

Resolutions and decisions

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At its first session, held in Amman from 10 to 14 December 2006, the Conference of the States Parties to the United Nations Convention against Corruption adopted the following resolutions and decisions:

Resolution 1/1

Review of implementation

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

Recalling article 63 of the United Nations Convention against Corruption, especially paragraph 7, according to which the Conference shall establish, if it deems it necessary, any appropriate mechanism or body to assist in the effective 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,

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

1. *Agrees* that it is necessary to establish an appropriate and effective mechanism to assist in the review of the implementation of the United Nations Convention against Corruption;
2. *Decides* to establish, within existing resources, an open-ended intergovernmental expert working group to make recommendations to the Conference of the States Parties at its second session on the appropriate mechanisms or bodies for reviewing the implementation of the Convention and on the terms of reference of such mechanisms or bodies;
3. *Underlines* that any such review mechanism 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 of the States Parties may, as appropriate, cooperate with them and avoid duplication of effort;
4. *Requests* the United Nations Office on Drugs and Crime, in the interim and subject to the availability of voluntary contributions, to assist parties, upon request, in their efforts to collect and provide information on their self-assessment and their analysis of

implementation efforts and to report on those efforts to the Conference of the States Parties at its second session;

5. *Requests* the Secretariat, within existing resources, to assist the working group in the performance of its functions, including by providing interpretation services.

Resolution 1/2

Information-gathering mechanism on the implementation of the United Nations Convention against Corruption

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

Recognizing the importance of gathering information on the implementation of the United Nations Convention against Corruption,

1. *Decides* that a self-assessment checklist shall be used as a tool to facilitate the provision of information on implementation of the United Nations Convention against Corruption prior to the second session of the Conference of the States Parties;
2. *Requests* the Secretariat to finalize a self-assessment checklist no later than two months after the conclusion of the first session of the Conference of the States Parties, using as a model the draft self-assessment checklist contained in document CAC/COSP/2006/L.3, in consultation with and reflecting input from States parties and signatories;
3. *Also requests* the Secretariat to distribute the self-assessment checklist to States parties and signatories as soon as possible to begin the process of information-gathering;
4. *Urges* States parties, and invites signatories, to complete and return the checklist to the Secretariat within the deadline identified by the Secretariat;
5. *Requests* the Secretariat, within existing resources, to collate and analyse information provided by States parties and signatories through the self-assessment checklist or other means and to share this information and analysis with the Conference of the States Parties at its second session and with the relevant open-ended intergovernmental working groups established by the Conference;
6. *Agrees* that the present resolution is not intended to prejudge the work of any open-ended working group created by the Conference of the States Parties or to form the exclusive basis for information to be considered by any such group in the performance of its functions.

Resolution 1/3

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

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

Recognizing that adaptation of the domestic legal systems of the States parties to the United Nations Convention against Corruption to meet the obligations contained in the Convention is essential to the implementation of the Convention and without prejudice to the importance of other criminalization and mandatory provisions in the Convention,

1. *Appeals* to the States parties to the United Nations Convention against Corruption, if they have not yet done so, to adapt their legislation and regulations, in accordance with article 65 of the Convention, in order to comply with the obligation to establish as criminal offences the acts described in the Convention in article 15 (Bribery of national public officials), article 16 (Bribery of foreign public officials and officials of public international organizations), paragraph 1, article 17 (Embezzlement, misappropriation or other diversion of property by a public official), article 23 (Laundering of proceeds of crime) and article 25 (Obstruction of justice);

2. *Requests* States to submit to the Conference of the States Parties, at the second session information describing the completion or state of progress of their work, pursuant to article 63, paragraphs 5 and 6, of the Convention within the self-assessment checklist used in accordance with resolution 1/2;

3. *Invites* the States signatories to the United Nations Convention against Corruption to adapt their legislation and regulations in accordance with paragraph 1 above.

Resolution 1/4

Establishment of an intergovernmental working group on 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 Corruption and that States parties to the Convention are obligated to afford one another the widest measures of cooperation and assistance in that regard,

Stressing the importance for the States parties, whose national authorities are called upon to cooperate more closely in the implementation of the Convention, of exchanging information on the experiences they have gained and the solutions they have adopted at

the national level with a view to tracing financial flows linked to corruption, seizing assets derived from corruption and returning such assets,

1. *Decides* to establish an interim open-ended intergovernmental working group, in accordance with article 63, paragraph 4, of the United Nations Convention against Corruption and rule 2, paragraph 2, of the rules of procedure for the Conference of the States Parties, to advise and assist the Conference in the implementation of its mandate on the return of proceeds of corruption;

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

(a) Assisting the Conference of the States Parties in developing cumulative knowledge in the area of asset recovery, especially on the implementation of articles 52-58 of the Convention, such as through mechanisms for locating, freezing, seizing, confiscating and returning the instruments and proceeds of corruption, in particular, the provisions of article 57;

(b) Assisting the Conference of the States Parties in encouraging cooperation among relevant existing bilateral and multilateral initiatives and to contribute to the implementation of the related provisions of the Convention under the guidance of the Conference of the States Parties;

(c) Facilitating exchange of information among States by identifying and disseminating among States good practices to be followed to strengthen, both at the national level and in the framework of mutual legal assistance in criminal matters, efforts to prevent and combat corruption and facilitate the return of the proceeds of corruption;

(d) Building confidence and encouraging cooperation between requesting and requested States by bringing together relevant competent authorities and anti-corruption bodies and practitioners involved in asset recovery and the fight against corruption and by serving as a forum for them;

(e) Facilitating the exchange of ideas among States on the expeditious return of assets, including ideas on plans for providing legal and technical expertise that requesting States need in order to follow international legal procedures for asset recovery;

(f) Assisting the Conference of the States Parties in identifying the capacity-building needs, including long-term needs, of States parties in the prevention and detection of transfers of proceeds of corruption and income or benefits derived from such proceeds and in asset recovery;

3. *Further decides* that the working group shall meet during the sessions of the Conference of the States Parties and, as appropriate, shall hold at least one intersessional meeting within existing resources;

4. *Invites* States parties and signatories to ensure that they are represented in the open-ended intergovernmental working group by central and, as appropriate, local authorities and other government experts;

5. *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 in the area of asset recovery;
6. *Decides* that the working group shall submit reports on all its activities to the Conference of the States Parties;
7. *Requests* the Secretariat, within existing resources, to assist the working group in the performance of its functions, including by providing interpretation services.

Resolution 1/5

Technical assistance

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

Bearing in mind that matters relating to technical assistance should be addressed primarily by the Conference of the States Parties,

1. *Decides* to establish an interim open-ended intergovernmental working group, in accordance with article 63, paragraph 4, of the United Nations Convention against Corruption, and rule 2, paragraph 2, of the rules of procedure of the Conference of the States Parties, to advise and assist the Conference in the implementation of its mandate on technical assistance;
2. *Also decides* that the working group shall perform the following functions:
 - (a) Review the needs for technical assistance in order to assist the Conference of the States Parties on the basis of the information provided by States to the Conference;
 - (b) Provide guidance on priorities, based on programmes approved by the Conference of the States Parties and its directives;
 - (c) Consider information gathered through the self-assessment checklist approved by the Conference of the States Parties;
 - (d) Consider information, as appropriate and readily available and in the areas covered by the Convention, on technical assistance activities of the Secretariat and States, including successful practices, as well as on projects and priorities of States, other entities of the United Nations system and international organizations;
 - (e) Promote the coordination of technical assistance in order to avoid duplication;
3. *Requests* the Secretariat, on the basis of guidance provided by the Conference of the States Parties and its working group, to develop project proposals to address the needs identified, taking into consideration equitable geographical distribution and different legal systems, as appropriate;

4. *Decides* that the working group shall meet during the sessions of the Conference of the States Parties and as appropriate and, utilizing existing resources, shall hold at least one intersessional meeting;
5. *Also decides* that the working group shall submit reports on its activities to the Conference of the States Parties;
6. *Requests* the Secretariat to assist the working group in the performance of its functions.

Resolution 1/6

International cooperation workshop on 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,

Recognizing the need to mobilize support from the international community for the effective implementation of the United Nations Convention against Corruption,

1. *Acknowledges* that the implementation of the United Nations Convention against Corruption and the fight against corruption are among the essential elements of sustainable development;
2. *Calls upon* multilateral and bilateral donors to provide resources for the provision of technical assistance to facilitate the effective implementation of the Convention;
3. *Reminds* all parties involved in such technical assistance of the need to coordinate efforts and align them with the needs and priorities of requesting States;
4. *Recommends* that a workshop of relevant practitioners and experts, including from multilateral and bilateral donor agencies and recipient countries, be held within the next six months, bringing together, inter alia, development and legal expertise related to anti-corruption policies, the main purpose of the workshop being to contribute to mutual understanding among experts in this field, discussing, inter alia, issues related to best practices and coordination;
5. *Requests* the Secretariat, in close collaboration with interested parties and subject to the availability of extrabudgetary resources, to facilitate the organization of the workshop.

Resolution 1/7

Consideration 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 it to 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, in paragraph 1 of which States parties are obliged to adopt legislative and other measures to establish as a criminal offence 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,

1. *Requests* the United Nations Office on Drugs and Crime, within existing resources, to invite relevant public international organizations to participate with States parties in an open-ended dialogue on the issues of privileges and immunities, jurisdiction and the role of international organizations and to report to the Conference of the States Parties at its second session on efforts to address the concerns of the General Assembly expressed in its resolution 58/4 of 31 October 2003;

2. *Encourages* States parties that have not already done so, when appropriate and consistent with their principles of jurisdiction, to criminalize the offences contained in article 16 of the United Nations Convention against Corruption;

3. *Affirms* the commitment of the States parties to the United Nations Convention against Corruption, including in their capacity as States members of public international organizations, to align the financial and other public integrity rules of the public international organizations to which they belong to the principles set forth in the Convention, and affirms the agreement of the parties to the Convention to use, when appropriate, their voices in those international organizations in which they participate to achieve that end;

4. *Commends* the United Nations Office on Drugs and Crime for encouraging international organizations to follow the principles of the United Nations Convention against Corruption.

Resolution 1/8

Best practices in the fight against corruption

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

Bearing in mind the importance of promoting and sharing best practices and the provisions of article 61, paragraph 2, of the United Nations Convention against Corruption,

1. *Decides* to hold, during its second session, a meeting on best practices in the fight against corruption, in which selected programmes of States shall be presented and discussed;
2. *Decides* to invite States to make proposals regarding best practices on an aspect of the United Nations Convention against Corruption that may be considered a priority;
3. *Decides* that non-governmental organizations with observer status may also be invited to suggest one case involving best practices;
4. *Also decides* that the Secretariat, in consultation with the bureau of the Conference of the States Parties, shall select up to four of those cases to be discussed during the meeting and that each of the States responsible for the selected programmes shall be invited to make a presentation during the meeting;
5. *Further decides* that the Secretariat, subject to the availability of extrabudgetary resources, shall make available, after the second session of the Conference of the States Parties, a booklet with a summary of the best practices discussed in the meeting.

Decision 1/1

Venue for the second 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 the rules of procedure for the Conference of the States Parties to the United Nations Convention against Corruption, and welcoming the offer by the Government of Indonesia to act as host to the second session of the Conference of the States Parties to the United Nations Convention against Corruption in 2007, decided that its second session would be held in Indonesia in 2007.