



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

Proposals and contributions received from Governments

Result of the work undertaken by an informal open-ended working group coordinated by Egypt

Chapter VII: Mechanisms for monitoring implementation

The informal working group has agreed to submit to the plenary the following text:

“Article 76

“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 cooperation between States Parties in order to achieve the aims set forth in this Convention and to promote and review its implementation.

“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, regular meetings of the Conference of the Parties shall be held in accordance with the rules of procedure adopted by the Conference.

“3. The Conference of the Parties shall adopt rules of procedure and rules governing the activities set forth in this article [, including rules concerning the activities mentioned in paragraph [5 bis], admission and



participation of observers]¹ and the payment of expenses incurred in carrying out those activities.²

“4. The Conference of the Parties shall agree upon activities, procedures and methods of work to achieve the objectives set forth 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] and chapters [...] [Preventive measures], [...] [Criminalization, sanctions and remedies, confiscation and seizure, jurisdiction, liability of legal persons, protection of witnesses and victims and law enforcement], [...] [Promoting and strengthening international cooperation] and [...] [Preventing and combating the transfer of funds of illicit origin derived from acts of corruption, including the laundering of funds, and returning such funds] 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 preventing and combating it and for the return of proceeds of corruption, through, *inter alia*, the publication of relevant information as mentioned in this article;

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

“(d) Making appropriate use of relevant information produced by other international and regional mechanisms for combating and preventing corruption in order to avoid unnecessary duplication of work;

“(e) Reviewing periodically the implementation of this Convention [including its application by each State Party];

“(f) Making recommendations to improve this Convention and its implementation;

“(g) Taking note of the technical assistance requirements of States Parties with regard to the implementation of this Convention and recommending any action it may deem necessary in this respect.

“5.³ For the purpose of paragraph 4 of this article, the Conference of the Parties shall acquire the necessary knowledge of the measures taken by States

¹ The wording in this paragraph, “admission and participation of observers”, and the wording of paragraph 6 should be considered alternatives to each other.

² Some delegations requested that the *travaux préparatoires* reflect that financing should be de-linked from the recovery of assets.

³ The following text was examined by the informal open-ended working group as a possible merger of paragraphs 5 and 5 bis:

“For the purpose of paragraph 4 of this article, the Conference of the Parties shall acquire the necessary knowledge of the measures taken by States Parties in implementing this Convention and the difficulties encountered by them. To provide the Conference of the Parties with this knowledge, each State Party shall report periodically [through its subsidiary body] to the Conference of the Parties on its programmes, plans, practices, results as well as the difficulties encountered by it. The Conference of the Parties may also receive information from

Parties in implementing this Convention and the difficulties encountered by them in doing so through information provided by them [in their periodical reports and by other sources mentioned in this article] and through such supplemental review mechanisms as may be established by the Conference of the Parties.

“[5 bis. Each State Party shall report periodically [through its subsidiary body] on its efforts to implement the Convention, as required by the Conference of Parties. Information provided by States Parties may include details on programmes, plans, practices, results and difficulties encountered in implementing the Convention, as well as information on legislative and administrative measures adopted in order to implement it. The Conference of the Parties may also receive information in this respect from other entities, including public international organizations and civil society.]

“[6. Entities of the United Nations system, including the 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, that is competent in matters covered by this Convention and has informed the Secretary-General of the United Nations 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.]⁴

“[7. For the purposes of paragraphs 4 [, 5 and 5 bis] of this article, the Conference of the Parties shall [, at its first meeting,] establish one [or two] subsidiary body [bodies].]”

other entities, including public international organizations and civil society. The Conference of the Parties may establish supplemental review mechanisms in order to complete its tasks under paragraph 4 of this article.”

⁴ Some delegations pointed out that this is agreed language from the Convention on Biological Diversity, the Stockholm Convention on Persistent Organic Pollutants and the United Nations Framework Convention on Climate Change.