



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

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Agenda item 6

Other matters

Chile, Colombia, Mexico and Peru: draft resolution

Participation 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 of 13 November 2009, 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 Corruption¹ and shall operate under the authority of and report to the Conference,

Bearing in mind that, in accordance with paragraph 44 of the terms of reference, the functions of the Implementation Review Group shall be to have 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, and, on the basis of its deliberations, the Implementation Review Group shall submit recommendations and conclusions to the Conference for its consideration and approval,

Taking into consideration rule 2, paragraph 2, of the rules of procedure of the Conference of the States Parties to the United Nations Convention against Corruption, according to which the rules of procedure shall apply, mutatis mutandis, to the Mechanism, and 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, without prejudice to its composition,

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.



Recognizing also the desirability of allowing the work of the Implementation Review Group to benefit from contributions from relevant non-governmental organizations, bearing in mind the intergovernmental nature of the Group,

1. *Decides* to apply the following rules to the participation of signatories, non-signatories, entities and intergovernmental organizations in sessions of the Implementation Review Group, bearing in mind that such participation shall focus exclusively on their contribution to the achievement of the goals of the Mechanism and on their role in the provision of technical assistance and funding issues, and reiterating that it shall be in full respect of the guiding principles and characteristics of the Mechanism, as referred to in its terms of reference:

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) Without taking part in the decision-making process of the Group, such signatories shall be entitled:

- (i) To attend meetings of the Group;
- (ii) To deliver statements at such meetings at the invitation of the Chair of the Group;
- (iii) To receive the documents of the Group;
- (iv) To submit their views in writing to the Group;

(c) A State signatory to the Convention that participates in the Mechanism as a State under review on a voluntary basis, in accordance with paragraph 59 of the terms of reference, in addition to the procedural rights provided for in paragraph (b) above, shall be entitled:

- (i) To deliver statements at the meetings of the Group;
- (ii) To participate in the deliberative process of the Group;

Rule 2
Entities and intergovernmental organizations

(d) 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 as observers 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;

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

(f) Without taking part in the decision-making process of the Group, such entities and organizations may:

- (i) Attend those parts of the sessions of the Group devoted to issues regarding technical assistance and financial and budgetary issues;
- (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;

(g) 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;

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

(i) On the basis of the information referred to in paragraph (g) 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

(j) 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, or otherwise implements the Convention pending its process of ratification, acceptance, approval or accession;

(k) In the notification referred to in paragraph (j) above, the regional economic integration organization shall also provide the information mentioned in rule 2, paragraph (g), above;

(l) Without taking part in the decision-making process of the Group, 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. *Decides also* to apply the following rule to the contribution of non-governmental organizations to the work of the Implementation Review Group, bearing in mind its intergovernmental nature:

Rule 4

Non-governmental organizations

(a) The Implementation Review Group will include in the agenda for its regular sessions an item on the contribution of non-governmental organizations to the Mechanism for the Review of Implementation of the Convention;

(b) Relevant non-governmental organizations will be invited to participate in the consideration of that item of the agenda only, as observers;

(c) Their participation shall focus exclusively on their contribution to the goals of the Mechanism and on their role in the provision of technical assistance and funding issues, and shall be in full respect of the guiding principles and characteristics of the Mechanism, as referred to in its terms of reference;

(d) Relevant non-governmental organizations having consultative status with the Economic and Social Council will be invited to participate in the consideration of that item of the agenda of the Group as observers;

(e) Other relevant non-governmental organizations may apply to the bureau to participate in the consideration of that item of the agenda as observers. The secretariat will compile a list of such organizations, with sufficient information, at least thirty days prior to the session of the Group and will make the list available to the bureau and to States parties. Should a State party object to the participation of a specific non-governmental organization not having consultative status with the Economic and Social Council, it shall do so in writing at least ten days prior to the session, with the consequence that that organization will not be allowed to participate in the session of the Group;

(f) Without taking part in the decision-making process of the Group, such non-governmental organizations may:

- (i) Attend the meetings of the Group on the specific agenda item referred to in paragraph (a) above;
- (ii) Upon the invitation of the Chair of the Group and subject to the approval of the Group, make oral statements or provide written reports at such meetings through a limited number of representatives on questions relating to their activities, as provided for in paragraph (c) of the present rule;
- (iii) Receive the documents of the Group;

3. *Decides further* that briefing sessions with relevant non-governmental organizations on the margins of the sessions of the Implementation Review Group shall be conducted on the basis of the following:

(a) The briefings will be held on the final day of the first part of each session of the Group and prior to the start of each resumed session of the Group;

(b) The briefings shall be conducted in order to inform relevant non-governmental organizations on the work of the Group regarding the identification of challenges and good practices and technical assistance needs, as well as to promote dialogue and consultation with such organizations, and to facilitate, inter alia, the effective participation of such non-governmental organizations in the plenary sessions of the Conference;

(c) The briefings will be co-convened by the Chair of the Group and the secretariat will be open to representatives and experts of Member States and will be held in the official languages of the United Nations, subject to the availability of resources and without prejudice to the resource requirements of the Mechanism;

(d) The briefings will be based on the Group's reports, thematic implementation reports and regional supplementary addenda, and no specific country situation shall be discussed during the briefing sessions;

(e) The secretariat may invite to such briefings relevant non-governmental organizations having consultative status with the Economic and Social Council, which, in accordance with rule 17, paragraph 1, 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;

(f) The secretariat may also invite to such briefings other relevant non-governmental organizations which, in accordance to rule 17, paragraph 2 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;

(g) Non-governmental organizations wishing to attend the briefings shall confirm their attendance no later than ten days prior to the date of the briefing session, at which time they will be provided with access to Conference documents and allowed to provide comments in writing;

4. *Encourages* signatories, non-signatories, entities and relevant intergovernmental organizations, as well as relevant non-governmental organizations to report to the Conference and/or the Implementation Review Group, as appropriate, individually or collectively, on their activities and contributions to the implementation of the recommendations and conclusions by the Implementation Review Group approved by the Conference, paying special attention to meeting the technical assistance needs and advancing their capacity to effectively implement the Convention;

5. *Decides* to review the present resolution at its fifth session.