvement of civil society and the media was considered crucial for the fight against corruption. One speaker stressed that the success of preventive measures in his country was based not just on sound legislative systems and the political will to fight corruption but also on a strong condemnation of corruption by society. Some speakers highlighted that the anti-corruption strategy of their countries gave special attention to that goal, reporting considerable public interest in information provided by anti-corruption bodies on their websites. A number of speakers attached great importance to measures to enhance transparency and allow public access to information. One speaker highlighted cooperation with independent professional bodies to develop strategies against corruption and fraud in the private sector.

C. Expert consultations on criminalization

62. 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

²² *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17 and corrigendum (A/49/17 and Corr.1), annex I.*

implementation at the national level of the criminalization provisions of the Convention.

63. Horacio Bazoberry (Bolivia), in his capacity as Vice-President of the Conference, chaired the consultations. In his introductory remarks, he referred to resolution 1/3, in which the Conference appealed to the States parties to the Convention, if they had not yet done so, to adapt their legislation and regulations in order to comply with the obligation to establish as criminal offences the acts described in the Convention as mandatory offences, without prejudice to other criminalization provisions. He defined the framework for the deliberations by highlighting issues for further consideration by the experts, including the assessment of legislative measures aimed at ensuring compliance by national legal systems with the Convention requirements and practical difficulties encountered in that regard, possible amendments and adaptations required in broader areas of national legislation and the identification of technical assistance needs in the field of legislative reform or updating to ensure adherence to the provisions of the Convention.

64. Pursuant to Conference resolution 1/8, in which the Conference decided to invite States to make proposals regarding best practices on an aspect of the Convention that might be considered a priority, and decided that the Secretariat should select up to four of those best practices for further discussion during the second session of the Conference, the representative of Turkey was asked to make a brief presentation of a national case study as a best practice against corruption. In his presentation, the representative reported on national measures adopted to facilitate the implementation of article 36 (on specialized authorities) and article 38 (on cooperation between national authorities) of the Convention.

65. The representative of Turkey referred to a specialized law enforcement authority entrusted with the task of preventing, detecting and investigating corruption-related crimes. He reported on the establishment of an inter-agency task force that operated in complex anti-corruption investigations and supported public authorities in investigating and prosecuting criminal offences by bringing together the public prosecutor, as chief of the investigation, the competent law enforcement officer and the member of the competent anti-corruption administrative authority in order to benefit from their expertise, experience and powers. The representative pointed out that the initial involvement of the task force was in the area of information-gathering through an initial assessment based on the background of the suspect and the seriousness of the allegations in order to initiate an investigation. At a second stage, the task force used special investigative techniques to collect evidence. Relevant findings were shared among members of the task force, and decisions on search and seizure were made when the evidence gathered was considered adequate. The adequacy of the available evidence was also the factor that would enable, at a third stage, the public prosecutor to prepare the indictment and initiate the prosecution phase.

66. Many of those who spoke on agenda item 2 linked the information on the experiences and approaches of their States with regard to the criminalization of corruption to the corresponding national responses to the self-assessment checklist on the implementation of the Convention that had already been or were about to be submitted to the secretariat.

67. Most speakers provided an overview of legislative action taken in their countries to ensure compliance with the criminalization provisions of the Convention. They made reference to specific provisions of new laws or reforms of existing legislation targeting corruption and to relevant sanctions provided for crimes associated with corruption. The majority of speakers provided information on national criminal justice approaches to addressing the mandatory offences covered by the Convention. Several speakers included in their presentations a number of non-mandatory offences covered in the Convention, such as trading in influence, corruption in the private sector and illicit enrichment. With regard to illicit enrichment, one speaker raised the issue of the evidentiary challenges encountered in demonstrating that the enrichment was beyond the suspect's lawful income and suggested that it might be necessary for prosecutorial authorities to pursue the establishment of links to other criminal activities in related cases.

68. In discussing best ways to implement effectively at the national level article 16, paragraph 2, of the Convention (on the passive bribery of foreign public officials and officials of public international organizations), one speaker expressed the view that an independent mechanism should be established to handle requests for a waiver of immunities for such perpetrators. The same speaker stated that, for purposes of transparency, integrity and impartiality, such a mechanism could bring together representatives from the organization concerned, the national prosecution authorities of the host country and the United Nations Office on Drugs and Crime, which would function as an advisory body to deliver opinions on issues related to the immunities of officials of public international organizations.

69. While two speakers argued in support of the aforementioned proposals, many speakers, including the observer for the International Association of Prosecutors, were opposed to the establishment of such a mechanism for a number of reasons. Firstly, it was stressed that the necessary condition for the implementation of article 16, paragraph 2, of the Convention was, in the first instance, the criminalization of the conduct described therein per se and that issues related to immunities were associated with the assessment of whether or not prosecution was feasible in a given case. Secondly, it was argued that, as privileges and immunities were granted to organizations and not to individuals, only international organizations were empowered to waive such immunities when they were of the opinion that doing so would be in their interest and would not impair the independence of their functions. Thirdly, it was stressed that there was no legal basis for adopting a uniform procedure for the waiver of immunities and that the Convention on the Privileges and Immunities of the United Nations (General Assembly resolution 22 A (I)) and the Convention on the Privileges and Immunities of the Specialized Agencies (Assembly resolution 179 (II)) provided the legal framework for dealing with such issues. In addition, it was stated that no mandate had been provided to the Conference to adopt rules regulating waivers for immunities in the context of practical application of article 16, paragraph 2, of the Convention. In any case, one speaker proposed that more working group meetings, involving representatives from international organizations and judicial and prosecutorial authorities of Member States, should be conducted in future to further discuss the issue. It was noted that an open-ended dialogue among States and intergovernmental organizations on the criminalization of bribery of officials of public international organizations, taking into account related privileges and immunities, was conducted in September 2007 at the initiative of the secretariat.

That initiative was considered a serious first step towards further promoting the exchange of views on the matter.

70. Many speakers underlined that, in order to ensure the effective implementation of the criminalization provisions of the Convention at the national level, the substantive provisions in national legislation establishing the criminal offences covered by that instrument should be coupled with specific institutional measures to put in place appropriate mechanisms supporting law enforcement. In that connection, reference was made by several speakers to national agencies involved in the fight against corruption and their function and responsibilities. Moreover, some speakers reported on initiatives taken in their countries to allow for collaboration and coordination among those agencies with a view to preventing the fragmentation of efforts and enabling more concerted action against corruption. One speaker linked the need for ensuring institutional coherence as a response to corruption to the need for developing multidisciplinary policies against corruption and, in that regard, argued in support of merging into a single body the preventive and law enforcement functions envisaged in articles 6 and 36 of the Convention, respectively. Another speaker referred to the establishment of special anti-corruption courts in his country.

71. Many speakers reported on legislative steps taken to create powers to confiscate and seize the proceeds of crime derived from corruption-related acts, including measures aiming at lifting bank secrecy. One speaker referred to her country's innovative approach to the confiscation of assets, whereby both civil and criminal recourse for asset recovery were possible, the former being allowed even in the absence of a criminal conviction.

72. Some speakers put emphasis on the adoption of measures that would ensure the independence of the judiciary and the prosecutorial authorities as a means of strengthening institutional integrity and preventing opportunities for corruption.

73. Some speakers focused on the need to combine criminalization and other law enforcement responses to corruption with measures for the protection of witnesses who reported, in good faith, corrupt acts to competent authorities.

74. A number of speakers identified the provision of technical assistance as a high priority issue for rendering more effective national legislative and law enforcement regimes against corruption. In that connection, praise was expressed for the work of the secretariat in highlighting the technical assistance needs of Member States based on their responses to the self-assessment checklist on the implementation of the Convention. One speaker suggested that the secretariat should further streamline its efforts to provide to the Conference qualitative assessments on national action to implement the provisions of the Convention with a special focus on the gaps that needed to be addressed through technical assistance. Another speaker argued in support of making available model legislation on criminalization issues as an appropriate form of technical assistance and suggested that such model legislation should be translated into all official languages of the United Nations. One speaker underlined the importance of technical assistance activities undertaken in the context of bilateral cooperation and referred to a relevant example of such cooperation resulting in strengthening the capacity of law enforcement agencies in her country to conduct criminal investigations in complex corruption cases.

D. Expert consultations on international cooperation

75. 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 expertise, views and experiences on practical issues related to the implementation of the international cooperation provisions of the Convention.

76. Thomas Stelzer (Austria), in his capacity as Vice-President of the Conference, chaired the consultations. In his introductory remarks, the Vice-President expressed the view that States parties should make every effort to avail themselves of the broad and comprehensive provisions of chapter IV of the Convention. Referring to the self-assessment checklist prepared by the secretariat as a tool for collating and analyzing information on national efforts to implement key provisions of the Convention, he noted the decision of the Conference to include in that tool only basic information on article 44 (Extradition) and article 46 (Mutual legal assistance) of the Convention in view of the broad scope of chapter IV of the Convention and of the need for States parties to accumulate more experience with its implementation. He urged the experts to discuss specific experiences in international cooperation under the Convention and to focus on the identification of successful practices and the presentation of practical problems encountered.

77. Many speakers stressed the importance of using the Convention as a vehicle for the promotion of international cooperation to combat corruption, in line with one of the primary objectives of the Convention, set forth in article 1, paragraph (b). Other speakers mentioned the innovative provision contained in article 43, paragraph 1, of the Convention, which enabled the extension of the scope of cooperation between States parties to include not only cooperation in criminal matters but also assistance in investigations of and proceedings in civil and administrative matters relating to corruption.

78. Some speakers underscored the comprehensive framework of cooperation delineated in chapter IV (International cooperation) of the Convention and emphasized its close interdependence with chapter V (Asset recovery). In that context, it was stated 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 purposes of freezing, seizure and confiscation of assets related to corruption.

79. Many speakers provided an overview of national action and initiatives geared towards improving and streamlining international cooperation, including the development of national legislation and the conclusion of bilateral and regional treaties, agreements or arrangements regulating basic modalities of such cooperation, for example, extradition, mutual legal assistance and transfer of prisoners. Other speakers argued in support of policies favouring the expansion of treaty networks in the area of international cooperation to ensure that the broadest possible number of States were legally committed to assisting each other in investigations, prosecutions and judicial proceedings related to corruption. It was mentioned, in that connection, that in the Convention States parties were urged to consider the conclusion of additional instruments that would serve the purposes of the Convention and give practical effect to, or enhance, its provisions on

international cooperation. One speaker referred to the experience of his country in implementing new forms of cooperation, such as the establishment of joint investigative teams in cooperation with other States.

80. Looking beyond the scope of cooperation afforded under the Convention and other bilateral and regional treaties, agreements or arrangements, some speakers highlighted the need to adopt flexible legal bases in order to promote cooperation in the absence of an applicable treaty, including by resorting to comity and international solidarity.

81. One speaker referred to the difficulties that might arise from the strict application of the dual criminality requirement in extradition practice. In that connection, the attention of the experts was drawn to the flexible approach adopted in the Convention, whereby an extradition request might be granted in the absence of dual criminality (article 44, paragraph 2) and mutual legal assistance involving non-coercive action was to be rendered even in such absence (article 46, paragraph 9).

82. One speaker noted that the initiation of domestic prosecution in lieu of extradition when extradition had been denied on the grounds of nationality (established as an obligation for States parties in article 44, paragraph 11, of the Convention) might in practice be affected by political considerations in cases of grand corruption in which the person involved was a high-ranking official of the requested State.

83. Some speakers stressed that international cooperation was often hampered by a number of practical problems, including the absence of direct channels of communication for the transmission of information needed for the execution of a request, differences in the legal systems of the requesting and the requested States and the need to translate documentation supporting the request. A number of speakers made practical suggestions for responding to such problems, including the following: the organization of prior consultations between the competent authorities of the States concerned in order to avoid problems such as documents being sent and returned because of inaccuracies or vagueness and to ensure the proper formulation of requests and their submission in accordance with the legislation or procedures of the requested State; the posting of liaison officers, magistrates and prosecutors to assist in building mutual trust between the cooperating States and providing advice and expertise on the proper submission of requests and the compatibility standards that needed to be met to that effect; submission to the authorities of the requested State of accurate translations of the documentation supporting the request; and, generally, flexibility in finding solutions when working with counterparts in other States.

84. Some speakers underscored the usefulness of tools prepared by the Secretariat to help practitioners formulate requests for assistance properly. Specific reference was made to the Mutual Legal Assistance Request Writer Tool, a software application developed by the secretariat as a tool to guide practitioners through each step of drafting a request for assistance and using, for that purpose, checklists to prompt the inclusion of the information needed to execute the request. The advantage offered by the tool was that information was saved in order to generate, at the final stage, the draft request in a format ready for signature and submission. A representative of the Secretariat provided further clarifications regarding access to

the tool through the website and information on the status of preparation of a similar application for drafting extradition requests.

85. The observer for the World Bank referred to the joint efforts of the United Nations Office on Drugs and Crime, the World Bank and INTERPOL to establish, within the context of the recently launched Stolen Asset Recovery (StAR) initiative, a contact list of round-the-clock focal points made up of officers in Member States who could respond to urgent requests for assistance in the area of asset confiscation and recovery. It was highlighted, in that connection, that those efforts were in line with the relevant recommendations adopted by the Open-ended Intergovernmental Working Group on Asset Recovery at its meeting held in Vienna on 27 and 28 August 2007 (CAC/COSP/2008/4).

86. The experts agreed that the practical problems mentioned above were actually manifestations of the main challenge encountered in daily practice in international cooperation, namely how to overcome delays and cumbersome approaches so as to ensure the expeditious provision of assistance to other States. It was broadly recognized that the most appropriate method for doing so was to designate central authorities at the national level to handle requests for assistance, coupled with the establishment of direct, smooth and convenient channels of communication among them. A number of speakers were of the view that the mere existence of such authorities was not enough and that streamlined national efforts needed to be made to ensure a stronger and more active role for those authorities, one that would encompass not only the administrative tasks of transmitting the requests but also the competence to execute them in an efficient manner. One speaker considered the enhancement of the role of central authorities as a viable option to overcome problems and delays often caused by the involvement of multiple national agencies in the execution of requests for assistance.

87. The majority of speakers echoed the need for enabling the agencies and practitioners involved in matters of international cooperation to have access to the contact details of their counterparts in other States. Consequently, the establishment of lists or directories of focal points to be at the disposal of competent officers was warmly supported. In that connection, information was provided by the Secretariat on its work relating to the establishment of a secure online directory containing the contact details of central authorities and information on national legal conditions and substantive and procedural requirements for executing requests for international cooperation. A representative of the Secretariat elaborated on its plans to consolidate information on those issues and to make such a directory available to support the effective implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,²³ the United Nations Convention against Transnational Organized Crime²⁴ and the Convention against Corruption.

88. Some speakers supported the idea of and the rationale for initiatives aimed at bringing together officers and practitioners involved in matters of international cooperation to benefit from a mutual exchange of views and experiences and to promote closer relations among them. Reference was made to specific examples, such as the informal network of the European anti-corruption authorities.

²³ United Nations, *Treaty Series*, vol. 1582, No. 27627.

²⁴ *Ibid.*, vol. 2225, No. 39574.

89. Most speakers drew attention to the need for enhancing the effectiveness of international cooperation mechanisms, while others argued in favour of more specific initiatives to pursue that objective, including the bolstering of technical assistance activities and the promotion of capacity-building programmes to strengthen national capabilities and upgrade technical expertise in that area.

Action taken by the Conference

90. At its 10th meeting, on 1 February 2008, the Conference considered a draft resolution entitled “Review of implementation” (CAC/COSP/2008/L.11). At the same meeting, the Conference adopted the draft resolution as orally amended. (For the text, see chap. I, sect. A, resolution 2/1.)

91. At the same meeting, the Conference adopted a revised draft resolution entitled “Appeal to States parties and invitation to signatories to the United Nations Convention against Corruption to continue to adapt their legislation and regulations” (CAC/COSP/2008/L.9/Rev.1). (For the text, see chap. I, sect. A, resolution 2/2.)

V. Asset recovery

92. On 30 January 2008, the Conference considered agenda item 3, “Asset recovery”. The Conference had before it the following documents:

(a) Report of the Secretariat on self-assessment of the implementation of the United Nations Convention against Corruption (CAC/COSP/2008/2);

(b) Report of the Secretariat on self-assessment of technical assistance needs for the implementation of the United Nations Convention against Corruption (CAC/COSP/2008/2/Add.1);

(c) Report of the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 27 and 28 August 2007 (CAC/COSP/2008/4);

(d) Background paper prepared by the Secretariat on joining forces for successful asset recovery (CAC/COSP/2008/11).

93. The discussion on agenda item 3 was chaired by one of the Vice-Presidents of the Conference, Horacio Bazoberry (Bolivia), who, in his introductory remarks, recalled that asset recovery had been an issue of high priority for the Conference at its first session.

94. Speakers recognized the importance of asset recovery as a means of recovering and restoring diverted property or the proceeds of corruption. It was pointed out that asset recovery represented a relatively new area of international cooperation and therefore more streamlined efforts needed to be made towards gathering information on its legal and operational aspects. In that connection, many speakers referred to the work of the Open-ended Intergovernmental Working Group on Asset Recovery and expressed support for its recommendation regarding the establishment of a database containing information on different aspects of asset recovery. While speakers underlined that the database should contain not only national legislation but also judicial decisions rendered in asset recovery cases, some speakers

expressed the view that it should contain even more information on the operational aspects of asset recovery, such as information on financial institutions. One speaker raised a number of practical issues that needed to be considered in future in translating that recommendation into practice.

95. Some speakers provided an overview of the legislative and administrative frameworks for regulating confiscation issues in their countries. With regard to the legislative aspects, one speaker referred to the confiscation regime in his country, highlighting the existence of both criminal confiscation and civil forfeiture models, the latter allowing for the confiscation of property without a criminal conviction. Another speaker reported that a law on non-conviction-based forfeiture was in preparation. With regard to the administrative aspects, several speakers pointed out that the financial institutions responsible for identifying and reporting suspicious transactions involving proceeds related to corruption had to assume more responsibilities in the asset recovery process. Two speakers provided information on experiences in their countries with asset recovery processes prior to the entry into force of the Convention.

96. Many speakers stressed the close interdependence of chapters IV and V of the Convention. Speakers had an opportunity to revisit some of the issues that had first been raised in the expert consultations on international cooperation held during the consideration of agenda item 2. Those speakers noted the usefulness and practicality of the Mutual Legal Assistance Request Writer Tool developed by the United Nations Office on Drugs and Crime and favoured expanding it to include asset recovery. In line with the general recognition of the need to establish informal channels for swift and direct communication and cooperation, the observer for the World Bank mentioned the joint efforts of the United Nations Office on Drugs and Crime, the World Bank and INTERPOL to establish a global network of focal points on asset recovery.

97. Many speakers underlined the importance of having in place efficient mutual legal assistance mechanisms to facilitate asset recovery work and arrangements for both grand and minor corruption cases. Speakers stressed that the element of speed in providing assistance played a much more crucial role in asset recovery, especially in the first phase, when urgent action was needed for the tracing, seizing and freezing of assets before they were transferred to another destination, as well as for the rapid exchange of information. Other speakers placed emphasis on the need to strengthen the mechanisms used for the exchange of information among financial intelligence units in order to prevent and detect transfers of proceeds related to corruption. Regarding the return of confiscated assets, one speaker stressed the importance of the possibility of waiving the requirement of a final judgement set out in article 57 of the Convention.

98. Many speakers recognized the pivotal role of country-specific technical assistance in various areas, such as building national capacity and upgrading, through training, the substantive expertise of authorities responsible for asset recovery. In that connection, it was noted that, while many States had taken action to implement chapter V of the Convention, the rate of national compliance with the provisions of that chapter was still the lowest when compared with the other chapters of the Convention. The provision of legal advice, the preparation of model legislation and the provision of support for legislative drafting were the forms of assistance most frequently requested.

99. Other speakers underscored the need to develop best practices and training tools that focused on procedural aspects of asset recovery to guide practitioners from different jurisdictions and enhance their knowledge and common understanding of the steps needed for effective cooperation.

100. The outcome of the relevant discussions held in the informal consultations was brought to the attention of the Conference in the form of draft resolutions.

Action taken by the Conference

101. The Conference did not have adequate time to consider the draft resolution on the establishment of a consultative group on asset recovery (CAC/COSP/2008/L.3, submitted by Pakistan (on behalf of the Group of 77 and China)) and the draft resolution on asset recovery (CAC/COSP/2008/L.10, submitted by Australia, Canada, Liechtenstein, Mexico, Portugal (on behalf of the European Union), Switzerland and the United States). As an exception and at the request of the sponsors, the Conference decided to ask the Secretariat to post the two draft resolutions on the website of the United Nations Office on Drugs and Crime on the understanding that that would not constitute a precedent for in-session documentation.

102. At its 10th meeting, on 1 February 2008, the Conference adopted a draft resolution entitled "Asset recovery", which was based on informal negotiations between interested States. (For the text, see chap. I, sect. A, resolution 2/3.)

VI. Technical assistance

103. For its consideration of agenda item 4, "Technical assistance", the Conference had before it the following documents:

(a) Report of the Secretariat on self-assessment of the implementation of the United Nations Convention against Corruption (CAC/COSP/2008/2/Add.1);

(b) Report on the meeting of the Open-ended Intergovernmental Working Group on Technical Assistance held in Vienna on 1 and 2 October 2007 (CAC/COSP/2008/5);

(c) Report on the International Cooperation Workshop on Technical Assistance for the Implementation of the United Nations Convention against Corruption, held in Montevideo from 30 May to 1 June 2007 (CAC/COSP/2008/6).

104. The discussion on agenda item 4 was chaired by one of the Vice-Presidents of the Conference, Fortuné Guezo (Benin), who, in his introductory remarks, recalled that article 63 of the Convention required the Conference to take note of the technical assistance requirements of States parties with regard to the implementation of the Convention and to recommend any action it might deem necessary in that respect. The Conference itself had identified four priorities for technical assistance: prevention of corruption, criminalization and law enforcement, international cooperation and asset recovery. Speakers emphasized the crucial importance of technical assistance provided in a comprehensive manner for the implementation of the Convention. Some speakers noted that proper implementation of the Convention would work towards achieving the Millennium Development Goals. One speaker

pointed out that a preliminary but crucial form of technical assistance was the assistance delivered to States seeking to ratify or accede to the Convention.

105. Speakers addressed the issue of identification of technical assistance needs, as that was deemed to be a prerequisite to formulating activities. It was indicated that the proper identification of needs served to tailor such activities in an optimal way. Speakers noted that the self-assessment checklist had proved to be a useful and user-friendly tool for identifying technical assistance needs; it had provided information both on the identification of gaps in implementation requiring technical assistance and on the types of assistance each State had determined it would require to fill such gaps. It was pointed out that, according to the analysis of technical assistance needs contained in the self-assessments, legal assistance was the type of assistance most often requested. That was considered normal, as the Convention was in an initial post-ratification stage and its implementation therefore required the establishment of the necessary legal, administrative and institutional framework. In that connection, it was recognized that technical assistance needs would evolve over time. Some speakers noted that the scope of the self-assessment covered a limited number of provisions of the Convention and therefore could not capture the full spectrum of technical assistance needs at the present stage. Speakers indicated that the identification of technical assistance needs would need to draw on other sources of information as well.

106. It was stressed that the identification of technical assistance needs and the determination of what types of assistance would be delivered should be driven by the requesting State. States requesting technical assistance would formulate their needs and priorities and retain ownership of the process. Some speakers expressed the wish for requesting States to develop national strategies and action plans for the short and long terms, and speakers reported on the efforts of their States to streamline the technical assistance delivered to them within the context of such national strategies and action plans. It was stated that caution should be exercised to avoid placing any undue burden or conditions on requesting States in that respect. The guiding principles were to be mutual benefit, effectiveness and respect for diversity and national sovereignty.

107. Speakers reported on technical assistance that their States had either delivered or received. Representatives of States providing technical assistance referred to activities conducted on a bilateral or multilateral basis relating to a wide variety of implementation issues. Representatives of States requesting technical assistance highlighted a number of measures, ranging from assistance in formulating national strategies or action plans to legislative assistance and capacity-building. The provision of technical assistance was crucial to efforts by States parties to implement the Convention. One speaker emphasized the need to undertake appropriate and focused action to ensure sustainability, such as through train-the-trainer programmes. The delivery of technical assistance was identified as a useful occasion to exchange good practices and challenges. Speakers welcomed the provision of technical assistance on a horizontal South-South basis as being particularly fruitful for all partners and promoting ownership of the process.

108. Speakers addressed the link between the provision of technical assistance and development assistance. The Paris Declaration on Aid Effectiveness: Ownership, Harmonization, Alignment, Results and Mutual Accountability, adopted at the High-level Forum on Joint Progress towards Enhanced Aid Effectiveness, held in Paris

from 26 February to 2 March 2005, was referred to as a crucial framework for promoting transparency and accountability. The need to ensure aid effectiveness and provide information on technical assistance providers was of importance both to donors and to requesting States. Taking note of the report on the International Cooperation Workshop on Technical Assistance for the Implementation of the United Nations Convention against Corruption, held in Montevideo from 30 May to 1 June 2007 (CAC/COSP/2008/6), speakers considered transparency and accountability to be fundamental aspects of the provision of technical assistance, including in the use of resources by requesting States. One speaker mentioned that technical assistance should also be provided for the purpose of properly and adequately auditing services delivered to requesting States in order to promote responsibility in the use of donor resources and enhance the confidence of donors.

109. Speakers underlined the role of the United Nations Office on Drugs and Crime in coordinating supply and demand in technical assistance activities for the implementation of the Convention. It was suggested that the Office should share the analysis of technical assistance needs as reflected in the self-assessment reports with donors and facilitate international networking in that respect. A database or repository of technical assistance activities was to be considered.

110. Speakers indicated that the Open-ended Intergovernmental Working Group on Technical Assistance should continue its discussions and report to the Conference at its third session, in particular on the ongoing identification of technical assistance needs through the self-assessment checklist. It was suggested that areas of synergy could be sought in providing technical assistance for the implementation of the Convention against Corruption and the Organized Crime Convention and the Protocols²⁵ thereto.

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

Action taken by the Conference

112. At its 10th meeting, on 1 February 2008, the Conference considered a revised draft resolution entitled “Strengthening coordination and enhancing technical assistance for the implementation of the United Nations Convention against Corruption” (CAC/COSP/2008/L.8/Rev.1). At the same meeting, the Conference adopted the revised draft resolution as orally amended. (For the text, see chap. I, sect. A, resolution 2/4.)

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

113. For its consideration of agenda item 5, “Consideration of the issue of bribery of officials of public international organizations”, the Conference had before it a note by the Secretariat on the implementation of Conference resolution 1/7 with specific regard to the question of bribery of officials of public international organizations (CAC/COSP/2008/7).

²⁵ Ibid., vols. 2237, 2241 and 2326, No. 39574.

114. Fortuné Guezo (Benin), in his capacity as Vice-President of the Conference, chaired the discussion. It was recalled that the Conference, in its resolution 1/7, had requested the United Nations Office on Drugs and Crime to initiate an open-ended dialogue between the relevant public international organizations and States parties on the issue of bribery of officials of public international organizations. For the implementation of the resolution, the Office had adopted a two-pronged approach. First, the open-ended dialogue was advanced through a meeting held in Vienna on 27 September 2007 that brought together international organizations and States. Secondly, the Office presented a proposal to the United Nations System Chief Executives Board for Coordination to undertake a system-wide integrity initiative that would extend the principles and standards of the Convention to the organizations of the United Nations system. Two meetings were held as follow-up to that proposal, the first one in Vienna on 28 September 2007 and the second in Nusa Dua, Indonesia, on 31 January 2008 in conjunction with the second session of the Conference.

115. One speaker noted that a draft resolution addressing the issue of bribery of officials of public international organizations had been submitted. In that connection, the Chairman stated that the issue had been referred for discussion in informal consultations.

116. It was recalled that the General Assembly, in its resolution 58/4 of 31 October 2003, had requested the Conference to consider the issue of passive bribery of officials of public international organizations. The two-pronged approach adopted by the United Nations Office on Drugs and Crime was commended, and continued pursuit of that approach was encouraged. Some speakers expressed the view that public international organizations should lead by example and adopt internal standards and policies that were fully compliant with the provisions of the Convention. It was pointed out that the issue of criminalization of offences under national law was distinct from the issue of privileges and immunities. One speaker noted the importance of deterrence in that respect. Two steps were required to prosecute corrupt officials of public international organizations: first, the criminalization of offences by each State party; and second, the establishment of procedures for lifting privileges and immunities. Speakers noted that such procedures were not insurmountable, but cautioned that any lifting of privileges and immunities should be carefully considered and should be done in accordance with applicable international legal instruments.

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

Action taken by the Conference

118. At its 10th meeting, on 1 February 2008, the Conference adopted a revised draft resolution entitled "Consideration of the issue of bribery of officials of public international organizations" (CAC/COSP/2008/L.7/Rev.1). (For the text, see chap. I, sect. A, resolution 2/5.)

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)

119. At its 9th meeting, on 1 February 2008, 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 20 January 2008 and notifications, declarations and reservations thereto (CAC/COSP/2008/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.

IX. Other matters

A. Venue for the third session of the Conference

120. At its 10th meeting, on 1 February 2008, the Conference adopted a draft decision entitled “Venue for the third session of the Conference of the States Parties to the United Nations Convention against Corruption” (CAC/COSP/2008/L.5). In doing so, it welcomed the offer of the Government of Qatar to act as host to the third session of the Conference, in 2009. (For the text, see chap. I, sect. B, decision 2/1.)

B. Special events

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

1. Artists for Integrity

122. On 28 January 2008, an event entitled “Artists for Integrity” took place. Leading figures from the world of the arts, literature and the media gathered to increase and disseminate knowledge about the prevention of corruption. In the presence of Conference participants and representatives of the media and civil society, the Executive Director of the United Nations Office on Drugs and Crime appointed the film actress Famke Janssen as Goodwill Ambassador for the promotion of integrity. As part of the event, plans were formulated for the effective engagement of role models in the implementation of awareness-raising activities.

2. Ministerial round table on the Stolen Asset Recovery initiative

123. A ministerial round table on the Stolen Asset Recovery (StAR) initiative, held on 29 January 2008, was opened by the Minister for Foreign Affairs of Indonesia, who stated that his Government was fully committed to the work of the StAR initiative launched on 17 September 2007 as a joint initiative of the United Nations

Office on Drugs and Crime and the World Bank. The Chairman of the round table highlighted the difficulties involved in asset recovery and the main features of the StAR initiative. Work under the initiative included activities to promote the implementation of the Convention, the provision of assistance to developing countries in building capacity for mutual legal assistance and the forging of partnerships for sharing information and expertise. A joint funding vehicle was to be established to provide assistance to States in building capacity for asset recovery. Other possible activities included the development of training tools, a library of good practices and a Web-based list of focal points. To oversee the work of the StAR initiative, a joint StAR secretariat, based at the World Bank and including staff from both the United Nations Office on Drugs and Crime and the World Bank, would be tasked with coordinating all activities under the initiative. To strengthen the collective effort, the initiative would benefit from the advice and guidance of the "Friends of StAR", a small group composed of influential, experienced individuals from developed and developing countries.

124. It was noted that chapter V of the Convention provided a unique framework and that the implementation of the provisions in that chapter provided an outstanding basis for anti-corruption policy. Several participants described asset recovery cases in their countries. Participants highlighted the crucial role of financial institutions in asset recovery cases, the importance of having a sound legislative framework and the fact that asset recovery required a joint effort by the requesting States and the requested States. It was agreed that the StAR initiative could play a pivotal role in facilitating asset recovery.

3. Round table on corruption and development

125. On 29 January 2008, a round table on corruption and development was held. The round table was attended by representatives of bilateral and multilateral technical assistance providers and other States and organizations. The round table was opened by the Vice-President of the World Bank and the Executive Director of the United Nations Office on Drugs and Crime. The majority of the speakers stressed that the fight against corruption and the strengthening of criminal justice systems were key to the promotion of good governance and central to the development agenda.

126. Several speakers acknowledged the ability of the Convention to serve as a framework for the effective provision of technical assistance. The ensuing discussion focused on ways to mainstream the Convention in development assistance work. It was noted that that objective could be achieved at three levels: the country level, where technical assistance activities were implemented; the international level, where activities to promote international cooperation were conducted; and the level of central aid providers, where development cooperation policies and strategies were formulated.

127. It was stressed that mainstreaming the Convention in development assistance work did not imply that conditions were to be imposed on the recipients of such assistance. Considerable emphasis was placed on the need to ensure that technical assistance to prevent and combat corruption was delivered in the most coordinated manner possible. It was noted that the report of the Secretariat on the self-assessment of technical assistance needs for the implementation of the Convention (CAC/COSP/2008/2/Add.1) provided an initial picture of the demand side of

technical assistance. In that regard, it was suggested that development assistance providers should publish information on assistance delivered and that that initiative should be part of the follow-up to the 2005 Paris Declaration on Aid Effectiveness.

4. Forum for civil society organizations

128. On 29 January 2008, the Coalition of Civil Society Friends of the United Nations Convention against Corruption held a forum on the topic of whistle-blowers and activists in a hostile environment. Three whistle-blowers told their stories, underlining the devastating consequences that exposing and denouncing instances of corruption could have for whistle-blowers and their families. The outcome of the forum was a decision to set up an international solidarity network comprising anti-corruption organizations, trade unions and others to support and protect anti-corruption activists. The Coalition called on the United Nations to establish a procedure within the United Nations system to ensure such protection, such as the appointment of a special rapporteur on the protection of anti-corruption advocates or a working group on the protection of anti-corruption advocates. Additionally, the Coalition approved its position statement on the implementation of the Convention, in which the Coalition called for the creation of a transparent and participatory review mechanism, a fund for asset recovery, the coordination of technical assistance and the protection of whistle-blowers. The statement was brought to the attention of the Conference.

5. Forum for parliamentarians: implementing and overseeing the United Nations Convention against Corruption

129. On 30 January 2008, a forum for parliamentarians took place. The Global Organization of Parliamentarians against Corruption, the U4 Anti-Corruption Resource Centre and the United Nations Office on Drugs and Crime co-organized the event, which was attended by parliamentarians from more than 15 countries. A representative of the U4 Anti-Corruption Resource Centre presented a report on national anti-corruption policy frameworks, placing considerable emphasis on findings related to the role of parliamentarians in preventing and combating corruption. The forum focused on follow-up action taken in relation to priority areas identified at the first session of the Conference. The forum adopted the Declaration of the Forum of Parliamentarians, which was brought to the attention of the Conference.

6. Business coalition: the United Nations Convention against Corruption as a new market force

130. On 30 January 2008, an event was held for representatives of the business community. The event was organized jointly by the Global Compact Office of the Secretariat, the International Chamber of Commerce, the World Economic Forum Partnering against Corruption Initiative, Transparency International and the United Nations Office on Drugs and Crime. Participants discussed such issues as the alignment of corporate anti-corruption principles to the fundamental values of the Convention and the adoption of effective mechanisms to review corporate compliance with those principles. Participants emphasized the need to adopt an unequivocal position on facilitation payments, thus addressing one of the major inconsistencies of existing business principles. Also discussed at the event were

measures to support anti-corruption efforts of small and medium-sized enterprises and to promote public-private partnerships. The outcome of the event was reflected in a declaration that was brought to the attention of the Conference.

7. Peer-to-peer media forum: covering corruption with integrity

131. On 31 January 2008, a forum was held as a special event for media representatives. The forum was supported by the Department for International Development of the United Kingdom, the Ministry of Foreign Affairs of Norway, the International Press Institute, the United Nations Development Programme and the United Nations Office on Drugs and Crime. The forum brought together journalists from 15 least developed countries that had ratified the Convention and four journalists from major media networks, including the British Broadcasting Corporation (BBC) and the Cable News Network (CNN). The forum emphasized the importance of empowering journalists in States that, by virtue of having ratified the Convention, had assumed a legal obligation to implement it. The contribution of the media to the anti-corruption debate was stressed, and such issues as fair and balanced reporting on alleged cases of corruption were discussed at length. The outcome of the forum was reflected in a declaration, which was brought to the attention of the Conference.

8. Stolen Asset Recovery initiative workshop on the handling of mutual legal assistance

132. A workshop on the handling of mutual legal assistance, co-hosted by the Government of Indonesia, the World Bank and the United Nations Office on Drugs and Crime, was held on 31 January 2008. The workshop was chaired by a representative of the World Bank and moderated by experts from Indonesia and the United Nations Office on Drugs and Crime. The presenters at the workshop included experts from Indonesia, Kuwait, South Africa, Switzerland and the United States. The workshop was opened by the Minister for Law and Human Rights of Indonesia, who stressed the need to find concrete ways and means of making mutual legal assistance work in practice, including through the formulation of requests that complied with the legal requirements of both the requesting State and the requested State.

133. Participants stressed the importance of political commitment to support the investigation, prosecution and taking of civil action in asset recovery cases.

134. Participants stated that an investigation and litigation strategy should be prepared for providing mutual legal assistance in cases of asset recovery; that strategy should emphasize case selection and prioritization and should consider all options with a view to choosing the best jurisdiction for initiating criminal charges and civil suits. It was noted that many States provided mutual legal assistance under reciprocity arrangements that could be waived on a case-by-case basis. Participants underlined the need to make both formal and informal requests for assistance, including through diplomatic channels. It was observed that meetings between authorities of requested and requesting jurisdictions would be helpful in order to discuss issues, strategy and assistance in asset recovery cases. The importance of collecting facts and documents regarding the underlying offence was noted. Participants emphasized the need to think in broad terms when asking for financial and other records, such as suspicious transaction reports or tax records. Requiring

financial disclosure of all assets after conviction or as a condition of cooperation with the Government, in conformity with national law, was to be considered. Spontaneous disclosure was identified as being important for initiating investigations. Participants stressed the importance of legislation authorizing non-conviction-based confiscation. It was pointed out that asset recovery, asset forfeiture and investigations in such cases should be dealt with by specialist units, as they involved complex issues and tended to be heavily litigated. Those units were to have a clear mandate, including mechanisms for cooperating and coordinating with other government agencies.

9. Bribery of officials of public international organizations: round-table discussion with representatives of the United Nations System Chief Executives Board for Coordination and interested Member States

135. Pursuant to Conference resolution 1/7, entitled “Consideration of bribery of officials of public international organizations”, the United Nations Office on Drugs and Crime presented in March 2007 a proposal to the United Nations System Chief Executives Board for Coordination to undertake a system-wide integrity initiative. The Chief Executives Board endorsed the proposal. Based on a checklist prepared by the United Nations Office on Drugs and Crime, a voluntary consultative process was initiated to review, taking into account the Convention against Corruption, internal regulations and rules of the participating organizations. A meeting on the subject was held in Vienna on 28 September 2007.

136. A round-table discussion on bribery of officials of public international organizations was held on 31 January 2008. It was chaired by a representative of the United Nations Office on Drugs and Crime and attended by representatives of the Office of Legal Affairs of the Secretariat, the Joint United Nations Programme on HIV/AIDS, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Human Settlements Programme (UN-Habitat), the World Food Programme, the United Nations Educational, Scientific and Cultural Organization, and the World Bank and three interested Member States (Chile, Indonesia and Portugal). The International Monetary Fund was also represented. Participants reiterated their support for the initiative and their commitment to the consultative process and provided further information on their internal regulations and rules. The United Nations Office on Drugs and Crime was requested to finalize the analysis of the submitted information and share it for comments with the members of the Chief Executives Board. One speaker highlighted the need to involve the existing network of legal advisers. Participants also noted the efforts reflected in the note by the Secretariat on criminal accountability of United Nations officials and experts on mission (A/62/329).

X. Provisional agenda for the third session of the Conference

137. At its 10th meeting, on 1 February 2008, the Conference approved the draft provisional agenda for its third session (CAC/COSP/2008/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 is contained in annex II.

138. At the same meeting, the Conference 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.

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

139. At its 10th meeting, on 1 February 2008, the Conference adopted the report on its second session (CAC/COSP/2008/L.1 and Add.1-3).

Annex I

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

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2008/1	Annotated provisional agenda and proposed organization of work
CAC/COSP/2008/2	Self-assessment of the implementation of the United Nations Convention against Corruption: report of the Secretariat
CAC/COSP/2008/2/Add.1	Self-assessment of technical assistance needs for the implementation of the United Nations Convention against Corruption: report of the Secretariat
CAC/COSP/2008/3	Report on the meeting of the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption held in Vienna from 29 to 31 August 2007
CAC/COSP/2008/4	Report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 27 and 28 August 2007
CAC/COSP/2008/5	Report on the meeting of the Open-ended Intergovernmental Working Group on Technical Assistance held in Vienna on 1 and 2 October 2007
CAC/COSP/2008/6	Report on the International Cooperation Workshop on Technical Assistance for the Implementation of the United Nations Convention against Corruption, held in Montevideo from 30 May to 1 June 2007
CAC/COSP/2008/7	Implementation of resolution 1/7 of the Conference of the States Parties to the United Nations Convention against Corruption: note by the Secretariat
CAC/COSP/2008/8	Best practices in fighting corruption: background paper prepared by the Secretariat
CAC/COSP/2008/9	The pilot review programme: an assessment; background paper prepared by the Secretariat
CAC/COSP/2008/10	Parameters for defining the review mechanism for the United Nations Convention against Corruption: background paper prepared by the Secretariat
CAC/COSP/2008/11	Joining forces for successful asset recovery: background paper prepared by the Secretariat
CAC/COSP/2008/12	Note verbale dated 14 December 2007 from the Permanent Mission of the Netherlands to the United Nations (Vienna) addressed to the United Nations Office on Drugs and Crime
CAC/COSP/2008/13	Note verbale dated 3 January 2008 from the Permanent Mission of Indonesia to the United Nations (Vienna) addressed to the United Nations Office on Drugs and Crime
CAC/COSP/2008/14	Note verbale dated 22 January 2008 from the Permanent Mission of Argentina to the United Nations (Vienna) addressed to the United Nations Office on Drugs and Crime
CAC/COSP/2008/L.1 and Add.1-3	Draft report

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2008/L.2	Provisional agenda for the third session of the Conference of the States Parties to the United Nations Convention against Corruption
CAC/COSP/2008/L.3	Pakistan: draft resolution on the establishment of a consultative group of experts on asset recovery
CAC/COSP/2008/L.4	Pakistan: draft resolution on the review of implementation
CAC/COSP/2008/L.5	Qatar: draft decision on the venue for the third session of the Conference of the States Parties to the United Nations Convention against Corruption
CAC/COSP/2008/L.6	Canada, Norway, Portugal (on behalf of the States Members of the United Nations that are members of the European Union), Switzerland and United States of America: draft resolution on the review of implementation
CAC/COSP/2008/L.7/Rev.1	France: revised draft resolution on the consideration of the issue of bribery of officials of public international organizations
CAC/COSP/2008/L.8/Rev.1	France: revised draft resolution on strengthening coordination and enhancing technical assistance for the implementation of the United Nations Convention against Corruption
CAC/COSP/2008/L.9/Rev.1	France: revised draft resolution on an appeal to States parties and invitation to signatories to the United Nations Convention against Corruption to continue to adapt their legislation and regulations
CAC/COSP/2008/L.10	Australia, Canada, Liechtenstein, Mexico, Portugal (on behalf of the States Members of the United Nations that are members of the European Union), Switzerland and United States of America: draft resolution on asset recovery
CAC/COSP/2008/L.11	Draft resolution submitted by the Vice-President following informal consultations on the review of implementation
CAC/COSP/2008/INF/1	Information for participants
CAC/COSP/2008/INF/2	List of participants
CAC/COSP/2008/CRP.1	Status of ratification of the United Nations Convention against Corruption as at 20 January 2008 and notifications, declarations and reservations thereto
CAC/COSP/2008/CRP.2	Paper submitted by the United Nations Commission on International Trade Law on the United Nations Convention against Corruption: implementing procurement-related aspects
CAC/COSP/2008/CRP.3	Self-assessment reports submitted as at 21 January 2008

Annex II

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

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