



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

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## Report of the Conference of the States Parties to the United Nations Convention against Corruption on its fifth session, held in Panama City from 25 to 29 November 2013

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# **I. Resolutions and decisions adopted by the Conference of the States Parties to the United Nations Convention against Corruption**

## **A. Resolutions**

1. At its fifth session, held in Panama City from 25 to 29 November 2013, the Conference of the States Parties to the United Nations Convention against Corruption adopted the following resolutions:

### **Resolution 5/1**

#### **Enhancing the effectiveness of law enforcement cooperation in the detection of corruption offences in the framework of the United Nations Convention against Corruption**

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

*Recalling* article 1, subparagraph (b), of the United Nations Convention against Corruption,<sup>1</sup> which establishes that one of the main purposes of the Convention is to promote, facilitate and support international cooperation in the prevention of and fight against corruption,

*Recalling also* article 48 of the Convention, on law enforcement cooperation measures, according to which States parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by the Convention,

*Recalling further* its resolution 4/2 of 28 October 2011, entitled “Convening of open-ended intergovernmental expert meetings to enhance international cooperation”,

*Welcoming* the reports of the meetings of experts to enhance international cooperation under the United Nations Convention against Corruption, held in Vienna on 22 and 23 October 2012 and in Panama City on 25 and 26 November 2013,<sup>2</sup>

1. *Requests* States parties to cooperate closely with each other, consistent with their domestic legal and administrative systems, in order to enhance the effectiveness of law enforcement action to combat the offences covered by the United Nations Convention against Corruption;<sup>1</sup>

2. *Encourages* States parties to the Convention to afford one another, when feasible, international cooperation in civil and administrative proceedings for the detection of corruption offences, in accordance with article 43, paragraph 1, of the Convention, and in that regard requests the secretariat to invite States parties to

<sup>1</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>2</sup> CAC/COSP/EG.1/2012/2 and CAC/COSP/EG.1/2013/3.

provide information, to the extent possible, on such proceedings in order to identify the scope of assistance that could be provided in relation to such proceedings, for submission to the meeting of experts to enhance international cooperation to be held during the sixth session of the Conference of the States Parties;

3. *Also encourages* States parties to make full use of existing provisions and domestic law in order to transmit information relating to criminal matters to interested competent authorities of other States parties, when they believe that such information could assist those authorities, before seeking mutual legal assistance;

4. *Further encourages* States parties to continue to share information with other States parties, including through financial intelligence units, regarding offences committed that are covered by the Convention, to share information on the means and methods used to commit offences, to make items available for the purposes of investigation, to facilitate effective coordination among the relevant departments and to develop the exchange of staff and experts, including liaison officers;

5. *Recommends* that States parties, when necessary and consistent with the Convention, consider concluding bilateral agreements and arrangements among themselves relating to cooperation in the prevention and detection of corruption offences and to the prosecution of natural or legal persons that have committed corruption offences;

6. *Invites* international anti-corruption organizations to continue their efforts to enhance the effectiveness of international cooperation against corruption offences that are covered by international instruments and, to this end, to publish examples of good practice and recommendations;

7. *Requests* the United Nations Office on Drugs and Crime to continue providing, in its programmes of technical assistance, measures to enhance the effectiveness of international cooperation, including in relation to offences covered by the Convention, before seeking mutual legal assistance;

8. *Stresses* the importance of providing competent authorities and other government officials involved in international cooperation with a venue at which they may exchange with each other views concerning issues related to their work, and in this regard decides to continue the meetings of the experts convened to enhance international cooperation under the United Nations Convention against Corruption, in accordance with the terms of paragraph 10 below;

9. *Decides* that, in order to ensure the effective use of resources, on a provisional basis and without prejudice to their independent status and mandates, the next open-ended intergovernmental meeting of experts on international cooperation under the United Nations Convention against Corruption shall be held back to back with the corresponding Working Group on International Cooperation under the United Nations Convention against Transnational Organized Crime,<sup>3</sup> when feasible, at separate times and at the same venue, and that the subsequent open-ended intergovernmental meeting of experts shall be held at the sixth session of the Conference;

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<sup>3</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

10. *Directs* the open-ended intergovernmental meeting of experts on international cooperation, during its meeting at the sixth session of the Conference, pursuant to the present resolution, to continue studying the issue of the identification and analysis of existing obstacles to law enforcement cooperation in the detection of corruption offences in the framework of the United Nations Convention against Corruption and to draw up recommendations on how those obstacles may be overcome;

11. *Requests* the secretariat, within existing resources, to assist the expert meetings in the performance of their functions, including by providing interpretation services, and invites States and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

## **Resolution 5/2**

### **Strengthening the implementation of the criminalization provisions of the United Nations Convention against Corruption, in particular with regard to solicitation**

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

*Welcoming* the entry into force on 14 December 2005 of the United Nations Convention against Corruption,<sup>4</sup>

*Recalling* its resolution 1/7 of 14 December 2006, adopted at the first session of the Conference of the States Parties to the United Nations Convention against Corruption, in Amman,

*Recognizing* that the fight against corruption is a priority for the international community,

*Recalling* that corruption is an obstacle to the efficient mobilization of resources and means for sustainable economic development,

*Bearing in mind* the main purposes of the United Nations Convention against Corruption, which include the prevention and criminalization of corruption, the promotion of the proper management of public affairs and public property, the recovery of property and assets derived from corrupt practices and the provision of technical assistance and international cooperation,

*Welcoming* the significant progress made by States parties in giving effect to chapter III of the Convention, while recognizing that efforts must still be made to achieve universal and effective implementation,

*Noting with concern* the international phenomenon of direct or indirect national and foreign solicitation,

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<sup>4</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

*Recognizing* that national legal systems are essential to the prevention of and fight against corruption and that they must be brought into conformity with the provisions of the Convention,

1. *Urges* Member States that have not yet done so to ratify or accede to the United Nations Convention against Corruption;<sup>4</sup>

2. *Recalls* the importance of chapter III of the Convention, in particular its article 15 and article 16, paragraph 1, which concern, respectively, bribery of national public officials and bribery of foreign public officials and officials of public international organizations, and emphasizes the need to fully incorporate, implement and ensure respect for those provisions within the domestic legislation of States parties;

3. *Calls upon* States parties to consider, in accordance with article 16, paragraph 2, adopting such legislative and other measures as may be necessary to establish as a criminal offence, by any appropriate measure, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

4. *Encourages* States parties to share examples of good practice in the fight against domestic and foreign bribery and of the measures taken to prevent such corruption;

5. *Requests* States parties to continue enhancing international cooperation, particularly through the United Nations Office on Drugs and Crime, in support of national, subregional and regional efforts to prevent and combat corruption, in particular solicitation;

6. *Requests* the Secretariat to provide a short oral report to the Implementation Review Group concerning the progress made and the challenges encountered in the implementation of the present resolution before the sixth session of the Conference.

## **Resolution 5/3**

### **Facilitating international cooperation in 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 a fundamental principle of the United Nations Convention against Corruption<sup>5</sup> and that the States parties to the Convention are obligated to afford one another the widest measure of cooperation in that regard,

*Recalling* that asset recovery is an integral part of the Convention,

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<sup>5</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

*Recalling also* article 51 of the Convention, which obligates States parties to afford one another the widest measure of cooperation and assistance with regard to asset return,

*Reiterating* the concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, which undermine the institutions and values of democracy, ethical values and justice and jeopardize sustainable development and the rule of law,

*Reaffirming* the commitment of States parties, and determined to give effect to the obligations set out in chapter V of the Convention in order to prevent, detect, deter and recover in a more effective manner the international transfer of proceeds of crime and to strengthen international cooperation in asset recovery,

*Recalling* its resolution 1/4 of 14 December 2006, by which it established the Open-ended Intergovernmental Working Group on Asset Recovery, and its resolutions 2/3 of 1 February 2008, 3/3 of 13 November 2009 and 4/4 of 28 October 2011, in which it decided that the Working Group should continue its work,

*Welcoming* the conclusions and recommendations of the Working Group, acknowledging the continued relevance of Conference resolutions 2/3, 3/3 and 4/4, and noting with interest the background paper prepared by the Secretariat on the progress made in the implementation of those recommendations,

*Recognizing* that those who engage in corrupt acts, whether natural or legal persons, consistent with domestic law and the requirements of the Convention, should be held accountable and prosecuted by their domestic authorities, and that all efforts should be made to conduct a financial investigation into assets illegally acquired by them and to recover such assets through domestic confiscation proceedings, international cooperation for purposes of confiscation or appropriate direct recovery measures,

*Concerned* about the difficulties, particularly the legal and practical difficulties, that both requested and requesting States face in asset recovery, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases can be difficult to prove,

*Recognizing* the common difficulties experienced by States parties in establishing a nexus between identified assets and the crime from which such assets are derived, and emphasizing the critical importance of effective domestic investigative efforts and international cooperation to overcome such difficulties,

*Recalling* article 56 of the Convention, which encourages each State party to endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with the Convention to another State party without prior request, when it considers that the disclosure of such information might assist the receiving State party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State party under chapter V of the Convention,

*Noting* that under article 57, paragraph 4, of the Convention the requested State party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property, and noting the mutual benefit to both requested and requesting States when such expenses are reasonable,

*Encouraging* States parties to make full use of the asset recovery tools set forth in chapter V of the Convention, including mechanisms for assistance in the enforcement of foreign restraining and confiscation orders, as a means to significantly reduce expenses that a jurisdiction might normally incur in pursuing asset recovery,

*Noting* the proactive efforts made by some States parties to sanction their domestic entities for offences specified in the Convention, through both confiscation and monetary sanctions or other legal mechanisms, and acknowledging the benefits of early and proactive information-sharing, consistent with domestic law and the requirements of the Convention, in furthering enforcement,

*Recognizing* the critical importance of effective international cooperation in efforts to combat corruption, particularly with respect to offences specified in the Convention with a transnational element, and encouraging continued cooperation by States parties, consistent with the requirements of the Convention, in all efforts to investigate and prosecute natural and legal persons, including the use of other legal mechanisms, where appropriate, for offences specified in the Convention and to recover assets related to such offences, consistent with chapter V of the Convention,

*Calling upon* all States parties and, in particular, requested and requesting States, to cooperate to recover the proceeds of corruption and demonstrate strong commitment to ensure the return or disposal of such proceeds in accordance with article 57 of the Convention,

*Encouraging* requested States parties to respond to requests for assistance, pursuant to article 46 of the Convention, in the absence of dual criminality,

*Noting* the efforts made by all States parties in tracing, freezing and recovering their stolen assets, and underlining the need to redouble efforts to assist in the recovery of those assets in order to preserve stability and sustainable development,

*Noting also* the work of other initiatives in asset recovery, such as the Arab Forum on Asset Recovery, and welcoming efforts to enhance cooperation between requesting and requested States,

*Taking note* of the Lausanne process initiative on practical guidelines for efficient asset recovery, which is being undertaken with a view to identifying good practices in effective and coordinated approaches to asset recovery for practitioners from requesting and requested States, with the support of interested States, implemented in close collaboration with the International Centre for Asset Recovery and with the support of the World Bank/United Nations Office on Drugs and Crime Stolen Asset Recovery Initiative,

*Recognizing* that States parties continue to face challenges in recovering assets owing to differences between legal systems, the complexity of multijurisdictional investigations and prosecutions, the limited implementation of effective domestic tools such as non-conviction-based forfeiture for asset recovery, as well as other



administrative or civil procedures leading to confiscation, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of corruption proceeds, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are or have been entrusted with prominent public functions, as well as their family members and close associates,

*Noting* the responsibility of requesting and requested States parties to cooperate to ensure that a greater proportion of the proceeds emanating from corruption are recovered, returned or otherwise disposed of in accordance with the provisions of the Convention,

*Acknowledging* the vital importance of ensuring the independence and effectiveness of authorities charged with investigating and prosecuting corruption crimes and of recovering the proceeds of such crimes by several means, such as establishing the necessary legal framework and allocating the necessary resources,

*Concerned* that some persons accused of crimes of corruption have managed to escape justice and thus have eluded the legal consequences of their actions, and have been successful in hiding their assets,

*Taking into account* the need to hold corrupt officials accountable by depriving them of their stolen assets,

*Stressing* the critical importance of mobilizing political will for effective implementation of chapter V of the Convention,

*Calling upon* all States parties, acting as both requested and requesting States, to continue to commit the political will to act together to recover the proceeds of corruption and to work together to overcome obstacles to effective asset recovery,

*Determined* to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery,

*Acknowledging* the fundamental principles of due process of law in criminal proceedings and in civil or administrative proceedings to adjudicate property rights,

1. *Renews* the commitment of all States parties to the United Nations Convention against Corruption<sup>5</sup> to effective national action and international cooperation to give full effect to chapter V of the Convention and to contribute effectively to the recovery of the proceeds of corruption;

2. *Urges* Member States, consistent with chapter V of the Convention, to ensure that they have adequate laws and mechanisms in place to prosecute those involved in acts of corruption, to detect the illegal acquisition and transfer of assets derived from corruption and to ensure that there are suitable mechanisms in place — conviction- and, where appropriate, non-conviction-based — to recover through confiscation the identified proceeds of corruption, and that such laws and mechanisms are vigorously enforced;

3. *Calls upon* States parties, in accordance with the Convention, to afford one another the widest possible cooperation and assistance in the identification, tracing and recovery of stolen assets and proceeds of corruption and in the extradition of individuals accused of predicate offences;

4. *Encourages* States parties to afford one another, when feasible, international cooperation, including mutual legal assistance as appropriate, in civil and administrative proceedings for the identification, freezing and confiscation of assets, in accordance with article 43, paragraph 1, and article 46, paragraph 3, of the Convention, and in this regard requests that the Secretariat invite States parties to provide, to the extent possible, information on such proceedings, for submission to the Open-ended Intergovernmental Working Group on Asset Recovery, in order to identify the scope of assistance that could be provided in relation to such proceedings;

5. *Urges* States parties not to refuse to render mutual legal assistance for offences established in accordance with the Convention on the grounds of the absence of a bilateral treaty concerning mutual legal assistance or its pending ratification, once such an agreement is signed;

6. *Calls upon* States parties to give particular and timely consideration to the execution of international mutual legal assistance requests that need urgent action, including those related to the States concerned in the Middle East and North Africa, as well as other requesting States, and to ensure that the competent authorities of requested States have adequate resources to execute requests, taking into account the particular importance of the recovery of these assets for sustainable development and stability;

7. *Also calls upon* States parties to take measures to improve the development and exchange of information between requesting and requested States in corruption investigations, which may include, when necessary, inviting financial investigators of cooperating States to work side by side with one another's officials to trace corruption proceeds, and in such cases, as permitted by the domestic laws of both States, to facilitate access to records or other evidence in the other State;

8. *Urges* States parties to take a proactive approach to international cooperation in asset recovery by making full use of the mechanisms provided for in chapter V of the Convention, including initiating requests for assistance, making spontaneous disclosures of information on proceeds of offences to other States parties and considering making requests for notifications, in accordance with article 52, paragraph 2 (b) of the Convention, and, where appropriate, implementing measures to permit the recognition of non-conviction-based forfeiture judgements;

9. *Encourages* States parties to compile and provide information in accordance with article 52 of the Convention, and to undertake actions that help to establish the linkage between assets and offences under the Convention, in accordance with article 48, paragraph (1)(b)(ii) and (iii);

10. *Also encourages* States parties to consider, where appropriate and in accordance with article 49 of the Convention, establishing joint investigation teams;

11. *Encourages* requested States and assistance partners, to the same end, to work with requesting States to identify asset-recovery-related capacity-building needs of requesting States and, to the extent possible, to prioritize the needs to be met, stressing specific, practical efforts;

12. *Encourages* States parties to make use of opportunities for cooperation through existing practitioner-based networks, such as, among others, where feasible, the Global Focal Point Initiative established by the International Criminal Police

Organization and the Stolen Asset Recovery Initiative, particularly before making formal requests for mutual legal assistance, and to designate officials or governmental institutions, as appropriate, as technical experts in international cooperation and asset recovery, to assist their counterparts;

13. *Calls upon* States parties that have yet to designate a central authority for international cooperation in accordance with the Convention to do so, and to appoint focal points for the purposes of international cooperation and mutual legal assistance in asset recovery, and, where appropriate, encourages States parties to make full use of the network of focal points of the Open-ended Intergovernmental Working Group on Asset Recovery to facilitate cooperation and the implementation of the Convention;

14. *Welcomes* the cooperation and assistance that requested States have afforded requesting States parties in the recovery of proceeds of corruption, and encourages them to use and promote informal channels of communication, in particular prior to making requests for mutual legal assistance, by, inter alia, designating officials or institutions with technical expertise in international cooperation and asset recovery to assist their counterparts in effectively meeting requirements for formal mutual legal assistance;

15. *Encourages* States parties to consider, consistent with chapter V of the Convention, taking proactive approaches to the identification, tracing, freezing and confiscation of stolen assets, including those hidden through the use of shell companies and other complex legal mechanisms, and to strengthen measures for the spontaneous exchange of information, as permitted by domestic law, between requesting and requested States, as a good practice complementary to cooperation in mutual legal assistance;

16. *Urges* States parties to ensure that procedures for international cooperation allow for the seizure and/or restraint of assets for a time period sufficient to preserve those assets in full, pending confiscation proceedings in another State, to ensure that there are adequate mechanisms in place to manage and preserve the value and condition of assets pending the conclusion of confiscation proceedings in another State, and to allow or expand cooperation in the enforcement of foreign seizure and restraint orders and confiscation judgements, including through awareness-raising for judicial authorities;

17. *Encourages* States parties to support the development of and to utilize existing secure information-sharing tools, with a view to enhancing early and spontaneous information exchange within the international law enforcement community;

18. *Calls upon* States parties, where appropriate and in accordance with domestic law, to take proactive measures to ensure that individuals who have been entrusted with prominent public functions, their family members and close associates, cannot hide their illicitly acquired assets, by making relevant enquiries to determine the identity and ownership of illicitly acquired assets, freezing suspected criminal proceeds and undertaking efforts to initiate other national mechanisms of recovery, as consistent with the Convention and under domestic law, when appropriate, and encourages States parties to work with well-established networks of financial intelligence units to identify methodologies for coordinated approaches to such measures;

19. *Urges* States parties to remove barriers to asset recovery by ensuring that financial institutions and, where applicable, designated non-financial services and professions adopt and implement effective standards to ensure that such entities are not being used to hide stolen assets, which may include such measures as customer due-diligence requirements, the identification and enhanced scrutiny of assets belonging to individuals who are or have been entrusted with prominent public functions and to their family members and close associates, and the collection and provision of beneficial ownership information, and by ensuring, in accordance with the Convention and domestic law, through robust regulatory action, that they adequately implement those requirements;

20. *Notes* that under article 57, paragraph 4, of the Convention, where appropriate, unless States parties decide otherwise, requested States parties may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property, but urges States parties to consider waiving or reducing such expenses, particularly in cases involving a developing country;

21. *Calls upon* States parties to cooperate closely in the return and disposal of assets in accordance with article 57 of the Convention;

22. *Urges* States parties to ensure that reliable beneficial ownership information on companies is accessible onshore to law enforcement agencies and other relevant authorities, including, as appropriate, financial intelligence units and tax administrations, thus facilitating the investigation process and execution of requests;

23. *Encourages* States parties to cooperate in order to implement the necessary measures to enable them to obtain reliable information on beneficial ownership of companies, legal structures or other complex legal mechanisms, including trusts and holdings, used to commit crimes of corruption or to hide and transfer proceeds;

24. *Calls upon* States parties to promote the sharing of experience in dealing with the challenge of the transliteration of names in tracing assets;

25. *Urges* States parties to consider the use of the tools set out in chapter V of the Convention when resolving cases involving offences outlined in the Convention, including transnational bribery;

26. *Encourages* States parties to give urgent consideration to the implementation of article 46, paragraph 4, and article 56 of the Convention;

27. *Urges* States parties to proactively share information in accordance with article 48, paragraph 1 (f), article 46, paragraph 4, and article 56 of the Convention, where doing so does not compromise an ongoing investigation, prosecution or judicial proceeding, and also urges States parties whose natural or legal persons were engaged in corrupt acts to actively and robustly pursue domestic investigations and prosecutions of those persons and share such information in accordance with the Convention to facilitate the tracing and confiscation of corruption proceeds;

28. *Calls upon* States parties to share with the Secretariat best practices for the efficient resolution of criminal offences specified in the Convention, and requests that the Secretariat collect and disseminate such information to the

Open-ended Intergovernmental Working Group on Asset Recovery and to States parties;

29. *Urges* States parties to ensure that their anti-corruption authorities or other relevant bodies have sufficient resources to fulfil their mission, have an appropriate level of investigative and prosecutorial independence, are trained sufficiently and on a regular basis, have the requisite authority, legislative and otherwise, to identify, trace, freeze and confiscate corruption proceeds, including in terms of access to the financial and other information necessary to do so, and have the authority to share information, cooperate and coordinate corruption investigations with other domestic agencies and other Governments, when appropriate;

30. *Encourages* requesting States to ensure that adequate national investigative procedures have been initiated and substantiated so that they may serve as an adequate basis for the submission of requests for mutual legal assistance;

31. *Encourages* requested States to make all possible efforts to assist requesting States to meet requested States parties' procedural requirements for legal assistance without any undue delay;

32. *Urges* States parties to consider, consistent with their domestic legal frameworks, the adoption of measures that facilitate the freezing and confiscation of corruption proceeds, including the use of non-conviction-based confiscation, restraint based on a formal request and the receipt of evidence of an arrest or charge in the requesting jurisdiction or restraint in the absence of a formal request, and confiscation of equivalent values in the absence of recoverable assets;

33. *Also urges* States parties to give effect, consistent with their domestic law, to freezing and confiscation orders related to property of persons against whom freezing and confiscation orders have been obtained, so as to ensure that the subjects of such orders do not benefit from the proceeds of corruption;

34. *Encourages* States parties to make widely available information on their legal frameworks and procedures, in a practical guide or other format designed to facilitate use by other States, and to consider, where advisable, the publication of that information in other languages;

35. *Calls upon* requesting and requested States with practical experience in asset recovery to develop, as appropriate, in cooperation with interested States and providers of technical assistance, non-binding practical guidelines, such as a step-by-step guide, for efficient asset recovery, with a view to enhancing effective approaches to asset recovery based on the lessons learned from past cases, being mindful to seek to add value by building upon existing work in this area;

36. *Encourages* States parties to share approaches and practical experience for the return of assets, consistent with article 57 of the Convention, for further dissemination through the Secretariat;

37. *Encourages* States parties and the United Nations Office on Drugs and Crime to share experience on the management, use and disposal of frozen, seized and confiscated assets, and to identify best practices as necessary, building upon

existing resources that address the administration of seized assets, and to consider developing non-binding guidelines on this issue;

38. *Decides* that the Open-ended Intergovernmental Working Group on Asset Recovery shall continue its work to advise and assist the Conference in the implementation of its mandate with respect to the return of the proceeds of corruption and shall hold at least two meetings prior to the sixth session of the Conference of the States Parties, within existing resources and consistent with its workplan;

39. *Encourages* States parties to voluntarily share experiences of actions taken consistent with elements of the present resolution and of Conference resolutions 2/3 of 1 February 2008, 3/3 of 13 November 2009 and 4/4 of 28 October 2011, in the context of the aforementioned intersessional meetings of the Working Group;

40. *Decides* that the Working Group shall continue to submit reports on its activities to the Conference of the States Parties;

41. *Requests* the Secretariat, within existing resources, to assist the Working Group in the performance of its functions, including by providing interpretation services in the six official languages of the United Nations;

42. *Invites* States and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

## **Resolution 5/4**

### **Follow-up to the Marrakech declaration on the prevention of corruption**

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

*Recalling* paragraph 52 of the outcome document of the high-level plenary meeting of the General Assembly on the Millennium Development Goals,<sup>6</sup> in which the Assembly stressed that corruption diverts resources away from activities that are vital for poverty eradication, the fight against hunger and sustainable development, and urged all States that had not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption,<sup>7</sup>

*Recognizing* the corrosive impact that corruption has on the development of the rule of law by eroding the legitimacy and effectiveness of key public institutions,

*Highlighting* the prominence that the Convention has given to the prevention of corruption as part of a comprehensive approach to fighting corruption by having its entire chapter II devoted to measures to prevent corruption,

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<sup>6</sup> General Assembly resolution 65/1.

<sup>7</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

*Welcoming* the progress made by States parties and the Secretariat of the United Nations in the implementation of Conference of the States Parties resolution 4/3 of 28 October 2011, entitled “Marrakech declaration on the prevention of corruption”,

*Acknowledging* the crucial importance of technical assistance in building institutional and human capacity in States parties so as to facilitate the implementation of the provisions of chapter II of the Convention,

*Underlining*, in view of the forthcoming review of chapter II during the second cycle of the Mechanism for the Review of Implementation of the Convention, the importance of building legislative and institutional frameworks consistent with the requirements of that chapter,

*Recalling* its resolution 3/2 of 13 November 2009, by which the Conference established an interim open-ended intergovernmental working group on the prevention of corruption to advise and assist it in the implementation of its mandate on the prevention of corruption,

*Welcoming* the conclusions and recommendations of the Open-ended Intergovernmental Working Group on the Prevention of Corruption at its third and fourth meetings,<sup>8</sup>

1. *Encourages* States parties to promote universal adherence to the United Nations Convention against Corruption,<sup>7</sup> and urges States that have not yet done so to consider ratifying or acceding to the Convention as soon as possible;

2. *Reaffirms* that, while the implementation of the Convention is the responsibility of States parties, the promotion of a culture of integrity, transparency and accountability and the prevention of corruption are responsibilities to be shared by all stakeholders and sectors of society, in accordance with articles 7 to 13 of the Convention;

3. *Decides* that the Open-ended Intergovernmental Working Group on the Prevention of Corruption shall continue its work to advise and assist the Conference in the implementation of its mandate on the prevention of corruption and shall hold at least two meetings prior to the sixth session of the Conference, and, taking into account the workplan for the forthcoming meetings of the Working Group, encourages the Working Group to seek inputs, as appropriate, from the private sector, in accordance with the Convention and its rules of procedure;

4. *Also decides* that the Working Group shall continue to follow the multi-year workplan for the period up to 2015 and the start of the second cycle of the Review Mechanism, as agreed by the Working Group;

5. *Notes with appreciation* the achievements of the Working Group in facilitating the sharing between States parties of information on their initiatives and good practices on the topics considered at the third and fourth meetings of the Group, and encourages States parties to continue to share with the Secretariat new as well as updated information on such initiatives and good practices;

6. *Welcomes* the efforts of the Secretariat in the performance of its functions as an international observatory gathering information on good practices in

<sup>8</sup> See CAC/COSP/WG.4/2012/5 and CAC/COSP/WG.4/2013/5.

preventing corruption, focusing on systematizing and disseminating the information received from States parties, including through the development of a new thematic website for the Working Group;

7. *Requests* the Secretariat, subject to the availability of extrabudgetary resources, to continue to perform the functions of an international observatory and, at the request of the Working Group or the Conference, to provide information on lessons learned and the adaptability of good practices, as well as related technical assistance activities, which could be offered to States parties upon request;

8. *Requests* Member States, with the assistance of the Secretariat and donors, as appropriate, to promote bilateral, regional and international activities to prevent corruption, including workshops for the exchange of relevant experiences and good practices;

9. *Strongly encourages* States parties, in addition to integrating anti-corruption policies in broader crime prevention and criminal justice reform strategies and public sector reform plans, in accordance with Conference resolution 3/2, to undertake similar action with regard to development programmes, strategies and action plans;

10. *Takes note* of the initiative of the Secretariat and the United Nations Development Programme to integrate the prevention of corruption in the broader development agenda, including through the United Nations Development Assistance Framework;

11. *Highlights* the importance of the development and implementation of effective, coordinated anti-corruption policies, consistent with article 5 of the Convention, and in this regard takes note of the Kuala Lumpur statement on anti-corruption strategies, and requests the Secretariat to identify and disseminate good practices among States parties regarding the development of national anti-corruption strategies and to provide assistance in this regard upon request;

12. *Recognizes* the importance of ensuring that anti-corruption bodies have the necessary independence to enable them to carry out their functions effectively and free from any undue influence;

13. *Takes note* of the Jakarta Statement on Principles for Anti-Corruption Agencies, developed by the International Conference on Principles for Anti-Corruption Agencies, held in Jakarta on 26 and 27 November 2012;

14. *Notes* that a large number of States parties have informed the Secretary-General of the designation of competent authorities that may assist other States parties in developing and implementing specific measures for the prevention of corruption, as required under article 6 of the Convention, and calls upon States parties that have not yet done so to provide that information and to update existing information where needed;

15. *Calls upon* States parties to devote special attention to strengthening integrity across the entire criminal justice system, including the police, prosecution, defence counsel, judiciary, court administration, prison and probation services, and notes with appreciation the assistance provided by the Secretariat to States parties upon request in the integration of anti-corruption measures in institutions of the criminal justice system;



16. *Takes note* of the initiative taken by the Secretariat to develop a guide containing proposals for States parties to facilitate the implementation of measures to strengthen judicial integrity and independence and prosecutorial integrity;

17. *Urges* States parties to ensure that their public service is aligned with the principles outlined in the Convention, including, inter alia, efficiency, transparency and objective criteria in recruitment, the promotion of integrity, honesty and responsibility and adherence to codes of conduct for public officials;

18. *Requests* States parties to promote training and education at all levels of the public sector and, where appropriate, of the private sector in the prevention of corruption and to make such training and education an integral part of national anti-corruption strategies and plans;

19. *Calls upon* States parties to use the Convention as a framework for the development of specific and tailored anti-corruption safeguards in sectors that may present an increased vulnerability to corruption;

20. *Encourages* States parties, in accordance with article 8, paragraph 5, of the Convention, to endeavour, where appropriate and in accordance with the fundamental principles of their domestic law, to establish and strengthen asset declaration systems applicable to public officials, aimed at the identification and resolution of conflicts of interest, and requests the Secretariat to continue its support to States parties in this regard;

21. *Strongly encourages* States parties to mitigate the global risk of corruption in the organization of large-scale sporting events, and welcomes the initiative to establish a global alliance for integrity in sports;

22. *Calls upon* States parties to put effective processes in place to promote transparency, competition and objective decision-making in public procurement systems, in line with article 9 of the Convention, and to take into consideration the anti-corruption-related recommendations contained in the United Nations Commission on International Trade Law Model Law on Public Procurement;<sup>9</sup>

23. *Urges* States parties, in accordance with articles 10 and 13 of the Convention, to continue to take measures to enhance transparency in public administration, including through the introduction of effective measures facilitating access by the public to information, and requests the Secretariat to provide technical assistance upon request to States parties seeking to introduce or enhance measures in this area, in cooperation, where appropriate, with interested donors;

24. *Encourages* States parties to promote, in accordance with article 12, paragraph 2 (c), of the Convention, the transparency of legal persons and to exchange best practices in the identification of beneficial owners of legal structures used to commit crimes of corruption or to hide or transfer their proceeds;

25. *Urges* States parties, in accordance with article 13 of the Convention, to continue promoting the participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based

<sup>9</sup> *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17 (A/66/17), para. 192 and annex I.*

organizations, in the prevention of and the fight against corruption, and encourages States parties to enhance the capacity of such individuals and groups in this regard;

26. *Reaffirms* that States parties should continue to strengthen awareness-raising measures throughout all sectors of society and that special attention should be devoted to work with young people and children as part of a strategy to prevent corruption;

27. *Notes* the steps taken by States parties to promote, at various levels of the education system, programmes that instil concepts and principles of integrity, and encourages further efforts in this regard;

28. *Welcomes* the progress made by the Secretariat under the Anti-Corruption Academic Initiative, in cooperation with relevant partners, to develop comprehensive anti-corruption academic materials for universities and other academic institutions, and requests the Secretariat to continue its support to States parties in this field;

29. *Notes* the development by the Secretariat of an academic course on the Convention;

30. *Notes with appreciation* the development of a resource tool for Governments and journalists on reporting on corruption on the basis of the Convention, and requests the Secretariat, upon request and subject to the availability of extrabudgetary resources, to further support States parties and journalists in this regard;

31. *Welcomes* the initiative taken by the Secretariat to develop a compendium of good practices on protection measures for reporting persons, as well as witnesses, victims and experts;

32. *Invites* the Secretariat to share with Member States the report to be produced through the Institutional Integrity Initiative, in cooperation with the members of the United Nations System Chief Executives Board for Coordination, on promoting the consistency of the integrity and anti-corruption policies of the United Nations system with the principles of the Convention;

33. *Encourages* States parties to strive towards early reporting on the implementation of chapter II of the Convention, using the self-assessment checklist, with emphasis on evaluation of the effectiveness of existing prevention measures, the compilation of good practices and the identification of technical assistance needs, and takes note of the information already provided by some States parties to the Working Group, at its request;

34. *Requests* the Secretariat, in close cooperation with multilateral and bilateral assistance providers, to continue to provide technical assistance to States parties, upon request, with a view to advancing the implementation of chapter II of the Convention, including in preparation for participation in the review process for chapter II;

35. *Calls upon* development partners to intensify their cooperation and coordination in the provision of requested technical assistance in preventing corruption;

36. *Encourages* States parties to continue to provide financial and other resources to effectively meet the technical assistance needs identified by States parties for the implementation of chapter II of the Convention;

37. *Underlines* the importance of the guidance materials and expertise on preventing corruption available at the United Nations Office on Drugs and Crime and of the materials and expertise of the United Nations Development Programme, within its mandate, as well as of bilateral and other assistance and knowledge providers;

38. *Underlines* the importance of providing the United Nations Office on Drugs and Crime with sufficient and adequate funding to be able to respond to the increasing demand for its services, and encourages Member States to make adequate voluntary contributions to the account referred to in article 62 of the Convention, operated within the United Nations Crime Prevention and Criminal Justice Fund,<sup>10</sup> for the provision to developing countries and countries with economies in transition of the technical assistance that they may require to build their capacities to implement chapter II of the Convention;

39. *Requests* the Secretariat to submit a report on the implementation of the present resolution to the Working Group at its intersessional meetings and to the Conference at its sixth session;

40. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

## **Resolution 5/5**

### **Promotion of the contribution of young people and children in preventing corruption and fostering a culture of respect for the law and integrity**

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

*Bearing in mind* that the United Nations Convention against Corruption,<sup>11</sup> and in particular chapter II thereof, seeks to promote and strengthen measures to prevent and combat corruption more effectively,

*Noting* that article 13, paragraph 1 (c), of the Convention requires States parties to undertake public information activities against corruption, as well as public education programmes, including school and university curricula,

*Reaffirming* paragraph 16 of its resolution 4/3 of 28 October 2011, in which it called upon States parties to devote special attention to the creation of opportunities to involve young people as key actors to prevent corruption and requested the Secretariat to assist States parties in doing so,

<sup>10</sup> See General Assembly resolution 58/4, para. 4.

<sup>11</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

*Recalling* the conclusions of the Open-ended Intergovernmental Working Group on the Prevention of Corruption at its fourth meeting, held in Vienna from 26 to 28 August 2013, in particular that States parties should continue to strengthen awareness-raising measures and education throughout all sectors of society, devoting special attention to working with young people and children as part of a strategy to prevent corruption,

*Recalling also* the discussions of the Working Group with regard to the recognition of the importance of education in fighting corruption, and noting that criminalization and punishment are not sufficient on their own,

*Considering* the need for States to design strategies aimed not only at investigating and punishing acts of corruption but also at strengthening the participation of civil society and promoting a culture of respect for the law, in accordance with the goals of the Convention,

*Recognizing* that education plays a fundamental role in the fight against corruption, inasmuch as it makes corrupt behaviour socially unacceptable,

*Acknowledging* the need to take appropriate measures to promote a culture of respect for the law among young people and children, based on discussion, legality and transparency,

*Recalling* its resolution 1/8 of 14 December 2006, in which it decided to hold a meeting of experts to review best practices in the fight against corruption, and the meeting of experts held in Doha from 9 to 11 February 2009 pursuant to that resolution,

*Recalling also* paragraph 17 of its resolution 4/3, in which it called upon States parties, consistent with the fundamental principles of their educational and legal systems, to promote, at various levels of the education system, educational programmes that instil concepts and principles of integrity,

1. *Invites* States parties to recognize the importance of the involvement of young people and children as key actors in strengthening ethical behaviour, beginning with the identification and adoption of values, principles and actions that make it possible to build a fair and corruption-free society, in accordance with the United Nations Convention against Corruption;<sup>11</sup>

2. *Encourages* States parties to promote educational programmes that foster a culture of respect for the law and integrity, especially those for young people and children;

3. *Invites* States parties to continue their efforts to foster a culture that promotes respect for the law and integrity, to strengthen preventive measures and to increase the level of citizen participation in efforts to prevent corruption;

4. *Calls upon* States parties, in consultation with relevant stakeholders, to share successful experiences in involving young people and children in efforts to create educational tools to foster a culture of respect for the law and integrity;

5. *Underlines* the importance of States parties promoting the participation of young people and children, where appropriate, in developing public policies to prevent corruption;

6. *Recommends* that States parties promote partnerships with the education sector with a view to developing practice-oriented and multidisciplinary anti-corruption training for young people, aimed at sensitizing them to the phenomenon of corruption;

7. *Welcomes* the recommendation of the Open-ended Intergovernmental Working Group on the Prevention of Corruption at its fourth meeting that the Secretariat should continue its work to support States parties in introducing anti-corruption education at all stages of the education process;

8. *Invites* States parties and other donors to provide extrabudgetary resources for the purposes identified in the present resolution, in accordance with the rules and procedures of the United Nations.

## **Resolution 5/6**

### **Private sector**

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

*Recognizing* the prominence that the United Nations Convention against Corruption<sup>12</sup> has given to the prevention of corruption by having its entire chapter II devoted to measures to prevent corruption in both the public and private sectors,

*Stressing* the importance of implementing article 12 of the Convention to prevent and fight corruption in the private sector,

*Bearing in mind* the importance of promoting and sharing best practices in the implementation of article 12 of the Convention,

*Recognizing* that, while the implementation of the Convention is the responsibility of States parties, corruption not only affects Governments, but has a significant impact on the private sector, impeding economic growth, distorting competition and presenting serious legal and reputational risks,

*Recalling* the momentum gathered through the Bali Business Declaration,<sup>13</sup> which contains the commitment of private sector entities, inter alia, to work towards the alignment of business principles with fundamental values enshrined in the Convention, to develop mechanisms to review company compliance and to strengthen public-private partnerships for combating corruption,

*Noting* that the private sector plays a significant role in the fight against corruption and stands to benefit greatly from proactive engagement in the fight against domestic and foreign bribery,

*Taking note* of the cooperation between the United Nations Office on Drugs and Crime and the Global Compact Office in terms of working with businesses to encourage the development of anti-corruption policies that strengthen transparency

<sup>12</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

<sup>13</sup> Adopted at the special event entitled “Business coalition: the United Nations Convention against Corruption as a new market force”, held at the second session of the Conference of the States Parties.

and accountability, in particular the joint development of the interactive e-learning tool for the private sector,

*Taking note also* of the initiatives undertaken by the United Nations Office on Drugs and Crime to promote sustainable partnerships with the private sector in countering corruption, including in close cooperation with other relevant organizations,

*Recalling* its resolution 1/8 of 14 December 2006, in which it decided to hold a meeting on best practices in the fight against corruption, and the subsequent meeting of experts held in Doha pursuant to that resolution,

1. *Requests* States parties to promote the United Nations Convention against Corruption<sup>12</sup> and anti-corruption measures among the business community with a view to reinforcing the role of the private sector in combating corruption and in ensuring a fair and level playing field for all;

2. *Strongly encourages* States parties to raise awareness within the whole private sector on the need to establish and implement appropriate anti-corruption ethics and compliance programmes;

3. *Encourages* States parties to consider assisting, where appropriate, companies in their compliance efforts, for example through the provision of specialized training and support for company compliance officers and procurement officers;

4. *Calls upon* States parties to mobilize business leaders to join integrity pacts, taking into account the relevant provisions of the Convention against Corruption, and to promote better adherence to internal codes of conduct and corporate and social responsibility standards;

5. *Also calls upon* States parties to promote the engagement of the business community in the prevention of corruption by encouraging the business community, inter alia, to develop and implement initiatives to prohibit any form of corruption, promote good corporate integrity practices, develop internal controls and codes of conduct, establish ethics committees, design specific training programmes, implement internal mechanisms to report acts of corruption and cooperate with official investigations;

6. *Invites* States parties, in accordance with domestic law, to consider the possibility of including in their legislation norms to provide incentives for effective cooperation with official investigations, such as reduced sentencing for crimes of corruption;

7. *Encourages* States parties to consider establishing confidential complaint systems, whistle-blower programmes and, where appropriate, effective witness protection measures, and to increase awareness among natural and legal persons of such measures;

8. *Urges* States parties to foster increased dialogue and cooperation between the public and the private sector in anti-corruption efforts and to strengthen, where appropriate, public-private partnerships for combating corruption in business;

9. *Invites* Member States to identify and share with States parties and other relevant stakeholders their good anti-corruption practices specifically addressing the

needs of the private sector, such as in the area of prohibition of bribery of public officials, relations with intermediaries or the organization of such matters as public tenders, public procurement and major public events, including at the meetings of the Open-ended Intergovernmental Working Group on the Prevention of Corruption;

10. *Takes note with appreciation* of the United Nations Office on Drugs and Crime publication entitled *An Anti-Corruption Ethics and Compliance Programme for Business: a Practical Guide*;

11. *Invites* Member States to raise awareness in the private sector about the need for technical tools and resources to address risks in sectors that are more exposed or vulnerable to corruption;

12. *Encourages* Member States to make adequate voluntary contributions to the account referred to in article 62 of the Convention, operated within the United Nations Crime Prevention and Criminal Justice Fund,<sup>14</sup> for the provision to developing countries and countries in transition of the technical assistance that they might require to build their capacities for the implementation of article 12 of the Convention;

13. *Requests* the Secretariat to submit a report to the Conference of the States Parties at its sixth session on the implementation of the present resolution;

14. *Invites* States parties and donors to provide extrabudgetary resources for the purposes identified in the present resolution in accordance with the rules and procedures of the United Nations.

## **B. Decisions**

2. At its fifth session, the Conference adopted the following decisions:

### **Decision 5/1**

#### **Mechanism for the Review of Implementation of the United Nations Convention against Corruption**

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

Underlining the importance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption in supporting States parties in the implementation of the Convention and in promoting universal adherence to the Convention,

Taking note with appreciation of the work of the Secretariat and of the Implementation Review Group,

Reaffirming the guiding principles and characteristics of the Mechanism and paragraph 44 of its terms of reference;<sup>15</sup>

<sup>14</sup> See General Assembly resolution 58/4 of 31 October 2003, para. 4.

<sup>15</sup> Resolution 3/1, annex.

(a) Decides that the Implementation Review Group shall begin promptly to collect, with the support of the Secretariat, and discuss relevant information in order to facilitate the assessment of performance in accordance with paragraph 48 of the terms of reference, following the completion of the first review cycle;

(b) Also decides that the Implementation Review Group shall include in its future sessions an agenda item allowing for discussion of the information collected in accordance with paragraph (a) above;

(c) Further decides that the Implementation Review Group, in the collection of information pursuant to paragraph (a) above, shall take into account future requirements for follow-up in accordance with paragraphs 40 and 41 of the terms of reference.

### **Decision 5/2**

#### **Venue for the eighth 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 rules 3 and 6 of its rules of procedure, and welcoming the offer by the Government of the United Arab Emirates to act as host to the eighth session of the Conference, decides that its eighth session will be held in the United Arab Emirates in 2019.

### **Decision 5/3**

#### **Venue for the ninth 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 rules 3 and 6 of its rules of procedure, and welcoming the offer by the Government of Egypt to act as host to the ninth session of the Conference, decides that its ninth session will be held in Egypt in 2021.

## **II. Introduction**

3. In its resolution 58/4, the General Assembly adopted the United Nations Convention against Corruption. The Convention entered into force on 14 December 2005. By article 63, paragraph 1, of the Convention the Conference of the States Parties to the United Nations Convention against Corruption was established, to improve the capacity of and cooperation between States parties to achieve the objectives set forth in the Convention and to promote and review its implementation.



### III. Organization of the session

#### A. Opening of the session

4. The Conference of the States Parties to the United Nations Convention against Corruption held its fifth session in Panama City, from 25 to 29 November 2013. The Conference had resources at its disposal to provide for 10 plenary meetings and 8 informal consultations with full interpretation; thus, a total of 18 formal and informal meetings were held.

5. On 25 November 2013, the outgoing President of the Conference of the States Parties made introductory remarks in which he highlighted that the fifth session of the Conference was a strong sign of the renewed commitment of the international community to the fight against corruption and to the implementation of the resolutions adopted by the Conference at its fourth session, held in Marrakech, Morocco. He recalled that over the first three sessions of the Conference, the Mechanism for the Review of Implementation of the Convention had been negotiated and adopted. At the fourth session, hosted by Morocco, the Conference had adopted resolution 4/3, the Marrakech declaration on the prevention of corruption. He emphasized that, to confront the scourge of corruption, a global approach was needed, in which education, prevention and communication worked together.

6. The outgoing President then invited the Conference to elect its President for the fifth session. The Conference elected by acclamation Abigail Benzadón Cohen (Panama) as its President.

7. The newly elected President of the Conference invited the President of Panama, Ricardo Martinelli Berrocal, to address the participants.

8. In his message, President Martinelli Berrocal recalled that Panama had ratified the Convention in 2005. His country's review report provided evidence of good practices and achievements, as well as challenges that were now being addressed. Panama had an effective anti-corruption regime rooted in its Constitution and Criminal Code, as well as specific legislation on money-laundering, banking oversight, codes of ethics and treaties to facilitate international criminal cooperation. Echoing the words of former United Nations Secretary-General Kofi Annan, the President said that corruption affected both poor and rich countries, but had a particularly adverse impact on the poor because it undermined the capacities of governments to provide basic services to their citizens. Corruption was a key factor impeding social and economic progress and a significant stumbling block for development. With the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime, the international community now had instruments to combat corruption in all its forms. The President pointed out that in the presence of corruption, foreign direct investment was diverted to other countries. He also underscored the link between corruption, money-laundering and transnational organized crime, which led to the institutional fragility of young democracies. He noted that Latin America suffered because of drug trafficking, although the markets for drugs were not in the region, and that States in the region faced powerful enemies that had the power to corrupt law enforcement and State bodies and whose influence was also present in politics.

In order to combat those forces, governments had to be transparent and institute effective and responsible oversight mechanisms. The President also highlighted that education and the training of professionals and experts in all State structures were the most effective contribution to development, along with market forces. He stressed that Panama was in a period of growth, which was in part due to legal certainty and honest law enforcement agencies that provided a shield against corruption and organized crime. The President concluded that the Review Mechanism had underscored the achievements of his country in the fight against corruption. Nevertheless, the country would continue its efforts by strengthening its legal framework for mutual legal assistance and by establishing bilateral and multilateral agreements for joint investigation teams.

9. The President of the Conference invited the Director-General of the United Nations Office at Vienna and Executive Director of the United Nations Office on Drugs and Crime (UNODC) to make opening remarks.

10. The Executive Director noted that, 10 years after its adoption, the Convention had achieved almost universal ratification. He expressed his wish that the few remaining countries would soon ratify it and shared with the Conference the news that Oman had acceded to the Convention a few days before. He urged all governments, companies and organizations to make the fight against corruption a top priority. Corruption was not merely a crime but an enabler of many other criminal activities, such as transnational organized crime and drug trafficking, while also hindering social development. The Executive Director recalled that anti-corruption efforts and their role in the post-2015 development agenda had been recognized in the Secretary-General's recent report entitled "A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015" (A/68/202). The Executive Director called the Convention the bedrock for achieving genuine and lasting success in the fight against corruption and highlighted that the Mechanism for the Review of Implementation of the Convention, in its fourth year, had already produced tangible results. He commended the participating States parties for their enthusiasm and hard work in completing that exercise as they approached the second review cycle, beginning in 2015. He also underlined the valuable role played by civil society. The Executive Director called the attention of the Conference to the issue of the return of stolen assets and highlighted the recent return to Tunisia of \$28.8 million from Lebanon. Concerning technical assistance, he pointed out that many developing countries had embraced the Review Mechanism, but still needed the continuous support of the donor community. He warned that if the international community failed to respond to requests for such support, it risked undermining the collective commitment to fighting corruption. UNODC, as the guardian of the Convention and secretariat for the Review Mechanism, was uniquely placed to support such efforts. The Executive Director concluded that, while tremendous progress had been made between the sessions of the Conference in Merida and in Panama, the ethos and integrity of the Convention had to become a living reality for the millions of people who faced the ill effects of corruption every day.

11. The President of the Conference thanked the Executive Director for his introductory remarks and addressed the Conference. She shared her experience of the review of Panama with the Conference and admitted that she had initially been sceptical owing to the fact that Panama was being reviewed by two countries with

different legal systems and languages. However, despite those doubts, the review had been successful. The country visit and the participation of non-governmental organizations had contributed greatly to the success of the review. She gave her assurance that the recommendations contained in the review report would be implemented responsibly; the goal of Panama was the full implementation of those recommendations. She underlined the great benefits that States parties could gain from the reviews, which were powerful tools in the fight against corruption. She stressed that corruption had become a transnational phenomenon that had to be analysed together with other criminal phenomena, such as trafficking in arms, human beings and drugs, all of which were enabled by corruption and had to be considered in the implementation process. The President acknowledged the need for strategic allies and the involvement of all stakeholders in the fight against corruption, because corruption was changing and reinventing itself all the time. Therefore, in its resolution 4/6, the Conference had encouraged a constructive dialogue with non-governmental organizations and the private sector. Even though the implementation of the Convention was the responsibility of States parties, other actors had an important role to play and could be a valuable pillar in the strategic alliance. The private sector, in particular, could be a key partner, since it was negatively affected by corruption. She made reference to the draft resolution submitted by Panama that invited the voluntary participation of the private sector, as foreseen in the Bali Business Declaration. The President expressed her hope that the results of the Conference would strengthen the foundations for that joint endeavour.

12. The representatives of the regional groups congratulated the newly elected members of the Bureau and expressed their gratitude to Panama for hosting the fifth session of the Conference.

13. The representative of Morocco, speaking on behalf of the Group of 77 and China, welcomed the ratification of or accession to the Convention by new States parties. He emphasized the importance of the fight against corruption as a major contribution to furthering social and economic development and progress towards achieving the Millennium Development Goals. He reiterated the importance of implementing the chapter of the Convention relating to preventive measures and called for enhanced cooperation among Governments and stakeholders at the national level in awareness-raising, education and the dissemination of good practices. In that context, he expressed the Group's appreciation of progress in the implementation of resolution 4/3, the Marrakech declaration on the prevention of corruption, and acknowledged the results of the work of the Open-ended Intergovernmental Working Group on the Prevention of Corruption. He emphasized that the terms of reference, especially the guiding principles and characteristics of the Mechanism, should be fully and consistently complied with throughout the review process. He welcomed the sharing of experiences and lessons learned within the framework of the Review Mechanism, which had already produced tangible and useful results. He reiterated the Group's call for the work of the Mechanism to be funded through the regular budget of the United Nations, in accordance with the terms of reference of the Mechanism, particularly to ensure sufficient and stable resources for technical assistance, which was essential for the effective implementation of the Convention. In commending UNODC for its efforts to provide technical assistance at the global, regional and national levels, he called for funding for those activities in the light of the growing number of technical assistance requests by States parties. In that context, the thematic reports prepared

by the Secretariat on the implementation of chapter III of the Convention deserved attention, in particular the challenges, good practices and technical assistance needs identified, which highlighted the importance of further information exchange and sharing of experiences. With regard to asset recovery, he underscored that the return of assets was a fundamental principle of the Convention and that States parties should afford one another the widest measure of cooperation in that regard. He emphasized that adequate knowledge and action were needed in order to implement the provisions of chapter V of the Convention and welcomed the results of the work of the Open-ended Intergovernmental Working Group on Asset Recovery, which, *inter alia*, had invited the exchange of good practices and the use of information-sharing tools. Priority should be given to the elimination of safe havens, the enhancement of the capacity of criminal justice systems and the development of simplified procedures to assist States parties in tracing and recovering assets, while safeguarding the due process of law and minimizing the cost to requesting States. Acknowledging the recommendations of the open-ended intergovernmental expert meeting on international cooperation, he stressed the need to strengthen cooperation among States parties on the relevant agenda item.

14. The representative of Kenya, speaking on behalf of the Group of African States, expressed appreciation for the renewed commitment of States parties in the context of the Conference to advancing implementation of the Convention in accordance with national strategies and priorities, including progress towards achieving the Millennium Development Goals. He welcomed the adoption of the terms of reference of the Review Mechanism and reiterated that the purpose of the Mechanism was to assist States parties in the effective implementation of the Convention through the identification of challenges, good practices and technical assistance needs. He emphasized, to that end, the need to uphold the principles of the Mechanism, in particular that it should be transparent, efficient, inclusive and non-intrusive, as well as being non-adversarial and non-punitive in nature; it should not produce any form of ranking; and it should be an intergovernmental process. Further, the Mechanism required continued funding through the regular budget of the United Nations, in anticipation of further tangible and useful results in the second cycle and in recognition of the importance of relevant and adequate technical assistance, upon request, to strengthen the capacity of States parties to fully implement the Convention. Regarding the prevention of corruption, he called for enhanced cooperation among Governments and stakeholders at the national level and drew attention to the work of the Open-ended Intergovernmental Working Group on the Prevention of Corruption, in particular its recommendation that the Secretariat support the collection and dissemination of information about educational activities through the development of global educational tools for States parties. He also acknowledged progress in the implementation of the Marrakech declaration on the prevention of corruption, in particular the activities and technical assistance provided by UNODC in the legislative and capacity-building areas. Regarding asset recovery, he expressed concern at the lack of effective international cooperation for the return of assets that had been diverted and illicitly transferred abroad, and underscored the devastating impact of the diversion of public resources on the development of countries of origin. The Group of African States attached great importance to the implementation of the provisions of the Convention relating to asset recovery and called upon States parties to simplify procedures for the tracing, confiscation and recovery of stolen assets, and to enhance cooperation

to overcome barriers to their return, in accordance with the decisions of the Open-ended Intergovernmental Working Group on Asset Recovery. Further progress was also being made by the experts to enhance international cooperation under the Convention.

15. The representative of the Islamic Republic of Iran, speaking on behalf of the Group of Asia-Pacific States, welcomed new States parties and acknowledged the importance of the Convention as an effective framework for international cooperation, including with regard to asset recovery and technical assistance. He recognized the progress made by the Conference and its working groups, in particular through the Review Mechanism, which, despite the challenges, had already produced positive results in the assessment of implementation of the two chapters under review and in the exchange of information and experiences. He emphasized that the purpose of the Review Mechanism was to assist States parties in implementing the Convention and that the fundamental principles and characteristics of the Mechanism should be left intact. In that context, he emphasized the fundamental principles of the Mechanism under its terms of reference, namely, its transparent, efficient, non-intrusive, inclusive and impartial nature and the absence of any form of ranking. He welcomed the opportunity afforded by the Conference to continue the deliberations of the Open-ended Intergovernmental Working Group on the Prevention of Corruption in anticipation of the next review cycle and the development of a multi-year plan to guide the work of that Working Group and its discussions. He expressed the Group's appreciation of the results of the Open-ended Intergovernmental Working Group on Asset Recovery and urged States parties to cooperate further on asset recovery. The Group also supported the objective of technical assistance delivery in accordance with chapter VI of the Convention, especially in order to further information exchange and improve knowledge among States parties, and acknowledged the important role of UNODC in providing technical assistance upon request and establishing synergies with assistance providers.

16. The representative of Argentina, speaking on behalf of the Group of Latin American and Caribbean States, noted that almost all the countries of that region had ratified the Convention. He called upon all States that had not yet ratified it to do so. Corruption and transnational organized crime made it necessary for all States to make constant efforts to cooperate. Anti-money-laundering measures and international cooperation, including extradition and mutual legal assistance, were valuable elements that complemented States' efforts in the fight against corruption. He reiterated the Group's unconditional support for the Review Mechanism and underlined the need for a more stable and predictable budget. In that context, he highlighted a document prepared by the Secretariat on procedural requirements and practice regarding the drawing of lots. He welcomed Conference resolution 4/6 and called upon States parties to make use of the briefings for non-governmental organizations and to strengthen the implementation of article 13 of the Convention. Furthermore, he emphasized that the Review Mechanism had helped States parties to identify technical assistance needs and define priorities. For his region, it was important to develop the capacities of States, and regional South-South cooperation was a valuable tool in that respect. He welcomed the initiative of Panama to establish a regional anti-corruption academy and took note of the draft resolution submitted by Colombia on the promotion of respect for the law and of integrity among youth and children. With regard to asset recovery, he underscored that it was

fundamental to ensure that stolen assets could be returned to serve their original purpose, namely, investment in the development of nations, and he welcomed the work of UNODC to identify and disseminate best practices in asset recovery. While challenges still lay ahead, 10 years after the adoption of the Convention, he renewed the Group's commitment to the full implementation of the Convention.

17. The representative of the European Union, speaking on behalf of the States members of the European Union, Albania, Armenia, Bosnia and Herzegovina, Montenegro, Norway, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, stressed that corruption undermined human development and democracy, eradicating jobs, justice and equality. The European Union had pursued a coherent approach to shaping policies in the fight against corruption through anti-corruption measures adopted in 2012. The envisaged first European Union anti-corruption report would facilitate the exchange of best practices, identify trends and stimulate peer learning. The European Union had recently adopted several policy initiatives in the fight against corruption and had reformed the European Anti-Fraud Office. He stressed the importance of asset recovery and noted the recent Pan-European High-Level Conference on Asset Recovery Offices. He reiterated the European Union's commitment to the Convention and welcomed the process of reviewing its implementation. While underlining the merits of that process, he also recognized the challenges involved and emphasized that an effective mechanism had to be cost-effective, streamlined and transparent. He expressed the hope that lessons could be learned and improvements implemented prior to the next cycle of the Review Mechanism. He took note of the decision taken by the Conference at its previous session on the participation of non-governmental organizations in the deliberations of the Implementation Review Group and considered it a first step towards including the experience offered by non-governmental organizations. He underlined that in the future the European Union would engage in constructive dialogue with other States parties to reach that goal, noting that the European Union welcomed the legal opinion of the Office of Legal Affairs with regard to the participation of intergovernmental and non-governmental organizations.

## **B. Election of officers**

18. At its first meeting, on 25 November 2013, the Conference elected by acclamation Abigail Benzaón Cohen (Panama) President of the Conference.

19. At the same meeting, the following three Vice-Presidents and the Rapporteur were elected by acclamation:

<i>Vice-Presidents:</i>	Paulus Noa (Namibia)
	Ion Galea (Romania)
	Ignacio Baylina Ruíz (Spain)
<i>Rapporteur:</i>	Hu Bin (China)

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

20. Prior to the adoption of the agenda, one speaker stated that he was confident that the agenda of the Conference would remain restricted to its defined limits. He stated that the Conference was not considering the rules of procedure per se. He highlighted that the delegates from States parties were representatives of States and were not attending in their private capacity. He stated that, for his delegation, the intergovernmental characteristics of the working groups were of extreme importance and of a permanent nature. Another speaker expressed the view that delegations retained the right to raise any substantive or procedural issues in the course of the deliberations of the Conference, while suggesting that the Conference be guided by the remarks of the Executive Director of UNODC on the valuable role of civil society in the implementation of the Convention.

21. At its first meeting, on 25 November 2013, the Conference adopted the following agenda for its fifth session:

1. Organizational matters:
  - (a) Opening of the fifth session of the Conference;
  - (b) Election of officers;
  - (c) Adoption of the agenda and organization of work;
  - (d) Participation of observers;
  - (e) Adoption of the report of the bureau on credentials;
  - (f) General discussion.
2. Review of the implementation of the United Nations Convention against Corruption.
3. Technical assistance.
4. Prevention.
5. Asset recovery.
6. International cooperation.
7. Other matters.
8. Provisional agenda for the sixth session.
9. Adoption of the report.

### **D. Attendance**

22. The following States parties to the Convention were represented at the fifth session of the Conference: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Benin, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Canada, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji,

Finland, France, Gabon, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Solomon Islands, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

23. The following States signatories to the Convention were represented by observers: Czech Republic, Germany and Japan.

24. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the session.

25. The following observer States were also represented: Oman and South Sudan.

26. The State of Palestine, a non-member State maintaining a permanent observer mission to the United Nations, was represented.

27. The following Secretariat units, United Nations bodies, entities, 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: Office of the United Nations High Commissioner for Human Rights, United Nations Global Compact, United Nations Office on Drugs and Crime, United Nations Development Programme, United Nations Relief and Works Agency for Palestine Refugees in the Near East, United Nations Office for Project Services, Basel Institute on Governance, Institute for Security Studies and World Bank.

28. The following intergovernmental organizations were represented by observers: African Union, Council of Europe, European Bank for Reconstruction and Development, International Anti-Corruption Academy, International Criminal Police Organization, Islamic Development Bank Group, League of Arab States, North Atlantic Treaty Organization, Organization for Economic Cooperation and Development and Organization of American States.

29. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: Academic Council on the United Nations System, Africa Centre for Citizens Orientation, Africa Youths International Development Foundation, Center for International Human Rights of the Northwestern University School of Law, Christian Aid, Fundación Mujeres en Igualdad, Independent Advocacy Project, International Bar Association, International Legal Foundation, International Police Executive Symposium, Japan Federation of Bar Associations and Transparency International.



30. In accordance with rule 17 of the rules of procedure, the Secretariat circulated a list of relevant non-governmental organizations not having consultative status with the Economic and Social Council that had applied for observer status. Invitations were subsequently sent by the Secretariat to relevant non-governmental organizations.

31. The following other relevant non-governmental organizations were represented by observers: Al-Bualy Attorneys at Law & Legal Consultants, Arab Centre for the Development of the Rule of Law and Integrity, Asociación Costa Rica Íntegra, Association Sherpa, Centre for Youth Initiative on Self-Education, Committee for Democracy and Rights of the People, European Healthcare Fraud and Corruption Network, Fundación Ciudadanía y Desarrollo, Fundación Esquel, Global Financial Integrity, Global Organization of Parliamentarians against Corruption, I Watch, International Association of Anti-corruption Authorities, KAGL & Affiliates, Leadership Initiative for Transformation and Empowerment, Libyan Transparency Association, Ligue congolaise de lutte contre la corruption, Observatoire de lutte contre la corruption en Afrique Centrale, Observatoire de lutte contre la corruption et les malversations économiques, Rasheed Coalition for Integrity and Transparency, Repatriation Group International, Social Contract Centre, Transparency International Cambodia, U4 Anti-Corruption Resource Centre, UNCAC Coalition, Volunteers for Sustainable Development and Zero Corruption Coalition.

## **E. Adoption of the report of the Bureau on credentials**

32. Rule 19 of the rules of procedure provides that the bureau of any session shall examine the credentials of representatives and submit its report to the Conference. Rule 20 provides that, pending a decision of the bureau upon their credentials, representatives shall be entitled to participate provisionally in the session. Any representative of a State party to whose admission another State party has made objection shall be seated provisionally with the same rights as other representatives of States parties until the bureau has reported and the Conference has taken its decision.

33. The Bureau informed the Conference that all of the 130 States parties represented at the fifth session were in compliance with the credentials requirements.

34. The Conference adopted the report of the Bureau on credentials at its 10th meeting, on 29 November 2013.

## **F. Documentation**

35. At its fifth session, the Conference had before it, in addition to the documents prepared by the Secretariat, papers containing proposals and contributions submitted by Governments. A list of documents and conference room papers is contained in the annex to the present report.

## G. General discussion

36. Speakers stressed the negative impact of corruption on economic growth and stability, sustainable development, democratic values, national peace and security, and the rule of law. The transnational dimensions of corruption, including its links to the international economy, organized crime, drug trafficking, trafficking in persons, money-laundering and terrorism, were also noted. Speakers expressed concern that despite the extensive efforts made by States and international organizations to combat corruption, it continued to affect countries throughout the world. It was highlighted that the effects of corruption were even more acutely felt in conflict and post-conflict contexts.

37. Speakers emphasized, on the eve of the tenth anniversary of the Convention, its importance as the global framework for action against corruption. The desirability of universal adherence to the Convention was stressed, and many speakers welcomed the States that had become parties to the Convention since the fourth session of the Conference. It was noted that the Convention had been developed as a collective response to corruption and that the credibility of and public confidence in its implementation had grown rapidly. It was underlined that more work was necessary to ensure that the Convention was fully operationalized.

38. Speakers noted the collective responsibility of all States and all actors in the public and private sectors in the prevention of and fight against corruption. The preservation of fundamental human rights and the efforts to eradicate poverty, illiteracy, hunger and inequality, in line with the Millennium Development Goals, were seen as critical elements in efforts to prevent corruption. Several speakers stressed the importance of including anti-corruption efforts as a centrepiece of the post-2015 development agenda. Reference was made to the courageous work of many people who put their own safety at risk in the fight against corruption. The importance of involving traditional leaders in that fight and the relevance of ethical principles observed by indigenous groups was highlighted.

39. Speakers stressed the central importance of the Review Mechanism in reinforcing the role of the Convention in the international response to corruption and in promoting cooperation and collaboration among States parties. A number of speakers encouraged States to facilitate country visits and the publishing of the full country review reports. Other speakers emphasized that the guiding principles and characteristics of the Review Mechanism should be observed throughout the review process. Speakers emphasized that the Review Mechanism had resulted in concrete measures and the sharing of experiences and good practices against corruption, as well as the identification of challenges and requests for technical assistance. Some speakers emphasized the importance of ensuring sufficient and sustained resources for the continued full operation of the Review Mechanism, and of ensuring adequate follow-up to recommendations arising from the review process. One speaker encouraged the secretariat to continue efforts to explore and implement effective cost-saving measures and to engage in constructive dialogue with the States parties and signatories. Speakers noted that the experience of their countries in participating in the Mechanism, as both reviewed and reviewing States parties, had been positive. One speaker requested that the reporting process be further streamlined in order to reduce the burden on smaller States with limited capacities.

40. Speakers noted the importance of beginning to review issues relevant to the effective implementation of chapters II and V of the Convention in preparation for the second cycle of the Review Mechanism. Speakers welcomed the proposals from some States for improving the Mechanism, and pledged to consider them in the spirit of improving the overall review process in the light of experiences from the first cycle, while honouring the foundational principles of the Mechanism. Other speakers emphasized that, in accordance with the terms of reference, only following the completion of each review cycle should the performance of the Mechanism be assessed, and since the first cycle had not yet finished, it was too early for an evaluation. One speaker noted the possibility of limiting the scope of the second cycle to increase the efficiency and depth of analysis of the review. Speakers stated that it was important for the review process to be transparent, efficient, non-intrusive, inclusive and impartial and for it not to produce any form of ranking, as those guiding principles and characteristics of the Mechanism were paramount for its ongoing development. Several speakers stressed that the Mechanism was an intergovernmental and non-politicized process that could benefit from the positive participation of civil society.

41. Technical assistance was identified as a critical component of strengthening the implementation of the Convention. Several speakers noted the readiness of their experts to provide assistance to other States, upon request, including through national and regional anti-corruption academies and other training institutions. Several speakers also noted the need for increased technical assistance for all areas of the Convention, with an emphasis on South-South cooperation. Several speakers noted with appreciation the assistance provided by UNODC, other States and development partners in the implementation of the Convention.

42. Speakers noted the need for further implementation of chapter IV of the Convention, on international cooperation, in particular in the areas of extradition, mutual legal assistance, law enforcement cooperation and joint investigations, highlighting the link to the provisions on asset recovery in chapter V. It was emphasized that no country should shelter or give refuge to persons fleeing their national jurisdiction to avoid corruption charges, and that no corruption offence should be considered a political offence.

43. Speakers encouraged States to consider the Convention a basis for mutual legal assistance and extradition, where possible. Speakers noted the importance of adopting additional bilateral, regional and international cooperation agreements and arrangements to further develop the ability to respond rapidly to requests for international assistance in corruption investigations.

44. Several speakers emphasized the importance of regional and international sharing of information and intelligence on corruption matters, in particular between financial investigation units, law enforcement agencies and judicial bodies. The further enhancement of measures to improve coordination, such as proactive sharing of information among States, was encouraged.

45. Several speakers noted the importance of international cooperation, built on trust and mutual respect, in the identification, seizure and return of stolen assets. Speakers called upon all States to strengthen measures to assist each other in the expedient identification, seizure and return of stolen assets, including through the recognition of foreign confiscation orders. Several speakers noted in particular the

importance of transferring knowledge on good practices in the field of asset recovery, and several speakers referred to the repatriation and distribution of recovered assets. One speaker called for the creation of a road map and guidelines for States to cooperate effectively and efficiently in the identification, freezing, confiscation and return of stolen assets, as well as in the investigation of persons involved in criminal activities, and stated the intention to submit a detailed proposal in this regard. The significant benefits of the UNODC/World Bank Stolen Asset Recovery (StAR) Initiative in delivering technical assistance in the recovery of stolen assets and capacity-building for national authorities were recognized.

46. Speakers highlighted that international and regional mechanisms and initiatives had enhanced the ability of States to address the challenges of corruption. Reference was made, for example, to the International Anti-Corruption Academy (IACA) in Laxenburg, Austria. Speakers noted that regular meetings of anti-corruption bodies at the subregional and regional levels had helped to strengthen the implementation of the Convention and had led to improved cooperation and the sharing of good practices. Speakers noted the importance of the Arab Anti-Corruption and Integrity Network, which worked to enhance regional cooperation, the sharing of good practices and the provision of technical assistance to States in the region. Speakers also emphasized that transparency and broad stakeholder participation were crucial to the anti-corruption debate. Several speakers noted their countries' accession to the Arab Anti-Corruption Convention, the African Union Convention on Preventing and Combating Corruption or the Inter-American Convention against Corruption, noting that those regional instruments were complementary to the United Nations Convention against Corruption.

47. Speakers welcomed progress made in the implementation of Conference resolution 4/3, entitled "Marrakech declaration on the prevention of corruption", and emphasized the importance of prevention as part of a comprehensive response to corruption. A number of speakers referred to the development of national anti-corruption strategies and action plans relating to both the prevention and the investigation of corruption, noting that they should complement overall government policies. Several speakers noted the importance of establishing interministerial anti-corruption coordination bodies mandated to ensure strategic integration and inclusiveness, facilitate information-sharing and support the implementation of national anti-corruption strategies. Several speakers also noted the benefits of the multilateral Open Government Partnership initiative.

48. Several speakers highlighted the importance of supporting integrity and accountability in the criminal justice system, including among members of the judiciary and prosecution, police and prison services, in order to promote the effective, objective and fair delivery of justice and the rule of law. The importance of ensuring the integrity and independence of the judiciary and prosecution services was underlined, and one speaker welcomed the launch by UNODC of the implementation guide and evaluative framework for article 11 of the Convention, regarding judicial and prosecutorial integrity that is consistent with the Bangalore Principles of Judicial Conduct.

49. Several speakers addressed progress made in their countries in the implementation of the Convention. Speakers reiterated their commitment to undertake measures against corruption and welcomed the exchange of good

practices in national anti-corruption efforts. Speakers reported on national efforts and initiatives to implement the provisions of the Convention and described domestic legislative, administrative and judicial measures to incorporate the requirements set forth in the Convention. Such measures included increased fairness and objectivity in recruitment to the public service; strengthened oversight and disciplinary systems in the public service; e-procurement mechanisms and the management of public finances; reduction of government bureaucracy and streamlining of the provision of government services; robust asset declaration and monitoring systems for the detection of illicit enrichment and the identification of conflicts of interest, including through the use of electronic platforms to facilitate the reporting and monitoring of declarations; the establishment of specialized integrity units in government offices and ministries; and the use of corruption prevention policies to identify threats and deploy effective responses.

50. Additional measures were noted in relation to enforcement, including the strengthening of criminal legislation and mechanisms to better implement the provisions of chapter III of the Convention, such as those relating to domestic and foreign bribery; illicit enrichment; money-laundering; the expansion of the liability of private entities; broadening the scope of grounds for asset seizure and forfeiture; the protection of witnesses and persons reporting corruption; increasing penalties for the commission of corruption offences; the expansion of due diligence requirements to guide the private sector in dealings with politically exposed persons and in reporting suspicious transactions; the use of information technology to simplify tax payment and verification systems; the establishment of specialized investigative bodies to focus on corruption cases; the creation of financial investigation units and training of financial investigators; the appointment of specialized magistrates to streamline financial investigations and complex cases; updating and strengthening economic models and institutions; the establishment of specialized anti-corruption courts; and the creation of anti-corruption agencies with robust mandates, jurisdictions and status, including constitutional guarantees of independence.

51. Further preventive and detection measures were reported, such as the establishment of reporting mechanisms to strengthen the participation of citizens in the fight against corruption, including through anonymous reporting; access to information, including on government policies and legislation; conflict-of-interest regulations; training programmes in integrity, ethics and professionalism for public servants and members of parliament; the deployment of youth brigades to foster a zero-tolerance culture against corruption; systemic mechanisms for the oversight of public administration; specialized interministerial committees to address corruption issues in the public sector; the development of professional codes of conduct and disciplinary oversight in various parts of the public sector; ensuring adequate budgets, remuneration and resources for public officials and institutions; the development of anti-corruption curricula at all education levels; the establishment of a network of one-stop institutions to provide multiple public legal services to citizens in one location; and ombudsman offices to strengthen administrative and institutional oversight. It was emphasized that the way in which anti-corruption measures were to be implemented would depend on the affordability of such measures, which would in turn depend on the domestic capabilities and resources of countries. Several speakers further noted sector-specific initiatives addressing areas

such as health, education, major public events, the environment and natural resources.

52. Speakers emphasized the promotion of the participation of society in efforts to prevent and fight corruption. Speakers acknowledged the key role that youth, civil society, women, community leaders and the media could play in the prevention of and response to corruption in the public and private sectors. In this regard, the importance of comprehensive and sustained public-awareness campaigns and educational programmes was noted as integral to comprehensive citizen participation in the prevention and detection of corruption. Various measures to enhance cooperation between governments and the private sector were highlighted, including through partnership workshops, collective action, increased transparency in government contracts and the enactment of sanctions to discourage corrupt practices.

53. A number of speakers provided information on particular criminal cases of national importance involving charges of corruption against high-level public or private officials. States also reported successes in the recovery of proceeds of crime.

54. The Czech Republic announced its successful completion of the process of ratifying the United Nations Convention against Corruption. Oman announced its accession to the Convention and that it was in the process of submitting and depositing the necessary instrument.

55. A representative of the United Nations Global Compact emphasized the tenth principle of the Compact, which prioritizes good governance, transparency and anti-corruption efforts in business activities and the private sector. A representative of the United Nations Development Programme (UNDP) acknowledged the progress made since the last session of the Conference of the States Parties in the ratification and implementation of the Convention, and welcomed the strong partnership developed with UNODC in the delivery of technical assistance and the integration of corruption activities in the United Nations Development Assistance Framework. A representative of the Organization for Economic Cooperation and Development (OECD) emphasized the link between the prevention of corruption and economic growth and development, and expressed the readiness of OECD to provide technical assistance in anti-corruption measures, when requested. A representative of the Council of Europe Group of States against Corruption noted several corruption challenges that had been highlighted during its regional review process.

56. A representative of the Office of the United Nations High Commissioner for Human Rights emphasized the negative human rights consequences of corruption and encouraged States to take steps to address human rights issues in the prevention and investigation of corruption, including through partnerships between the anti-corruption and human rights communities. A representative of IACA described the role of the Academy in advancing the goals of the Convention through its education programmes.

57. A representative of Transparency International urged that the Review Mechanism be harnessed for the identification of technical assistance and encouraged further action to support the development of post-review action plans. The speaker also called for the broad participation of civil society in the review process and for the publication of the full country review reports. A representative of the UNCAC Coalition emphasized that sustainable economic development and

the prevention of corruption were inextricably linked, and urged political commitment and unified global efforts to give life to the Convention in practice.

#### **IV. Review of the implementation of the United Nations Convention against Corruption and technical assistance**

58. At its 6th and 7th meetings, on 28 and 29 November 2013, the Conference of the States Parties considered agenda item 2, “Review of the implementation of the United Nations Convention against Corruption”, and agenda item 3, “Technical assistance”.

59. Paulus Noa (Namibia), in his capacity as Vice-President of the Conference, chaired the debate. In his introductory remarks, he recalled the adoption of Conference resolution 3/1, which marked the historic establishment of the Mechanism for the Review of Implementation of the Convention, and resolution 4/1, in which the Conference had endorsed the work of the Implementation Review Group. He reiterated that the purpose of the Review Mechanism was to help States parties to identify and substantiate specific technical assistance needs and to promote and facilitate the provision of such assistance.

60. The secretariat provided an overview of the key findings of the thematic and regional implementation reports analysing the 44 completed country reviews. That information is contained in documents CAC/COSP/2013/6 to CAC/COSP/2013/12.

61. The secretariat also provided a summary of technical assistance needs emerging from the country reviews and an overview of the technical assistance activities carried out at the global, regional and national levels in support of States parties’ efforts to implement the Convention effectively. That information is contained in documents CAC/COSP/2013/4 and CAC/COSP/2013/5.

62. With a view to informing the debate, the secretariat organized a panel discussion on implementation review. Representatives of Timor-Leste, the Organization of American States (OAS) and the Council of Europe were invited to participate.

63. Commenting on the panel discussion, one State party expressed its strong support of the Review Mechanism and underscored the positive effect of the review on anti-corruption efforts in his country. He also mentioned that, in the future, States parties should have input into the composition of panels selected by the secretariat to inform the debate under specific agenda items. He noted that it was inappropriate to have OAS on the panel, in view of that organization’s exclusion of Member States from the Latin American region for political reasons.

64. With a view to informing the debate, the secretariat organized a panel discussion on technical assistance. Representatives of Sao Tome and Principe, the United Kingdom, UNDP, the United Nations Global Compact and Transparency International were invited to participate.

65. In the ensuing discussion, several speakers concurred with the need for a holistic approach in the design and delivery of technical assistance, as well as for balancing prevention and enforcement in the fight against corruption. The question of how to address follow-up of technical assistance needs identified during a

country review was discussed, and the deployment of a follow-up mission and development of an action plan were noted positively in that context. One speaker expressed the view that there was also a need to consider corruption as a universal crime.

66. Speakers welcomed the increased and focused efforts to implement the Convention, and noted the importance, usefulness and positive nature of the country review process. Some speakers made proposals for the improvement of the review process. Speakers underlined the need to preserve the terms of reference and the guiding principles of the Mechanism. Some speakers welcomed the use of the various provisions of the terms of reference in the country reviews, including those for direct dialogue and the involvement of other stakeholders.

67. Several speakers, drawing on their experiences of undergoing review, noted the need for follow-up to the observations contained in the country review report and to the technical assistance needs identified. Some speakers reported on the technical assistance needs that had been identified during their country reviews and noted the follow-up actions taken to meet these needs, including the development of an action plan. The need to strengthen coordination at the national level and between national authorities and partners was noted by several speakers, in order to include the response to such needs as part of overall development work.

68. Speakers noted the usefulness of involving non-governmental organizations in the implementation of the Convention and welcomed the briefings that had been held on the margins of the sessions of the Implementation Review Group. Some speakers recalled that in its resolution 4/6 the Conference of the States Parties had decided that constructive dialogue on the contribution of non-governmental organizations to the Review Mechanism should be continued. They expressed the view that non-governmental organizations should participate as observers in meetings of the Implementation Review Group and other subsidiary bodies of the Conference. Some speakers recalled the intergovernmental nature of the Review Mechanism and the subsidiary bodies of the Conference. They noted that the rules of procedure of the Conference were to be applied *mutatis mutandis* to the meetings of such bodies, and recalled the consensus reached in resolution 4/6 of the Conference.

## **V. Prevention**

69. At its 5th meeting, on 27 November 2013, the Conference considered agenda item 4, entitled "Prevention".

70. The discussion was chaired by Paulus Noa (Namibia), Vice-President of the Conference, who in his introductory remarks recalled chapter II of the Convention, covering the prevention of corruption in both the public and private spheres, and Conference resolution 4/3, entitled "Marrakech declaration on the prevention of corruption". He emphasized the growing recognition among States that the values of transparency, integrity and good governance, embodied in chapter II of the Convention, were critical to the effective prevention of corruption. Calling to mind the establishment of the Open-ended Intergovernmental Working Group on the Prevention of Corruption by Conference resolution 3/2, he noted that the Working Group, under the multi-year workplan it had adopted for the period up to 2015, had



thus far addressed the private sector, conflicts of interest and asset declarations; integrity in the judiciary and prosecution services; and public education. He pointed out the significant progress made by the Working Group in the last two years towards the achievement of the aims of the Marrakech declaration, particularly in areas such as education, transparency in public administration, access to information and public finances.

71. A representative of the secretariat updated the Conference on progress made in the implementation of the Marrakech declaration. She described the efforts of the secretariat to streamline and simplify the self-assessment checklist in order to facilitate reporting on the implementation of chapter II of the Convention. She also noted the establishment by UNODC, in its role as an observatory of good practices, of a thematic website dedicated to collecting materials produced in the context of the Working Group. She announced the launch by UNODC of several new knowledge tools, on major public events; anti-corruption ethics and compliance programmes for business; supporting small and medium-sized enterprises in corruption prevention; strengthening corporate integrity; anti-corruption measures in public procurement and the management of public finances; reporting on corruption; an anti-corruption e-learning tool for the private sector; and an implementation guide and evaluative framework on judicial and prosecutorial integrity. She highlighted the significant progress made in advancing the Anti-Corruption Academic Initiative, which was aimed at facilitating the introduction of anti-corruption education in institutions of higher education. UNODC had also developed a full, stand-alone academic course on the Convention, which was being piloted in several institutions. She highlighted the contribution of UNODC to anti-corruption efforts in security sector reform, particularly in partnership with the North Atlantic Treaty Organization (NATO) Building Integrity Programme. She described the delivery of technical assistance by UNODC through legislative and capacity-building activities, as well as through the provision of tools. In particular, she pointed out the network of UNODC anti-corruption advisers, currently located in Egypt, Fiji, Nepal, Panama, Senegal, South Africa and Thailand, and for small island developing States, who delivered technical assistance and addressed anti-corruption needs in their regions. Finally, she pointed out the strong partnership with UNDP, including joint efforts to integrate anti-corruption measures into United Nations programming processes.

72. Speakers recognized the efforts made by the Working Group and underlined the usefulness of sharing information, experiences and good practices among States, as well as the importance of providing technical assistance to assist States with the implementation of chapter II of the Convention. One speaker recommended that the Working Group follow closely the post-2015 development agenda. Another speaker noted the mutual reinforcement of anti-corruption and human rights principles, which deserved additional attention at future meetings of the Working Group. One speaker recommended that the Working Group consider the preparation and scope of the second cycle of the Review Mechanism.

73. Speakers reported on initiatives undertaken and good practices applied in order to strengthen the implementation of chapter II of the Convention, including the use of information technology platforms and measures to increase transparency and public access to information; the development of risk-analysis tools to better identify and account for governmental vulnerabilities to corruption; the launch of

national anti-corruption hotlines to encourage the reporting of corruption; and media engagement to increase public awareness of corruption. Speakers also reported on mechanisms to strengthen the protection of persons reporting corruption; efforts to reduce government bureaucracy and the streamlining of the delivery of basic government services; improvements to the transparency of governmental processes and the implementation of open-government principles; the establishment of intragovernmental coordination bodies; the adoption of good governance principles to guide the professional conduct of members of the civil service, including codes of conduct; and the strengthening of judicial integrity.

74. Several speakers reported on initiatives for enhanced preventive measures to target sectors at higher risk of corruption, such as banking and finance, national defence, justice, environmental protection, mining and extraction, and road and railway infrastructure. One speaker announced the publication of a handbook on incorporating anti-corruption principles in good governance and the delivery of assistance. Another speaker noted the assistance of regional organizations in sharing good practices and discussing challenges in the prevention of corruption at the regional level.

75. Speakers highlighted the importance of measures to prevent corruption in fostering a culture of integrity and transparency, as well as the need for the participation of, and cooperation among, all sectors of society. Some speakers noted in particular the participation of civil society and members of the public in intergovernmental processes and coordination mechanisms. Speakers emphasized the usefulness of information technology, in particular the Internet, in increasing public awareness of corruption and distributing relevant information. Speakers underscored the key role that younger generations could play in developing a solid foundation for longer-term anti-corruption efforts. In that regard, the need for mandatory anti-corruption curricula in educational institutions, from elementary schools to universities, was emphasized. One speaker described a comprehensive awareness campaign for children and young people on the identification of corruption, its negative effects and the development of a culture of zero tolerance for corruption. Another speaker stressed the connection between core values of society and the prevention of corruption.

76. The active engagement of the private sector was considered critical for the implementation of effective preventive measures. Such engagement would include measures to enhance ethics, integrity and professionalism in the private sector, including through public-private partnerships. One speaker noted the need for an increased focus on bribery and corruption in the private sector, in general, through enhanced criminal legislation, community outreach and the implementation of business practices that reflect principles of integrity. Speakers advocated an approach that balanced infrastructure, technology and human resources in order to strengthen public sector anti-corruption institutions, with a view to reducing corruption opportunities and improving deterrence efforts. Special emphasis was placed on the objectivity and transparency of procurement processes, including through e-procurement, as keys to the prevention of corruption.

77. A representative of the International Criminal Police Organization (INTERPOL) discussed that organization's work in supporting international cooperation and technical assistance, in particular the Global Focal Point Platform, operated in partnership with the StAR Initiative. A representative of the Institute for

Global Financial Integrity addressed the issue of transparency of information relating to corporate ownership, and encouraged States parties to collect information relating to beneficial ownership of private entities, which could be made available to law enforcement entities upon request.

## **VI. Asset recovery and international cooperation**

78. At its 6th and 7th meetings, on 27 and 28 November 2013, the Conference of the States Parties considered agenda item 5, “Asset recovery”, and agenda item 6, “International cooperation”.

79. Paulus Noa (Namibia), in his capacity as Vice-President of the Conference, chaired the debate. In his introductory remarks, he recalled Conference resolutions 4/4, entitled “International cooperation in asset recovery”, and 4/2, entitled “Convening of open-ended intergovernmental expert meetings to enhance international cooperation”.

80. The secretariat provided an update on activities carried out to develop cumulative knowledge, build confidence and trust between requesting and requested States and provide capacity-building and technical assistance to States. The information provided is contained in documents CAC/COSP/2013/2, CAC/COSP/WG.2/2013/3 and CAC/COSP/WG.2/2012/3.

81. The secretariat provided an overview of the progress made in implementing the mandates of the expert group convened to enhance international cooperation under the Convention, as contained in document CAC/COSP/EG.1/2013/2, including a report on its second meeting, held in Panama City on 26 and 27 November 2013.

82. With a view to informing the debate, the secretariat organized a panel discussion on international cooperation in support of asset recovery. Representatives of Bangladesh, Canada and Peru as well as of the StAR Initiative and the International Centre for Asset Recovery (ICAR), were invited to participate.

83. In the ensuing discussion, the representative of Italy informed the Conference that the Italian region of Calabria and the national agency for the administration and disposal of assets seized or confiscated from organized crime, in partnership with UNODC, had launched a project aimed at strengthening international cooperation in the management, use and disposal of seized and confiscated assets, including through the development of specific guidelines on that matter. He noted that such a project was necessitated by the negative role corruption played in facilitating the criminal operations of mafia-type organizations in his region and worldwide.

84. Speakers shared some of the difficulties they had encountered in making effective use of the Convention in asset recovery. While acknowledging the support received by some jurisdictions, they felt that others insisted on excessive formalism, required overly detailed information in order to respond positively to mutual legal assistance requests and applied very high evidentiary requirements. Another challenge was related to the proper transliteration of Arabic names. In that context, it had proved helpful to provide additional information on the individual targets of investigations, such as dates of birth and dates of the issuance and expiry of

passports. The issue of double nationality was also raised as a practical barrier to international cooperation against corrupt individuals.

85. Speakers referred to national reforms, including legislation on non-conviction-based forfeiture. They reported on initiatives on asset recovery, including the Asian Development Bank OECD Anti-Corruption Initiative for Asia and the Pacific, the regional asset recovery network established by the Financial Action Task Force of South America against Money-Laundering, the Asset Recovery Inter-Agency Network for Asia and the Pacific and the Group of Eight (G-8) asset recovery action plan.

86. Speakers stressed the importance of strengthening confidence and trust and informal cooperation. One speaker underscored the importance of simplifying procedural requirements and lowering evidentiary standards and suggested the development of common standards in that regard.

87. The secretariat also organized a panel discussion on networking for asset recovery. Representatives of Indonesia, Panama and South Africa, as well as INTERPOL and the StAR Initiative, were invited to participate.

88. In the ensuing discussion, many speakers reiterated the importance of the provisions of the Convention on asset recovery as a cornerstone in the fight against corruption. A number of speakers reported on the progress made on the implementation of chapter V of the Convention and on successful cases of asset recovery. However, it was also pointed out that, compared to the total estimate of diverted assets, only limited recoveries had been achieved so far and the amount of returned assets was still insignificant. Therefore, the importance of political will to overcome barriers to asset recovery was recalled, together with the need for States parties to make greater efforts to galvanize mutual trust and confidence among the asset recovery authorities.

89. Many speakers emphasized the importance of networks of asset recovery practitioners, including regional networks, as enabling platforms for rapid communication and exchange of information prior to the submission of formal requests, as centres of excellence in promoting the exchange of experience and good practices, and as facilitators for operational assistance and capacity-building in respect of complex aspects pertaining to proceeds derived from crime. One speaker supported the use of a secure platform for exchange of information on specific ongoing asset recovery cases that could be used as evidence by judicial authorities, and expressed appreciation for the Lausanne process, which in cooperation with ICAR and StAR, identified best practices for the efficient recovery of stolen assets. Some speakers also referred to initiatives such as the Arab Forum on Asset Recovery and the G-8 Deauville Partnership with Arab Countries in Transition, as well as the asset recovery work of the Group of Twenty Anti-Corruption Working Group.

90. Some speakers referred to the legal and institutional framework of their countries for asset recovery, extradition and mutual legal assistance, including domestic legislation and applicable treaties. In that context, the Conference was briefed about legislative measures and initiatives in various national jurisdictions to cope with, among other things, confiscation issues, including value-based confiscation, the enforcement of foreign judgements and the criminal responsibility of legal persons. Ongoing initiatives to upgrade legislation, enhance the

inter-agency institutional framework on asset recovery and upgrade operational capacities to deal with related issues were also reported. Another speaker focused on the issue of the interrelationship between asset recovery and financing of terrorism and expressed his concern about the use of stolen assets to finance terrorist activities.

91. A number of speakers discussed the various legal barriers that impeded cooperation under both chapters IV and V of the Convention. Reference was made, *inter alia*, to the rigid interpretation and application in some cases of the double criminality requirement, as well as bank secrecy regulations that raised obstacles to effective cooperation. One speaker noted that an emerging problem in international cooperation and asset recovery cases that needed to be addressed was a tendency to invoke the political nature of the offences in question, and stressed the significance of article 44, paragraph 4, of the Convention. Another legal challenge with practical implications that was reported was the practice of acquiring double nationality to seek additional protective guarantees against extradition. The delays encountered in the context of traditional mutual legal assistance mechanisms and the management of seized assets were further identified as specific challenges. One speaker referred to the need to tackle the problem of offshore companies and safe haven jurisdictions that could be used to launder stolen assets.

92. In designing and implementing appropriate responses to address the challenges described above, speakers agreed on the need to accord high priority to integrated action and focused initiatives at the legal, operational and programmatic levels. In this connection, one speaker highlighted the adoption of a multi-stakeholder approach that also involved civil society. Another speaker called for the implementation of multidisciplinary policies encompassing interconnected components of prevention and law enforcement, in line with the requirements of the Convention.

93. Speakers reiterated the importance and necessity of technical assistance and capacity-building for effective asset recovery efforts and stressed the importance of providing assistance in a results-oriented and practical manner. Reported initiatives to improve international cooperation included the development and dissemination of technical material and guides, such as the country guides on asset recovery developed by the members of G-8; targeted and focused training for a broad range of national officers, especially those involved in financial investigations; putting in place information technology infrastructure and statistical instruments to track records of requests for the identification, freezing, seizure and confiscation of proceeds of corruption; and the posting of investigators and prosecutors in foreign jurisdictions to enhance communication and facilitate timely responses to relevant requests. Many speakers welcomed the work of the StAR Initiative in accumulating knowledge and making it widely available. It was further underscored that entities such as the Camden Asset Recovery Inter-Agency Network were crucial to exchanges between experts in the field. One speaker called upon relevant organizations and initiatives in support of asset recovery to undertake research activities on the role of civil and administrative authorities in the asset recovery process.

94. One speaker accorded priority to the objective of enhancing the effectiveness of international cooperation mechanisms and, in that connection, underlined the need to hold regular meetings of representatives from the central authorities of

Member States to discuss practical issues, exchange views and experience and share good practices.

## **VII. Other matters**

### **A. Venues for the eighth and ninth sessions of the Conference**

95. At its 10th meeting, on 29 November 2013, the Conference adopted a draft decision sponsored by the United Arab Emirates entitled “Venue for the eighth session of the Conference of the States Parties to the United Nations Convention against Corruption” (CAC/COSP/2013/L.12). In doing so, it welcomed the offer of the Government of the United Arab Emirates to act as host to the eighth session of the Conference, in 2019. (For the text, see chap. I, sect. B, decision 5/2.)

96. At the same meeting, the Conference adopted a draft decision sponsored by Egypt entitled “Venue for the ninth session of the Conference of the States Parties to the United Nations Convention against Corruption” (CAC/COSP/2013/L.14), as orally amended. In doing so, it welcomed the offer of the Government of Egypt to act as host to the ninth session of the Conference, in 2021. (For the text, see chap. I, sect. B, decision 5/3.)

### **B. Status of ratification of the Convention**

97. At its 10th meeting, on 29 November 2013, the Conference considered progress made in the further promotion of ratification or accession to the Convention. The Conference had before it a conference room paper on the status of ratification of the Convention as at 31 October 2013 (CAC/COSP/2013/CRP.1) and another related conference room paper (CAC/COSP/2013/CRP.4) that provided information on the number of reviews performed by each State party during the first review cycle.

### **C. Special events**

98. A number of special events were held in conjunction with the fifth session of the Conference, on the following topics: public interest whistle-blower systems: incentives, protections and new tools; anti-corruption action and the development agenda beyond 2015; fighting corruption through education; constructive public-private partnerships to prevent bribery solicitation: high-level reporting mechanisms; the anti-corruption role of global banks: making the Convention work in practice; the StAR Initiative: seven years of international efforts in support of the recovery of stolen assets; safeguarding against corruption in the context of sporting and other major public events; the future of national anti-corruption strategies in the Arab region; the private sector and risks of corruption; presentation of the guide on judicial and prosecutorial integrity; taking stock of the review process and looking ahead; the legal profession’s contribution to the global fight against corruption; designing corruption out of the system through business-government dialogue and collective action; illicit financial flows; performance, principles and innovations of

asset disclosure systems; possible regulatory measures to enhance the role of the private sector in the fight against corruption in a global business context; legal incentives for promoting corporate integrity and cooperation; why preventing corruption in public procurement systems matters; the Fifth Forum of Parliamentarians and national legislators and international law in the struggle for accountability; the NATO Building Integrity Programme; the human rights case against corruption; IACA anti-corruption training and education; open contracting and lessons learned from development cooperation in terms of building better results through enhanced disclosure and participation; the importance of anti-corruption ethics and compliance: new tools created by UNODC and the development of national strategies to fight corruption by OECD and the World Bank.

## VIII. Action taken by the Conference

99. At its 10th meeting, on 29 November 2013, the Conference adopted the following revised draft resolutions:

(a) “Enhancing the effectiveness of law enforcement cooperation in the detection of corruption offences in the framework of the United Nations Convention against Corruption” (CAC/COSP/2013/L.6/Rev.2), as orally amended, sponsored by the Russian Federation; subsequently, Algeria, China, Egypt, Ghana, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kenya, Lebanon, Morocco and Namibia joined in sponsoring the revised draft resolution. (For the text, see chap. I, sect. A, resolution 5/1);

(b) “Strengthening the implementation of the criminalization provisions of the United Nations Convention against Corruption, in particular with regard to solicitation” (CAC/COSP/2013/L.7/Rev.2), as orally amended, sponsored by France; subsequently, Austria, Costa Rica, the Dominican Republic, Morocco, Panama, the United States and the European Union joined in sponsoring the revised draft resolution. (For the text, see chap. I, sect. A, resolution 5/2);

(c) “Follow-up to the Marrakech declaration on the prevention of corruption” (CAC/COSP/2013/L.5/Rev.1), as orally amended, sponsored by Morocco; subsequently, El Salvador, Egypt, France, Indonesia, Israel, Kenya, the Niger, the Russian Federation and the United States joined in sponsoring the revised draft resolution. (For the text, see chap. I, sect. A, resolution 5/4);

(d) “Promotion of the contribution of young people and children in preventing corruption and fostering a culture of respect for the law and integrity” (CAC/COSP/2013/L.4/Rev.1), as orally amended, sponsored by Austria, Brazil, Chile, Colombia, Costa Rica, El Salvador, Gabon, Mexico, Panama and Peru; subsequently, Argentina, Algeria, Guatemala, Israel, Kenya, Mexico (on behalf of the States Members of the United Nations that are members of the Group of Latin America and Caribbean States), Morocco, Paraguay, the Philippines, the United States and the European Union joined in sponsoring the revised draft resolution. (For the text, see chap. I, sect. A, resolution 5/5);

(e) “Private sector” (CAC/COSP/2013/L.3/Rev.1), as orally amended, sponsored by Panama; subsequently, Argentina, Colombia, Costa Rica, the

Dominican Republic, El Salvador, Guatemala, Mexico (on behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States), Morocco, the Russian Federation, the United States, the European Union and the States Members of the United Nations that are members of the European Union joined in sponsoring the revised draft resolution. (For the text, see chap. I, sect. A, resolution 5/6);

(f) “Facilitating international cooperation in asset recovery” (CAC/COSP/2013/L.11/Rev.1), as orally amended, sponsored by Canada, Egypt, Ghana, Nigeria and the United States; subsequently, Belgium, Burundi, China, the Democratic Republic of the Congo, Haiti, Indonesia, Iraq, Japan, Liechtenstein, Mali, Morocco, the Niger, Switzerland, Tunisia and Uganda joined in sponsoring the revised draft resolution. (For the text, see chap. I, sect. A, resolution 5/3.)

100. At the same meeting, the Conference adopted a draft decision entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption” (CAC/COSP/2013/L.15), submitted by the Vice-President of the Conference and the chair of the informal consultations. (For the text, see chap. I, sect. B, decision 5/1.)

## **IX. Provisional agenda for the sixth session of the Conference**

101. At its 10th meeting, on 29 November 2013, the Conference held a discussion on the draft provisional agenda for its sixth session (CAC/COSP/2013/L.2). A note submitted by Chile, El Salvador, Mexico, Norway, Peru and Switzerland (CAC/COSP/2013/L.13) contained an explanatory memorandum to support the inclusion of an item in the provisional agenda of the sixth session on the role of civil society in the implementation of the Convention, including the participation of non-governmental organizations in mechanisms and bodies established by the Conference. It was proposed that the sixth session of the Conference of the States Parties discuss the role of civil society in the implementation of the Convention and resolve the issue of the participation of non-governmental organizations in the mechanisms and bodies established by the Conference in accordance with article 63 of the Convention.

102. In the ensuing discussion, all speakers agreed that civil society had an important role to play in the fight against corruption, the Conference and its subsidiary bodies.

103. Speakers who supported the inclusion of an additional item in the provisional agenda stressed that the areas under review in the second review cycle had particularly close links with the contributions of civil society, and that their participation in the relevant bodies was therefore necessary. They further highlighted the principle of transparency in the work of the Review Mechanism and subsidiary bodies of the Conference. Other speakers stated that the proposal to include an additional item in the provisional agenda was submitted after the deadline established in rule 51 of the rules of procedure of the Conference. They held that valuable contributions from non-governmental organizations were received under the current arrangements, especially the briefings convened on the margins of the sessions of the Implementation Review Group. They further stated that the work



programme of the Conference should not be overburdened by including more items on an already heavy agenda.

104. As the discussions were not conclusive, the Conference did not adopt the provisional agenda for the sixth session.

## **X. Adoption of the report of the Conference on its fifth session**

105. At its 10th meeting, on 29 November 2013, the Conference adopted the report on its fifth session.

## **XI. Closure of the session**

106. At its 10th meeting, on 29 November 2013, the Conference heard a closing statement of the Executive Director of UNODC as delivered by the Director of the Division for Treaty Affairs, as well as a closing statement by the President of the Conference. The representative of the European Union and the representative of Pakistan also made statements at the closure of the session and asked for them to be recorded (for a summary of those statements see CAC/COSP/2013/INF/3). Owing to a technical problem, other delegations wishing to take the floor were not able to do so.

## Annex

### List of documents before the Conference of the States Parties to the United Nations Convention against Corruption at its fifth session

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2013/1	Provisional agenda and annotations
CAC/COSP/2013/2	Progress made in the implementation of the recommendations of the Open-ended Intergovernmental Working Group on Asset Recovery: selected highlights from two years of asset recovery work under the United Nations Convention against Corruption: background paper prepared by the Secretariat
CAC/COSP/2013/3	Draft outline of the flow of questions and the proposed thematic structure of the revised self-assessment checklist for reviewing chapters II (Preventive measures) and V (Asset recovery) of the Convention: note by the Secretariat
CAC/COSP/2013/4	Selected highlights from two years of technical assistance in support of the implementation of the Convention: note prepared by the Secretariat
CAC/COSP/2013/5	Analysis of technical assistance needs emerging from the reviews: note by the Secretariat
CAC/COSP/2013/6	Implementation of chapter III (Criminalization and law enforcement) of the Convention (review of articles 15-29): thematic report prepared by the Secretariat
CAC/COSP/2013/7	Implementation of chapter III (Criminalization and law enforcement) of the Convention (review of articles 30-39): thematic report prepared by the Secretariat
CAC/COSP/2013/8	Implementation of chapter III (Criminalization and law enforcement) of the Convention (review of articles 40-42): thematic report prepared by the Secretariat
CAC/COSP/2013/9	Implementation of chapter IV (International cooperation) of the Convention (review of articles 44-45): thematic report prepared by the Secretariat
CAC/COSP/2013/10	Implementation of chapter IV (International cooperation) of the Convention (review of articles 46-50)
CAC/COSP/2013/11	Regional implementation of chapter III (Criminalization and law enforcement) of the Convention: report prepared by the Secretariat
CAC/COSP/2013/12	Regional implementation of chapter IV (International cooperation) of the Convention: report prepared by the Secretariat

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2013/13	Progress report on the implementation of the mandates of the Implementation Review Group: note by the Secretariat
CAC/COSP/2013/14	Translating commitment into results: impact of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption: note by the Secretariat
CAC/COSP/2013/15	Resources and expenditures for the functioning of the Review Mechanism: note by the Secretariat
CAC/COSP/2013/16	Compilation of procedural requirements and practice regarding the drawing of lots: note by the Secretariat
CAC/COSP/2013/17- CAC/COSP/WG.4/2013/4	Report on the status of implementation of resolution 4/3, entitled "Marrakech declaration on the prevention of corruption": background paper by the Secretariat
CAC/COSP/WG.4/2013/5	Report on the meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption held in Vienna from 26 to 28 August 2013
CAC/COSP/WG.4/2012/4	Report on the status of implementation of resolution 4/3, entitled "Marrakech declaration on the prevention of corruption": background paper prepared by the Secretariat
CAC/COSP/WG.4/2012/5	Report on the meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption held in Vienna from 27 to 29 August 2012
CAC/COSP/WG.2/2013/3	Progress made in the implementation of asset recovery mandates: note by the Secretariat
CAC/COSP/WG.2/2013/4	Report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 29 and 30 August 2013
CAC/COSP/WG.2/2012/3	Strengthening international asset recovery efforts: progress report on the implementation of asset recovery mandates: note by the Secretariat
CAC/COSP/WG.2/2012/4	Report on the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 30 and 31 August 2012
CAC/COSP/EG.1/2013/2	Progress report on implementing the mandates of the expert group on international cooperation: background document prepared by the Secretariat
CAC/COSP/EG.1/2012/2	Report on the meeting of experts to enhance international cooperation under the Convention held in Vienna on 22 and 23 October 2012
CAC/COSP/2013/L.1 and Add.1-5	Draft report
CAC/COSP/2013/L.2	Provisional agenda for the sixth session of the Conference of the States Parties
CAC/COSP/2013/L.3/Rev.1	Panama: revised draft resolution on the private sector

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2013/L.4/Rev.1	Austria, Brazil, Chile, Colombia, Costa Rica, El Salvador, Gabon, Mexico, Panama and Peru: revised draft resolution on the promotion of the contribution of young people and children in preventing corruption and fostering a culture of respect for the law and integrity
CAC/COSP/2013/L.5/Rev.1	Morocco: revised draft resolution on the follow-up to the Marrakech declaration on the prevention of corruption
CAC/COSP/2013/L.6/Rev.2	Russian Federation: revised draft resolution on enhancing the effectiveness of law enforcement cooperation in the detection of corruption offences in the framework of the Convention
CAC/COSP/2013/L.7/Rev.2	France: revised draft resolution on strengthening the implementation of the criminalization provisions of the Convention, in particular with regard to solicitation
CAC/COSP/2013/L.8	United States of America: draft resolution on international cooperation in asset recovery (superseded)
CAC/COSP/2013/L.9/Rev.1	Chile, El Salvador, Mexico, Norway, Peru and Switzerland: revised draft resolution on the Mechanism for the Review of Implementation of the Convention (withdrawn)
CAC/COSP/2013/L.10	Nigeria: draft resolution on facilitating international cooperation and the return of recovered assets to countries of origin (superseded)
CAC/COSP/2013/L.11/Rev.1	Canada, Egypt, Ghana, Nigeria and United States: revised draft resolution on facilitating international cooperation in asset recovery
CAC/COSP/2013/L.12	United Arab Emirates: draft decision on the venue for the eighth session of the Conference of the States Parties
CAC/COSP/2013/L.13	Note submitted by Chile, El Salvador, Mexico, Norway, Peru and Switzerland: explanatory memorandum to support the inclusion of an item in the provisional agenda of the sixth session of the Conference
CAC/COSP/2013/L.14	Egypt: draft decision on the venue for the ninth session of the Conference
CAC/COSP/2013/L.15	Draft decision submitted by the Vice-President of the Conference and the Chair of the informal consultations on the Review Mechanism
CAC/COSP/2013/INF/1	Information for participants
CAC/COSP/2013/INF/2	Provisional list of participants
CAC/COSP/2013/INF/3	Statements made at the closure of the fifth session of the Conference of the States Parties
CAC/COSP/2013/CRP.1	Status of ratification of the Convention as at 31 October 2013
CAC/COSP/2013/CRP.2	Letter dated 16 June 2013 from the President of the Human Rights Council to the President of the Conference of the States Parties
CAC/COSP/2013/CRP.3	Déclaration à l'occasion de la cinquième session de la Conférence des Etats Parties
CAC/COSP/2013/CRP.4	Status of ratifications and reviews performed

<i>Symbol</i>	<i>Title or description</i>
CAC/COSP/2013/CRP.5	Competent national authorities under the Convention
CAC/COSP/2013/CRP.6	Draft revised self-assessment checklist for the second cycle of the Review Mechanism
CAC/COSP/2013/CRP.7	State of implementation of the Convention: criminalization, law enforcement and international cooperation
CAC/COSP/2013/CRP.8	Russian Anti-Corruption Charter for Business
CAC/COSP/2013/CRP.9	Panama declaration
CAC/COSP/2013/CRP.10	Digest of asset recovery cases
CAC/COSP/2013/CRP.11	Italian asset recovery tools and procedures: a practical guide for international cooperation
CAC/COSP/2013/CRP.12	Results of the meeting on anti-corruption strategies held in Kuala Lumpur on 21 and 22 October 2013
CAC/COSP/2013/NGO/1	Statement submitted by the UNCAC Coalition, a non-governmental organization not in consultative status with the Economic and Social Council
CAC/COSP/2013/NGO/2	Statement submitted by Transparency International, a non-governmental organization in consultative status with the Economic and Social Council
CAC/COSP/2013/NGO/3-13	Documents submitted by Transparency International, a non-governmental organization in consultative status with the Economic and Social Council