

CAC/COSP 4 Resolutions and Decisions

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At its fourth session, held in Marrakech, Morocco, from 24 to 28 October 2011, the Conference of the States Parties to the United Nations Convention against Corruption adopted the following resolutions:

Resolutions

Resolution 4/1

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

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

Recalling its resolution 3/1, in which the Conference established the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and charged the Implementation Review Group with having an overview of the review process,

Welcoming the work undertaken by the Implementation Review Group since the Group's first session, held from 28 June to 2 July 2010, and noting with appreciation the commitment of States parties to the country review process in their capacities both as States parties under review and as reviewing States parties,

Expressing concern at the unresponsiveness of several States parties with regard to their obligations under the terms of reference and the guidelines for governmental experts and the secretariat in the conduct of country reviews,

Recalling its decision, contained in its resolution 3/1, by which the Group was charged with following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance, and taking into account the fact that, pursuant to paragraph 11 of the terms of reference, one of the goals of the Mechanism is to help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance, *Recalling in particular*, as laid out in its resolution 3/4, its endorsement of country-led and country-based, integrated and coordinated technical assistance programme delivery and its encouragement to donors to accord high priority to technical assistance to implement the United Nations Convention against Corruption, [\[1\]](#)

1. *Reaffirms* its resolution 3/1;

2. *Endorses* Implementation Review Group resolution 1/1;
3. *Requests* the Secretariat to further examine the shortfall identified in the note by the Secretariat on resource requirements for the functioning of the Mechanism, [\[2\]](#) to determine whether that shortfall can be addressed through cost efficiencies or voluntary contributions and to take that shortfall into account when submitting the budget for the biennium 2014-2015, in accordance with Group resolution 1/1 and section VII of the terms of reference;
4. *Decides* that the Group shall assist the Conference in the fulfilment of its responsibility to consider the budget biennially by engaging with the Secretariat during the intersessional period with regard to expenditures and projected costs related to the Review Mechanism;
5. *Requests* the United Nations Office on Drugs and Crime, in furtherance of the budget consideration function, and consistent with the financial rules and regulations of the United Nations, to support the Group by:
 - (a) Providing the Group with financial information on expenditures and projected costs related to the Review Mechanism, in a format and at intervals to be agreed by the Secretariat and the Group;
 - (b) Engaging in a dialogue, as appropriate, with the Group prior to finalizing its submissions relating to the finances of the Review Mechanism for each biennial regular budget;
6. *Endorses* the guidelines for governmental experts and the secretariat in the conduct of country reviews and the blueprint for country review reports as finalized by the Group at its first session [\[3\]](#) and the practice followed by the Group with regard to the procedural issues arising from the drawing of lots;
7. *Calls upon* States parties that have not yet done so to submit their lists of governmental experts well ahead of the drawing of lots, and reminds States parties to keep their lists of governmental experts up to date, in accordance with the terms of reference;
8. *Urges* States parties participating in the country review process in a given year to make every possible effort to adhere to the indicative timelines for review as contained in the guidelines;
9. *Urges* States parties under review in a given year to ensure the timely nomination of their focal points in accordance with the guidelines, and welcomes the training provided by the secretariat for focal points, which increases understanding of the Convention as well as of the implementation review process;
10. *Requests* the secretariat, in order to ensure consistency in reporting for all States parties under review, to prepare, for consideration by the Group at its third session, an executive summary template, which is to be divided into the four sections of

the executive summary identified in the blueprint - that is,

(a) successes and good practices; (b) challenges in implementation, where applicable; (c) observations on the implementation of the articles under review; and (d) technical assistance needs identified to improve implementation of the Convention - and to include sections summarizing the legal system of the State party under review;

11. *Takes note* of the thematic reports on the implementation of chapters III and IV of the United Nations Convention against Corruption, [\[4\]](#) invites States parties to be guided, bearing in mind paragraph 8 of the terms of reference, by the experience that is being accumulated through those reports in their efforts to implement their obligations under the Convention, and requests the secretariat to continue its work as more reviews are finalized, in order to enrich the findings contained therein;

12. *Recognizes* the functions assigned to the Group in paragraph 44 of the terms of reference, pursuant to which the Group has an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention;

13. *Also recognizes* the continuing and valuable role of technical assistance provided at different levels and the importance of effectively addressing technical assistance within the Mechanism, as well as the importance of country-led and country-based, integrated and coordinated programming and delivery of technical assistance as an effective means of addressing technical assistance needs of States parties;

14. *Recommends* that all States parties, where applicable, in their responses to the comprehensive self-assessment checklists and in the country reports, identify technical assistance requirements, preferably prioritized and related to the implementation of the provisions of the Convention examined during a given review cycle;

15. *Also recommends* that all States parties, where applicable, continue to provide the United Nations Office on Drugs and Crime with information on ongoing technical assistance projects related to the implementation of the Convention;

16. *Decides* that the Group should consider, on the basis of the outcome of the review process and consistent with the terms of reference of the Mechanism, priority areas for the provision of technical assistance, as well as consolidated information on trends in technical assistance required and provided;

17. *Recommends* that the secretariat take into account in the thematic and regional programmes the priority areas referred to in paragraph 16 above, including when developing technical assistance tools;

18. *Requests* the secretariat to provide the Group with information on the gaps in securing funding for projects of the United Nations Office on Drugs and Crime implemented in accordance with the priorities set out;

19. *Recommends* that, under the supervision of the Conference through the Group, the secretariat continue to:

- (a) Promote, with bilateral and multilateral partners, the use of the Convention and its Mechanism as tools for programming anti-corruption assistance;
- (b) Establish partnerships with bilateral and multilateral technical assistance partners to ensure, as appropriate, the effective and coordinated provision of technical assistance related to the implementation of the Convention;
- (c) Develop information on experiences and lessons learned in the provision of technical assistance in anti-corruption efforts;
- (d) Include information on aspects of technical assistance in the periodic training courses organized pursuant to paragraph 32 of the terms of reference of the Mechanism;

20. *Reaffirms*, consistent with the terms of reference, the request contained in Conference resolution 3/4 for the United Nations Office on Drugs and Crime to continue to provide technical assistance for the implementation of the Convention, including by providing direct expertise on policy or capacity-building through the Office's thematic programme on action against corruption and economic crime and, where appropriate, regional programmes, using its range of technical assistance tools;

21. *Requests* the secretariat to continue to develop a three-tiered approach - global, regional and national - to the delivery of technical assistance in the light of the priority areas identified as a result of the review process for chapters III and IV of the Convention, and also requests the secretariat to continue providing information on this matter to the Group;

22. *Endorses* country-led and country-based integrated and coordinated technical assistance programme delivery as an effective vehicle for furthering implementation of the Convention;

23. *Encourages* States parties to share experience on technical assistance annually during the Group meetings and on how their needs are addressed;

24. *Recommends* that the secretariat prepare a report on the implementation of the recommendations above for its consideration of the issue at each session.

Resolution 4/2

Convening of open-ended intergovernmental expert meetings to enhance international cooperation

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

Bearing in mind that international cooperation is one of the principal objectives of the United Nations Convention against Corruption [5] and that the States parties to that Convention are obligated to provide each other with the utmost assistance and support in this field,

1. *Decides* to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist the Conference with respect to extradition and mutual legal assistance, and to convene one such meeting during the fifth session of the Conference and, prior to that, within existing resources, at least one intersessional meeting; [6]
2. *Also decides* that the expert meetings shall perform the following functions:
 - (a) Assist the Conference in developing cumulative knowledge in the area of international cooperation;
 - (b) Assist the Conference in encouraging cooperation among relevant existing bilateral, regional and multilateral initiatives and contribute to the implementation of the related provisions of the Convention under the guidance of the Conference;
 - (c) Facilitate the exchange of experiences among States by identifying challenges and disseminating information on good practices to be followed in order to strengthen capacities at the national level;
 - (d) Build confidence and encourage cooperation between requesting and requested States by bringing together relevant competent authorities, anti-corruption bodies and practitioners involved in mutual legal assistance and extradition;
 - (e) Assist the Conference in identifying the capacity-building needs of States;
3. *Calls upon* States parties and signatory States to designate a central authority and, as appropriate, local authorities and other governmental experts, to participate in the expert meetings;
4. *Requests* the United Nations Office on Drugs and Crime to consider innovative solutions to help States to build their capacity to prepare and respond to requests for mutual legal assistance and extradition;
5. *Decides* that the expert meetings shall submit to the Conference reports on all their activities;
6. *Requests* the Secretariat, within existing resources, to assist the expert meetings in the performance of their functions, including by providing interpretation services, and also invites States parties and signatories to provide extrabudgetary resources for the activities described in the present resolution.

Resolution 4/3

Marrakech declaration on the prevention of corruption

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

Recalling paragraph 52 of the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, [\[7\]](#) in which the Assembly stressed that corruption diverts resources away from activities that are vital for poverty eradication, the fight against hunger and sustainable development and urged all States that had not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption [\[8\]](#) and to begin its implementation,

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

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

Acknowledging the crucial importance of technical assistance to building institutional and human capacity in States parties in order to facilitate the implementation of the provisions of the Convention through efficient international cooperation,

Underlining, in view of the forthcoming review of chapter II of the Convention during the second cycle of the Mechanism for the Review of Implementation of the Convention, the importance of building legislative and institutional frameworks consistent with the requirements of that chapter,

Recalling its resolution 3/2, by which, inter alia, it established an interim Open-ended Intergovernmental Working Group on the Prevention of Corruption to advise and assist the Conference in the implementation of its mandate on the prevention of corruption, and welcoming the conclusions and recommendations of the Working Group,

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

Bearing in mind the important role of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of corruption and in capacity-building in support of the prevention of corruption,

Recalling the momentum gathered through the Bali Business Declaration, which contains the commitment of the private sector entities present at the second session of

the Conference, inter alia, to work towards the alignment of business principles with fundamental values enshrined in the Convention, develop mechanisms to review company compliance and strengthen private-public partnerships for combating corruption,

1. *Encourages* States parties to promote universal adherence to the United Nations Convention against Corruption, [\[9\]](#) and urges all States that have not yet done so to consider ratifying or acceding to the Convention as soon as possible;
2. *Decides* that the Open-ended Intergovernmental Working Group on the Prevention of Corruption shall continue its work to advise and assist the Conference in the implementation of its mandate on the prevention of corruption and shall hold at least two meetings prior to the fifth session of the Conference, in 2013;
3. *Requests* the Secretariat to continue to assist the Working Group in the performance of its functions;
4. *Decides* that the future meetings of the Working Group will follow a multi-year workplan for the period up to 2015, when the second cycle of the Implementation Review Mechanism begins;
5. *Notes with appreciation* that many States parties have shared information on their initiatives and good practices on the topics considered by the second meeting of the Working Group, and urges States parties to continue to share with the Secretariat and other States parties new as well as updated information on such initiatives and good practices;
6. *Requests* the Secretariat, subject to the availability of extrabudgetary resources, to continue to perform the functions of an international observatory gathering existing information on good practices in preventing corruption, thereby focusing in particular on systematizing and disseminating the information received from States parties pursuant to paragraph 5 above and, at the request of the Working Group or the Conference and based on that information, to provide information on lessons learned and the adaptability of good practices, as well as related technical assistance activities, which could be offered to States parties upon request;
7. *Requests* Member States, as appropriate, with the assistance of the Secretariat and in collaboration with relevant regional and international organizations, to promote bilateral, regional and international activities to prevent corruption, including workshops for the exchange of relevant experiences and good practices;
8. *Strongly encourages* States parties, in addition to integrating anti-corruption policies in broader crime prevention and criminal justice reform strategies and public sector reform plans, in line with Conference resolution 3/2, also to undertake similar action with regard to development programmes, strategies and action plans;

9. *Calls upon* States parties that have not yet done so to inform the Secretary-General about the designation of competent authorities that may assist other States parties in developing and implementing specific measures for the prevention of corruption and to update existing information where needed;
10. *Takes note* of the initiatives taken by the Secretariat to promote partnerships with the private sector against corruption, in close cooperation with relevant international organizations, and requests the Secretariat to continue to assist in promoting awareness of the principles of the Convention among the business community;
11. *Calls upon* States parties to promote the business community's engagement in the prevention of corruption by, inter alia, developing initiatives to promote and implement, where appropriate, anti-corruption measures within public procurement, consistent with article 9 of the Convention, and by working with the business community to address practices that generate vulnerability to corruption in the private sector;
12. *Also calls upon* States parties to use the Convention as a framework for the development of specific and tailored anti-corruption safeguards in sectors that may present a greater vulnerability to corruption, and requests the Secretariat to assist States parties in doing so, upon request and subject to the availability of extrabudgetary resources;
13. *Notes with appreciation* the cooperation between the Secretariat and the United Nations Commission on International Trade Law on public procurement, aimed at assisting States parties in the implementation of article 9, paragraph 1, of the Convention;
14. *Urges* States parties to raise public awareness of corruption and laws and regulations against it, including the Convention itself, as well as the existing rights of and possibilities for the general public to obtain information on the organization, functioning and decision-making processes of their public administrations;
15. *Also urges* States parties, in accordance with article 13 of the Convention, to continue promoting the participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption, and encourages States parties to enhance their capacity in this regard;
16. *Calls upon* States parties to devote special attention to the creation of opportunities to involve young people as key actors to successfully prevent corruption at the domestic, subregional, regional and international levels, and requests the Secretariat to assist States parties in doing so, upon request and subject to the availability of extrabudgetary resources;

17. *Also calls upon* States parties, consistent with the fundamental principles of their educational and legal systems, to promote, at various levels of the education system, educational programmes that instil concepts and principles of integrity;
18. *Requests* States parties to promote training and education at all levels of the public and private sectors in the prevention of corruption and, depending on their national legislation, to make such training and education an integral part of national anti-corruption strategies and plans;
19. *Welcomes* the initiative taken by the Secretariat, in collaboration with relevant partner institutions, to develop comprehensive anti-corruption academic materials for universities and other academic institutions, and requests the Secretariat to continue its efforts to make specific information about the Convention and its prevention commitments as widely available as possible;
20. *Takes note* of the efforts of the Secretariat, as requested in Conference resolution 3/2, to gather information on good practices in promoting responsible, professional reporting by journalists on corruption, and requests the Secretariat to further collect and disseminate such information;
21. *Notes with appreciation* the cooperation between the Secretariat and the Department of Economic and Social Affairs of the Secretariat on the prevention of corruption in the public sector, and requests the Secretariat to continue such cooperation, particularly with regard to the United Nations Public Service Awards, as well as through other initiatives, including activities that enhance public service delivery and prevent corruption;
22. *Notes* the continued efforts of the Secretariat to promote integrity among members of the United Nations System Chief Executives Board for Coordination through the Institutional Integrity Initiative, including in cooperation with the Ethics Office, and requests the Secretariat to submit a report on the Initiative to the Conference at its fifth session;
23. *Encourages* States parties to strive towards early reporting on the implementation of chapter II of the Convention, using the self-assessment checklist, with emphasis on evaluation of the effectiveness of existing prevention measures, the compilation of good practices and the identification of technical assistance needs;
24. *Requests* the Secretariat, in close cooperation with multilateral and bilateral assistance providers, to continue to provide technical assistance to States parties, upon request, with a view to advancing the implementation of chapter II, including in preparing for participation in the review process for chapter II;
25. *Also requests* the Secretariat, and calls upon national, regional and international donors and recipient countries, to intensify their cooperation and coordination in the provision of technical assistance in preventing corruption, and welcomes the

cooperation between the Secretariat and the United Nations Development Programme to integrate Convention-based anti-corruption technical assistance in the broader development agenda, including the United Nations Development Assistance Framework;

26. *Encourages* Member States to provide sufficient financial resources to effectively meet the technical assistance needs identified by States parties for the implementation of chapter II of the Convention;

27. *Underlines* the importance of providing the United Nations Office on Drugs and Crime with sufficient and adequate funding to be able to respond to the increasing demand for its services, and encourages Member States to make adequate voluntary contributions to the account referred to in article 62 of the Convention, operated within the United Nations Crime Prevention and Criminal Justice Fund, [\[10\]](#) for the provision to developing countries and countries with economies in transition of the technical assistance that they might require to build their capacities to implement chapter II of the Convention;

28. *Requests* the Secretariat to submit a report to the Conference at its fifth session on the implementation of the present resolution.

Resolution 4/4

International cooperation in asset recovery

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

Bearing in mind that the return of assets is one of the main objectives and a fundamental principle of the United Nations Convention against Corruption [\[11\]](#) and that the States parties to the Convention are obligated to afford one another the widest measure of cooperation in that regard,

Recalling its resolution 1/4, by which it established the Open-ended Intergovernmental Working Group on Asset Recovery, and its resolutions 2/3

and 3/3, in which it decided that the Working Group should continue its work,

Welcoming the conclusions and recommendations of the Working Group, and noting with interest the background paper prepared by the Secretariat on the progress made in the implementation of those recommendations,

Determined to give effect to the obligations set out in chapter V of the Convention in order to prevent, detect and deter in a more effective manner the international transfer of proceeds of crime and to strengthen international cooperation in asset recovery,

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

stability, and noting the difficulties of providing information establishing a link between proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases can be difficult to prove,

Encouraging requested States parties to respond to requests for assistance pursuant to article 46 in the absence of dual criminality,

Noting the efforts made by all States parties in tracing, freezing and recovering their stolen assets, in particular those States parties in the Middle East and North Africa, taking into consideration recent developments in those States in fighting corruption, and the efforts of and willingness expressed by the international community to assist them in the recovery of those assets in order to preserve stability and sustainable development,

Recognizing that States parties continue to face challenges in recovering assets owing to differences between legal systems, the complexity of multi-jurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of corruption proceeds, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates,

Acknowledging the vital importance of ensuring the independence and effectiveness of authorities charged with investigating and prosecuting corruption crimes and of recovering the proceeds of such crimes by several means, such as establishing the necessary legal framework and allocating the necessary resources,

Concerned that some persons accused of crimes of corruption have managed to escape justice and thus have eluded the legal consequences of their actions, and have been successful in hiding their assets,

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

1. *Renews* the commitment of all States parties to the United Nations Convention against Corruption [\[12\]](#) to effective national action and international cooperation to give full effect to chapter V of the Convention and to contribute effectively to the recovery of the proceeds of corruption;
2. *Urges* States parties that have not already done so to designate a central authority and, where appropriate, focal points;
3. *Urges* States parties to take a proactive approach to international cooperation in asset recovery by making full use of the mechanisms provided for in chapter V of the Convention, including by initiating requests for assistance, making spontaneous disclosures of information on proceeds of offences to other States parties and considering making requests for notifications, in accordance with

article 52, paragraph 2 (b), of the Convention, and, where appropriate, implementing measures to permit the recognition of non-conviction-based forfeiture judgements;

4. *Encourages* requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests, and in this context encourages requested States to provide, when appropriate, information on legal frameworks and procedures to the requesting State;

5. *Calls upon* States parties to give particular and timely consideration to the execution of international mutual legal assistance requests, particularly those related to the States concerned in the Middle East and North Africa, as well as other requesting States that need urgent action, and to ensure that the competent authorities of requested States have adequate resources to execute requests, taking into account the particular importance of the recovery of these assets for sustainable development and stability;

6. *Also calls upon* States parties to afford one another the widest possible cooperation and assistance in the identification of stolen assets and proceeds of corruption and in the extradition of individuals accused of the predicate offences, consistent with the Convention;

7. *Encourages* States parties to compile and provide information in accordance with article 52 of the Convention, and to undertake other actions that help to establish the linkage between assets and offences under the Convention;

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

9. *Encourages* States parties to remove barriers to asset recovery, including, inter alia, by simplifying their legal procedures and preventing abuse of those procedures;

10. *Also encourages* States parties to remove additional barriers to asset recovery by ensuring that financial institutions and, where applicable, designated non-financial services and professions adopt and implement effective standards to ensure that such entities are not being used to hide stolen assets, which may include such measures as customer due diligence requirements; the identification and enhanced scrutiny of assets belonging to individuals who are or have been entrusted with prominent public functions, and to their family members and close associates; and the collection and provision of beneficial ownership information; and by ensuring, in accordance with the Convention and domestic law, through robust regulatory action, that they adequately implement those requirements;

11. *Urges* the study and analysis of, inter alia, the results of asset recovery actions and, where appropriate, how legal presumptions, measures aimed at shifting the burden of proof and the examination of illicit enrichment frameworks could facilitate the recovery of corruption proceeds;
12. *Also urges* States parties and signatories to the Convention to strengthen the capacity of legislators, law enforcement officials, judges and prosecutors to deal with matters relating to asset recovery, including in the areas of mutual legal assistance, confiscation, criminal confiscation and, where appropriate, non-conviction-based forfeiture in accordance with domestic law and the Convention, and civil proceedings, and to give the highest consideration to providing technical assistance in these fields, upon request;
13. *Encourages* the further development of initiatives to provide assistance in asset recovery cases at the request of States parties, such as those of the International Criminal Police Organization and similar regional institutions;
14. *Encourages* States parties to use and promote informal channels of communication, in particular prior to making formal requests for mutual legal assistance, by, inter alia, designating officials or institutions, as appropriate, with technical expertise in international cooperation in asset recovery to assist their counterparts in effectively meeting requirements for formal mutual legal assistance;
15. *Decides* that the Open-ended Intergovernmental Working Group on Asset Recovery shall continue its work to advise and assist the Conference in the implementation of its mandate with respect to the return of the proceeds of corruption and shall hold at least two meetings prior to the fifth session of the Conference, within existing resources;
16. *Requests* the Working Group to prepare the agenda for the multi-year workplan to be implemented until 2015;
17. *Decides* that the Working Group shall continue to submit reports on its activities to the Conference of the States Parties;
18. *Also decides* that the Working Group shall continue to consider the issue of establishing a global network of United Nations Convention against Corruption asset recovery focal points as a network of practitioners, without duplicating existing networks, to facilitate more effective cooperation, in particular mutual legal assistance, on cases relating to asset recovery;
19. *Requests* the Secretariat, within existing resources, to assist the Working Group in the performance of its functions, including by providing interpretation services in the six official languages of the United Nations.

Resolution 4/5

Participation of signatories, non-signatories, entities and intergovernmental organizations in the work of the Implementation Review Group

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

Recalling its resolution 3/1, entitled "Review Mechanism", by which it adopted the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption,

Recalling also that, in accordance with paragraph 42 of the terms of reference, the Implementation Review Group shall be an open-ended intergovernmental group of States parties to the United Nations Convention against Corruption [\[13\]](#) and shall operate under the authority of and report to the Conference,

Recognizing the need to address the issue of participation of signatories, non-signatories, entities and intergovernmental organizations in the work of the Implementation Review Group,

1. *Decides* to apply the following rules:

Rule 1

Signatories

(a) Subject to prior written notification to the Secretary-General, any State or regional economic integration organization signatory to the Convention in accordance with its article 67, paragraphs 1 and 2, shall be entitled to participate in the Implementation Review Group;

(b) Signatories shall be entitled:

- (i) To attend sessions of the Group;
- (ii) To deliver statements at such sessions;
- (iii) To receive the documents of the Group;
- (iv) To submit their views in writing to the Group;
- (v) To participate in the deliberative process of the Group;

Rule 2

Entities and intergovernmental organizations

(a) Subject to prior written notification to the Secretary-General, representatives of entities and intergovernmental organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under its auspices, representatives of United Nations bodies, specialized agencies and funds, and representatives of functional commissions of the

Economic and Social Council may be invited to participate in the sessions of the Implementation Review Group;

(b) Representatives of any other relevant intergovernmental organizations that have been admitted to participate in sessions of the Conference may also be invited to participate in the sessions of the Group;

(c) Without taking part in the adoption of decisions on substantive and procedural matters, such entities and organizations may:

(i) Attend the sessions of the Group;

(ii) Deliver statements at such sessions at the invitation of the Chair of the Group in consultation with the bureau;

(iii) Receive the documents of the Group;

(iv) Submit their views in writing to the Group;

(d) For the purposes of paragraphs (a) and (b) above, the Conference requests the Secretary-General to circulate a letter to entities and intergovernmental organizations requesting them:

(i) To consider and to communicate to the Secretary-General, in writing, whether they are willing to participate in the meetings of the Group, paying due regard to their respective mandates and to the functions of the Group, as defined in paragraph 44 of the terms of reference;

(ii) To provide information on issues with regard to which, and on ways and means by which, they intend to contribute to the effective work of the Mechanism, especially through the provision of support and assistance in implementation of the recommendations and conclusions of the Group to be adopted by the Conference;

(e) The secretariat shall compile the information contained in the communications of relevant entities and intergovernmental organizations and submit it to the Group;

(f) On the basis of the information referred to in paragraph (d) above, the Implementation Review Group shall decide, by consensus and as appropriate, to update the list of entities and intergovernmental organizations to be invited to participate in the sessions of the Group;

Rule 3

Non-signatories

(a) A State or regional economic integration organization that has not signed the Convention in accordance with its article 67, paragraphs 1 and 2, may apply to the bureau for observer status, provided that such a State or regional economic integration organization has notified the Group, through the secretariat, of its intention or decision to ratify, accept, approve or accede to the Convention in accordance with its article 67, paragraphs 3 and 4;

- (b) In the notification referred to in paragraph (a) above, the regional economic integration organization shall also provide the information mentioned in rule 2, paragraph (d), above;
- (c) Without taking part in the adoption of decisions on substantive and procedural matters, such non-signatory States and regional economic integration organizations may:
- (i) Attend sessions of the Group;
 - (ii) Deliver statements at such sessions at the invitation of the Chair of the Group and in consultation with the bureau;
 - (iii) Receive the documents of the Group;
 - (iv) Submit their views in writing to the Group;
2. *Encourages* signatories, non-signatories, entities and relevant intergovernmental organizations to report to the Conference and/or the Implementation Review Group, as appropriate, on their activities and contributions to the implementation of the recommendations and conclusions of the Implementation Review Group approved by the Conference, including those related to meeting technical assistance needs and advancing capacity to effectively implement the Convention.

Resolution 4/6

Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

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

1. *Decides* to apply the following:
 - (a) In order to further promote constructive dialogue with non-governmental organizations dealing with anti-corruption issues, and while recognizing the continuing deliberations to build confidence in the role of non-governmental organizations in the review process, briefings shall be conducted on the outcomes of the review process, including on the technical assistance needs identified;
 - (b) Such briefings shall be convened on the margins of the sessions of the Group, and conducted by the secretariat in cooperation with a member of the bureau at the request of the President of the Conference, on the basis of the Implementation Review Group reports, thematic implementation reports and regional supplementary addenda;
 - (c) No specific country situation shall be mentioned during briefings;

- (d) The Secretariat shall invite to the briefings relevant non-governmental organizations having consultative status with the Economic and Social Council, as well as other relevant non-governmental organizations, which, in accordance with rule 17, paragraphs 1 and 2, respectively, of the rules of procedure of the Conference, have been admitted to participate as observers in the session of the Conference previous to the briefing;
- (e) If there is any objection to the participation of a non-governmental organization, the matter will be referred to the Group for decision, taking into account, *mutatis mutandis*, rule 17, paragraph 2, of the rules of procedure;
- (f) Non-governmental organizations wishing to attend a briefing shall confirm their attendance no later than ten days prior to the date of the briefing, at which time they will be allowed to provide comments in writing;
- (g) The briefings shall be open to representatives of Member States and intergovernmental organizations;
- (h) The secretariat will prepare summaries of the briefings and submit them to the Group as conference room papers;
- (i) Non-governmental organizations are encouraged to report to the Conference and/or the Group, as appropriate, individually or collectively, on their activities and contributions to the implementation of the recommendations and conclusions of the Group approved by the Conference, including those related to meeting technical assistance needs and advancing capacity to effectively implement the Convention;
2. *Requests* States parties and signatories to use the briefings and to draw on the discussions and proposals of the fourth session of the Conference of the States Parties to continue constructive dialogue on the contribution of non-governmental organizations to the Mechanism for the Review of Implementation of the Convention.

Decisions

1. At its fourth session, the Conference adopted the following decisions:

Decision 4/1

Venue for the sixth 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 the Russian Federation to act as host to the sixth session of the Conference, decides that its sixth session will be held in the Russian Federation in 2015.

Decision 4/2

Venue for the seventh 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, and taking into consideration rule 3, paragraph 2, and rule 6 of its rules of procedure, decides that its seventh session will be held at the seat of the secretariat.

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- [1] United Nations, *Treaty Series*, vol. 2349, No. 42146.
 - [2] CAC/COSP/2011/4.
 - [3] CAC/COSP/IRG/2010/7, annex I.
 - [4] United Nations, *Treaty Series*, vol. 2349, No. 42146.
 - [5] United Nations, *Treaty Series*, vol. 2349, No. 42146.
 - [6] The intersessional meeting or meetings should be scheduled at the same time as the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.
 - [7] General Assembly resolution 65/1.
 - [8] United Nations, *Treaty Series*, vol. 2349, No. 42146.
 - [9] Ibid.
 - [10] See General Assembly resolution 58/4, para. 4.
 - [11] United Nations, *Treaty Series*, vol. 2349, No. 42146.
 - [12] Ibid.
 - [13] United Nations, *Treaty Series*, vol. 2349, No. 42146.