



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

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## Experts to enhance international cooperation under the United Nations Convention against Corruption

Vienna, 22-23 October 2012

### Draft report\*

#### I. Introduction

1. In resolution 4/2, entitled “Convening of open-ended intergovernmental expert meetings to enhance international cooperation”, adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its fourth session, held in Marrakech, Morocco, from 24 to 28 October 2011, the Conference decided to convene open-ended intergovernmental expert meetings on international cooperation to advise and assist it with respect to extradition and mutual legal assistance, and to convene one such meeting during its fifth session and, prior to that, within existing resources, at least one intersessional meeting.

2. In the same resolution, the Conference also decided that the expert meetings should perform the following functions: (a) assist it in developing cumulative knowledge in the area of international cooperation; (b) assist it 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; and (e) assist the Conference in identifying the capacity-building needs of States.

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\* The present document is being issued without formal editing.



## **II. Organization of the meeting**

### **A. Opening of the meeting**

3. The open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption held its first session in Vienna from 22 to 23 October 2012.

4. The Chairman welcomed the participants to the first intergovernmental expert meeting on international cooperation under the United Nations Convention against Corruption (UNCAC). He noted the meeting of the working group on extradition, mutual legal assistance and international cooperation for the purposes of confiscation of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (UNTOC) and highlighted the synergies and complementarities between the UNTOC working group and this expert meeting. There were a number of conclusions of that meeting, namely, the importance of regional networks of prosecutors and central authorities in facilitating international cooperation in common matters under that Convention, police-to-police cooperation and effective inter-agency cooperation among various law enforcement agencies and prosecutorial or judicial officials. Some of the recommendations, included focusing further on the role of liaison magistrates, prosecutors and police attachés in facilitating international cooperation and securing formal and informal communication channels for networks.

5. The Secretary to the Conference of the States Parties to the United Nations Convention against Corruption recalled resolution 4/2 and further welcomed the participants to this first session of the meeting. He recalled the mandates of the UNTOC working group and this expert meeting. It was noted that the central authorities designated under both Conventions were often the same and that the provisions of the Conventions were largely identical, although the Corruption Convention contained greater detail and also has integrated provisions on international cooperation for purposes of confiscation in a separate chapter on asset recovery. The findings of the mechanism for the review of implementation of the Convention (Review Mechanism), established by the Conference in its resolution 3/1, provided for robust data of practices in the area of international cooperation under the Convention to guide this expert meeting. In line with the practice established by the UNCAC Working Group on Asset Recovery which adopted a workplan until the sixth session of the Conference in 2015, the participants were encouraged to discuss a roadmap of future work for this expert meeting in conjunction with the work of the UNTOC working group.

### **B. Adoption of the agenda and organization of work**

6. On 22 October, the open-ended intergovernmental expert meeting to enhance international cooperation adopted the following agenda:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.

3. Modalities of international cooperation under chapter IV of the United Nations Convention against Corruption:
  - (a) Extradition:
    - (i) Presentation by the Secretariat of the findings on the implementation of article 44 of the United Nations Convention against Corruption resulting from the completed reviews of the first and second years of the first cycle of the Review Mechanism;
    - (ii) Round-table discussion;
  - (b) Mutual legal assistance:
    - (i) Presentation by the Secretariat of the findings on the implementation of article 46 of the United Nations Convention against Corruption resulting from the completed reviews of the first and second years of the first cycle of the Review Mechanism;
    - (ii) Round-table discussion.
4. Technical assistance for capacity-building: priorities and needs.
5. Future action to enhance international cooperation under the United Nations Convention against Corruption.
6. Conclusions and recommendations.

### C. Attendance

7. The following States parties to the Convention were represented at the meeting of the open-ended intergovernmental expert meeting to enhance international cooperation: Algeria, Argentina, Australia, Belarus, Belgium, Brazil, Brunei Darussalam, Cambodia, China, Colombia, Costa Rica, Cuba, Cyprus, Egypt, El Salvador, Finland, France, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jordan, Kuwait, Lebanon, Libya, Luxembourg, Malaysia, Mexico, Morocco, Nigeria, Pakistan, Philippines, Portugal, Romania, Russian Federation, Singapore, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.
8. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.
9. The following States signatories to the Convention were represented by observers: Côte d'Ivoire, Czech Republic, Japan.
10. Palestine, an entity maintaining a permanent observer mission to the United Nations, was represented.
11. 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: United Nations Commission on International Trade Law, Korean Institute of Criminology.

12. The following intergovernmental organizations were represented by observers: Economic Community of West African States, European Judicial Network (EJN), International Anti-Corruption Academy, International Criminal Police Organization, Red Iberoamericana de Cooperación Jurídica Internacional (IberRed).

13. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

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