



General Assembly

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Ad Hoc Committee for the Negotiation of a Convention against Corruption

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Agenda item 3

Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 40-50 and chapters IV-VIII

Proposals and contributions received from Governments

Austria and the Netherlands: amendments to articles 66 to 70

“Article 66

“Conference of the Parties to the Convention

“1. A Conference of the Parties to the Convention is hereby established to improve the capacity of and the co-operation between States Parties to prevent and combat corruption and to promote and review the implementation of this Convention.

“2. The Secretary-General of the United Nations shall convene the Conference of the Parties not later than one year following the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party provided that it is supported by at least one third of the Parties.

“3. At its first meeting, the Conference of the Parties shall by consensus agree upon and adopt rules of procedure and rules governing the activities set forth in paragraph 4 of this article (including rules concerning payment of expenses incurred in carrying out these activities).

“4. The Conference of the Parties shall agree upon mechanisms for achieving the objectives mentioned in paragraph 1 of this article, including:



“(a) Facilitating activities by States Parties under articles [Training and technical assistance] and [Other measures: implementation of the Convention through economic development and technical assistance] of this Convention, including by encouraging the mobilization of voluntary contributions;

“(b) Facilitating the exchange of information among States Parties on patterns and trends in corruption and on successful practices for combating it;

“(c) Cooperating with relevant international and regional organizations and non-governmental organizations;

“(d) Reviewing periodically the implementation of this Convention;

“(e) Making recommendations to improve this Convention and its implementation.

“5. The United Nations, its specialized agencies, as well as any State not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

“Article 67

“Subsidiary Body

“1. For the purpose of paragraphs 4 (d) and (e) of article [Conference of the Parties to the Convention], the Conference of the Parties shall establish a Subsidiary Body, which shall carry out the functions hereinafter provided.

“2. The Subsidiary Body shall consist of ten experts who, by their competence, impartiality and disinterestedness, will command general confidence. During their term of office they shall not hold any position or engage in any activity which could impair their impartiality in the exercise of their functions. The members of the Subsidiary Body shall be elected by States Parties from among their nationals and shall serve in their personal capacity. The composition of the Subsidiary Body shall reflect equitable geographical distribution, as well as the principal legal systems.

“3. The members of the Subsidiary Body shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

“4. The initial election to the Subsidiary Body shall be held at the first meeting of the Conference of the Parties. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

“5. The elections to the Subsidiary Body shall be held at the meetings of the Conference of the Parties. At those meetings, two thirds of States Parties shall

constitute a quorum. The persons elected to the Subsidiary Body shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

“6. The members of the Subsidiary Body shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

“7. If a member of the Subsidiary Body dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Subsidiary Body, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Subsidiary Body.

“8. The Subsidiary Body shall establish its own rules of procedure.

“9. The meetings of the Subsidiary Body shall normally be held at the United Nations Office for Drug Control and Crime Prevention or at any other convenient place as determined by the Subsidiary Body. The Subsidiary Body shall normally meet annually. The duration of the meetings of the Subsidiary Body shall be determined and reviewed, if necessary, by a meeting of the Conference of the Parties, subject to the approval of the General Assembly.

“10. With the approval of the General Assembly, the members of the Subsidiary Body established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

“Article 68

“Reports from States concerning the implementation of the Convention

“1. States Parties undertake to submit to the Subsidiary Body, through the Secretary-General of the United Nations, reports containing information on their programmes, plans and practices, as well as legislative and administrative measures to implement this Convention.

“2. The first report shall be submitted to the Subsidiary Body within two years of the entry into force of the Convention for the State Party concerned. Thereafter reports shall be submitted every five years.

“3. States Parties which have submitted a comprehensive initial report to the Subsidiary Body need not, in their subsequent reports submitted in accordance with paragraph 2 of this article, repeat basic information previously provided.

“4. States Parties that have submitted a report to a regional or subregional organization containing information as referred to in paragraph 1 of the present article may use elements of that report for the report they undertake to submit to the Subsidiary Body.

“5. The Subsidiary Body shall accept observations submitted to it by civil society organizations and may take into consideration such observations.

“6. The Subsidiary Body may request from States Parties further information relevant to the implementation of the Convention.

“7. The Subsidiary Body shall submit to the Conference of the Parties reports on its activities before each meeting of the Conference. Such reports should, inter alia, provide an assessment of each State Party report submitted to it, including recommendations for action to further strengthen the implementation of the Convention.

“8. States Parties shall make their reports widely available to the public in their own countries.

*“Article 69
“Secretariat*

“1. The Secretary-General of the United Nations shall provide the necessary secretariat services to the Conference of the Parties to the Convention and the Subsidiary Body.

“2. The secretariat shall:

“(a) Assist the Conference of the Parties in carrying out the activities set forth in article [Conference of the Parties to the Convention] of this Convention and make arrangements and provide the necessary services for the sessions of the Conference of the Parties;

“(b) Assist the Subsidiary Body in carrying out the activities set forth in article [Subsidiary Body] of this Convention and make arrangements and provide the necessary services for the meetings of the Subsidiary Body;

“(c) Upon request, assist States Parties in providing information to the Subsidiary Body as envisaged in article [Reports from State concerning the implementation of the Convention] of this Convention;

“(d) Upon request, assist States Parties in implementing the Convention through economic development and technical assistance as envisaged in article [Other measures: implementation of the Convention through economic development and technical assistance];

“(e) Offer training courses and technical assistance in improving national anti-corruption strategies;

“(f) Ensure the necessary coordination with the secretariats of relevant international and regional organizations;

“(g) Perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties, in particular with regard to the collection of publicly accessible documentation relating to national and international anti-corruption measures.

“Article 70

“Implementation of the Convention

“1. Each State Party shall take the necessary measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention.

“2. Each State Party may adopt more strict or severe measures than those provided for by this Convention for preventing and combating corruption.
