



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

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## Ninth session

Sharm el-Sheikh, Egypt, 13–17 December 2021

### Draft report

*Rapporteur:* Pierre Bertels (Belgium)

## I. Introduction

1. In its resolution 58/4, the General Assembly adopted the United Nations Convention against Corruption. The Convention entered into force on 14 December 2005. In 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.

## II. Organization of the session

### A. Opening of the session

2. The Conference held its ninth session in Sharm el-Sheikh, Egypt, from 13 to 17 December 2021. The Conference had resources at its disposal to provide for 20 meetings with interpretation into the official languages of the United Nations.
3. The outgoing President of the Conference, Harib Saeed al-Amimi (United Arab Emirates), made an opening statement.
4. The Conference viewed a video entitled “Road from Abu Dhabi to Sharm el-Sheikh”.
5. The President of the Conference at its ninth session, Hassan Abdelshafy Ahmed Abdelghany (Egypt), made an opening statement.
6. The Conference viewed a video message from the Secretary-General of the United Nations.
7. In her opening statement, the Executive Director of the United Nations Office on Drugs and Crime (UNODC), inter alia, highlighted that corruption undermined development, security and the rights of everyone and that it eroded public trust in systems and institutions. She noted that a lack of transparency and accountability in institutions denied people equal access to justice and to health, protection and other services and stressed that corruption infiltrated public procurement, destroyed competition, raised costs and compromised service delivery, while also affecting private sector development and growth. Moreover, the Executive Director stressed that the coronavirus disease (COVID-19) pandemic had underlined the negative



impact of corruption on societies. She emphasized the need for resolute political will from leaders and Governments to take the steps needed to fight corruption and to mobilize the necessary resources. She highlighted the important roles played by law enforcement authorities, supreme audit institutions, financial investigation units, the judiciary and parliaments in countering corruption, and the need to foster greater international cooperation. She noted that, as the custodian of the Convention against Corruption, UNODC had supported 120 countries in developing strong laws, policies and capacities against corruption. She referred to the recently launched Global Operational Network of Anti-Corruption Law Enforcement Authorities (Globe Network) and urged States parties to engage with the World Bank and UNODC Stolen Asset Recovery (StAR) Initiative. The Executive Director stressed the importance of contributions of other stakeholders, including civil society and the private sector, who had a key role and responsibility in preserving integrity. Moreover, she stressed that women were affected disproportionately by corruption and bribery. She highlighted the need to educate children and young people on integrity and ethics and, in that regard, noted that UNODC was launching a new education initiative, the Global Resource for Anti-Corruption Education and Youth Empowerment (GRACE) initiative, at the present session of the Conference. She highlighted several UNODC initiatives and publications on gender, health, responses to COVID-19 and safeguarding sport from corruption, among others. The Executive Director expressed her appreciation to the Administrative Control Authority, the Ministry for Foreign Affairs and the many other partners in Egypt that had worked with UNODC to make the session possible.

8. The Conference viewed a video about the work of the Administrative Control Authority of Egypt.

9. In his opening statement, the Prime Minister of Egypt, Mostafa Kamal Madbouly, described the Conference as the most important platform for exchanging best practices to combat corruption and stressed that combating corruption was a pivotal issue that overlapped with all aspects of development. He stressed that Egypt had made tremendous efforts to combat corruption, starting with the 2014 Constitution, which guaranteed the independence of oversight bodies and obligated State institutions to develop a national strategy to fight corruption. He indicated that corruption greatly affected quality of life; therefore, Egypt had worked on improving the living conditions of its citizens. It had adopted a comprehensive national programme for economic reform in 2016 and had implemented national projects to improve citizens' lives. Egypt had also launched several social programmes to support the social groups most in need and had launched the presidential initiative "Decent Life" to improve the lives of nearly 60 million people in rural areas, at a value of \$45 billion. Moreover, it had provided for development in unsafe and unplanned slums and had expanded coverage of water and sewerage systems. Moreover, in 2021, Egypt had launched the National Strategy for Human Rights 2021–2026, which put combating corruption, strengthening governance and the promotion of integrity among its priorities. He mentioned that the establishment of the new administrative capital had also been a catalyst for administrative reform. He added that Egypt had taken measures to empower youth and women politically, socially and economically and was working to create a new generation of youth who rejected corruption. He reaffirmed that Egypt was committed to regional and international cooperation in preventing and combating corruption and sought to exchange experiences and knowledge with other countries in that field and stressed that the Conference would take important decisions at its ninth session that would strengthen the fight against corruption in the world.

## **B. Election of officers**

10. At its 1st meeting, on 13 December 2021, the Conference elected by acclamation Hassan Abdelshafy Ahmed Abdelghany (Egypt) as President of the Conference.

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

*Vice-Presidents:* Aftab Ahmad Khokher (Pakistan)  
Dominika Krois (Poland)  
María Andrea Matamoros (Honduras)

*Rapporteur:* Pierre Bertels (Belgium)

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

12. Also at its 1st meeting, the Conference adopted the following agenda for its ninth session:

1. Organizational matters:
  - (a) Opening of the ninth 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. Follow-up to the special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation.
8. Other matters:
  - (a) Implementation of article 63, paragraphs 4 (c) and (d), of the Convention, concerning cooperation with relevant international and regional organizations and mechanisms and non-governmental organizations and making appropriate use of relevant information produced by other international and regional mechanisms for combating and preventing corruption in order to avoid unnecessary duplication of work;
  - (b) Status of ratification of and notification requirements under the Convention;
  - (c) Any other matters.
9. Provisional agenda for the tenth session.
10. Adoption of the report.

## D. Attendance<sup>1</sup>

13. The following States parties to the Convention were represented at the ninth session of the Conference: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Eswatini, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, Nicaragua, Nigeria, North Macedonia, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Sweden, Switzerland, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

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

15. The following Secretariat units, United Nations entities, 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: Department of Operational Support, Economic Commission for Africa, Economic and Social Commission for Western Asia, United Nations Interregional Crime and Justice Research Institute, Office of the United Nations High Commissioner for Human Rights, Department of Political and Peacebuilding Affairs, World Health Organization, United Nations Development Programme, Basel Institute on Governance, Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, International Centre for Criminal Law Reform and Criminal Justice Policy, Naif Arab University for Security Sciences and World Bank.

16. The following intergovernmental organizations were represented by observers: African Development Bank Group, African Union Commission, Ban Ki-moon Centre for Global Citizens, Central Asian Regional Information and Coordination Centre, Cooperation Council for the Arab States of the Gulf, Council of Europe, Eurasian Development Bank, European Bank for Reconstruction and Development, Group of States against Corruption of the Council of Europe, International Anti-Corruption Academy, International Criminal Police Organization (INTERPOL), International Development Law Organization, Inter-Parliamentary Union, Islamic Development Bank Group, League of Arab States, Organisation for Economic Co-operation and Development, Parliamentary Assembly of the Mediterranean, Regional Anti-Corruption Initiative, Executive Committee of the Commonwealth of Independent States and World Customs Organization.

<sup>1</sup> The information on attendance as presented in the present advance version of the report on the ninth session of the Conference of the States Parties to the Convention has been prepared on the basis of the registrations received from delegations. In the final version of the report, the information on attendance will be updated on the basis of the list of delegates who participated in the session.

17. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: Action citoyenne pour l'information et l'éducation au développement durable, Action pour l'éducation et la promotion de la femme, Africa Network for Environment & Economic Justice, Ltd/Gte, Africa Youths International Development Foundation, African Heritage and Global Peace Initiative, Americans for Democracy & Human Rights in Bahrain, Inc., Appui solidaire pour le renforcement de l'aide au développement, Arab Organization for Human Rights, Article 19: International Centre against Censorship, Asia Crime Prevention Foundation, Association of the Bar of the City of New York, Association pour la promotion de la lutte contre les violences faites aux femmes et la participation au développement de la femme africaine, Bureau pour la croissance intégrale et la dignité de l'enfant, Centre for Civil and Political Rights, Civil Society Legislative Advocacy Centre, Club Ohada Thiès, Construisons ensemble le monde, Earth (Empathetic Activism Related to Humanity), Empower, Fundación Multitudes, Global Organization of Parliamentarians against Corruption, HEDA Resource Centre, House of Jacobs International, Human Rights Association for Community Development in Assiut, Institute for Security Studies, International Association of Judges, IAP-International Association of Prosecutors, International Bar Association, International Foundation for Electoral Systems, Joseph Adedayo Foundation, Maat for Peace, Development and Human Rights Association, New Line Social Organization, Nigeria-Togo Association, Organização das Famílias da Ásia e do Pacífico, Oyoun Center Foundation for Studying and Developing Human Rights and Democracy in Assuit, Pakistan Institute of Legislative Development and Transparency (PILDAT), Partners for Transparency, Peace Worldwide, People of Good Heart, Social Watch/Contrôle citoyen au Bénin, Soroptimist International, United Nations of Youth Network – Nigeria, Universal Peace Federation, Stichting Wildlife Justice Commission, World Society of Victimology and Youth Competence Center.

18. 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 those other relevant non-governmental organizations. The following other relevant non-governmental organizations were represented by observers at the ninth session of the Conference: Yuksalish Movement, Accountability Lab, Africa Freedom of Information Centre, Africa Open Data and Internet Research Foundation, African Parliamentarians Network against Corruption, Aid Foundation, Alliance of NGOs on Crime Prevention and Criminal Justice, Anti-Corruption Trust of Southern Africa, Anti-Corruption Protocol to the United Nations Convention against Corruption Coalition, Asociación Civil Japiqay, Memoria y Ciudadanía, International Association for Community Development, Association for Emancipation, Solidarity and Equality of Women, Association of Anti-Bribery Management System Practitioners – Malaysia, Association for Children Management on Human Rights, Tunisian Association of Public Auditors, AWTAD Anti-Corruption Organization, Balm for the Bruised Foundation, Botswana Centre for Public Integrity, Bureau de liaison avec le Parlement de la Conférence Episcopale Nationale du Congo, Center to Combat Corruption and Cronyism, Cameroon Anti-Corruption Youths Movement, Caroline Wambui Gacheru Foundation, Centre for Development and Democratization of Institutions, Centre for Natural Resource Governance, Centre for Youth Initiative on Self Education, CHALLENGES: Action for Sustainable Development, Civil Forum for Asset Recovery, Comisión Uruguaya de Lucha contra la Corrupción, Contraloría Ciudadana para la Rendición de Cuentas, Development Watch Network, Developmental Partnership Group, Due Process of Law Foundation, Egyptian Union for Development and Social Protection Policies, Equipo Latinoamericano de Justicia y Género, Eurasia Foundation of Central Asia – Tajikistan, the Bulletin of Anti-Corruption Expert Review (Expertiza), Family Therapy Association of the Gambia, Foundation for Democratic Process, Freedom of Expression Institute, Fundación Ciudadanía y Desarrollo, Gherbal Initiative, Government Accountability Project, House of Africa, Humanitarian Legal Center,

I Watch, Improve Your Society Organization, Impunidad Cero, Indonesia Business Links, Initiative for Research, Innovation and Advocacy in Development, Initiative pour un Co-développement avec le Niger, Instituto Brasileiro de Governança Corporativa, Global Compact Network in Brazil, International Anticorruption Media, International Association of Anti-Corruption Authorities, International Federation of Accountants, International Fishermen Development Trust, International Foundation for African Children, Jolly Friends Foundation, Jordan Transparency Center, Journalists for Human Rights, KARIS Family Development and Resource Centre, Kuwait Transparency Society, Legal Analysis and Research Public Union, Ligue Comorienne de l'Anti-corruption et de la Transparence, Macedonian Center for International Cooperation, Mzalendo Trust, Nyman Gibson Miralis, Observatoire de Lutte contre la Corruption et les Malversations Economiques, Open Contracting Partnership, Open Data Charter, Organisation Tchadienne Anti-Corruption, Palestinian Academy for Integrity, Pan African Lawyers Union, Pay No Bribe Animators Sierra Leone, Policy Alert - Grassroots People Empowerment Foundation, Progress Integrated Community Development Organisation, Progressive Center for Equality, Symbiosis and Solidarity, Rapha International, Rule of Law and Anti-Corruption Center, Sinar Project, Spectrum – Sustainable Development Knowledge Network, Stichting Kennis: Knowledge for Safety and Good Governance, Strength in Diversity Development Centre, Studies and Economic Media Center, Sustainable Social Development Organization, Tanzania Anti-Corruption Network, Technologies for Economic Development, Daphne Caruana Galizia Foundation, Global Initiative against Transnational Organized Crime, Network for Affirmation of the NGO Sector, Missionaries of Africa, Tojil, Transparency International. Transparency Justice, Transparency Mauritius, Transparency Maroc – Association marocaine de lutte contre la corruption, Uganda Road Sector Support Initiative, Ukrainian League of Lawyers for Corruption Combating, UNCAC Coalition, Coalition for Integrity and Accountability, United for the Protection of Human Rights Advocacy Network - Sierra Leone, United Youth for Growth and Development, University of Technology Sydney, Veille Citoyenne, World Economic Forum, Youth Against Corruption and the Zimbabwe Coalition on Debt and Development.

## **E. Participation of observers**

19. At its 1st meeting, on 13 December 2021, the President recalled that, according to rule 16 of the rules of procedure for the Conference, subject to prior written notification to the Secretary-General, representatives of entities and organizations that had received a standing invitation from the General Assembly to participate as observers in the sessions and work of all international conferences convened under its auspices, representatives of United Nations bodies, specialized agencies and funds, as well as representatives of functional commissions of the Economic and Social Council, were entitled to participate as observers in the deliberations of the Conference. Such entities and organizations, inter alia, could attend the plenary meetings of the Conference, deliver statements at such meetings at the invitation of the President, receive the documents of the Conference and submit their views in writing to the Conference.

20. The President recalled that rule 17, paragraph 1, of the rules of procedure provided that relevant non-governmental organizations having consultative status with the Economic and Social Council could apply to the Bureau for observer status, which should be accorded unless otherwise decided by the Conference. In addition, rule 17, paragraph 2, of the rules of procedure provided that other relevant non-governmental organizations could also apply to the Bureau for observer status. Accordingly, the secretariat circulated a list of relevant non-governmental organizations not having consultative status with the Economic and Social Council that had expressed interest in participating in the Conference and had applied for observer status. The President noted that invitations had been sent by the secretariat after the completion of that procedure to all relevant non-governmental organizations to the participation of which no objections were received.



21. The President informed the Conference that objections had been received to the participation of nine non-governmental organizations in the session of the Conference and that, in line with rule 17 of the rules of procedure and the past practice of the Conference, the Bureau of the Conference would consider the matter at its 1st meeting, on Monday, 13 December 2021.

22. Furthermore, the President proposed that, in line with a discussion held during the meeting of the extended Bureau of the Conference on 24 November, item 1 (d) of the agenda, entitled "Participation of observers", be reopened on Wednesday, 15 December 2021, in the morning, as a first matter of business. The President informed the Conference that he would provide the Conference with further information on the deliberations of the Bureau at that stage. In addition, the President noted that he had made that proposal in the spirit of inclusiveness, especially in view of the hybrid nature of the session, given the situation arising from the COVID-19 pandemic. The President referred to the high level of interest among delegations on the item and expressed his wish to ensure that all participants wishing to speak on the matter, both in person and online, had the opportunity to do so, so as to ensure the equal treatment of all States parties participating in the Conference.

23. At its 6th meeting, on 15 December 2021, the President informed the Conference that the extended Bureau had considered, at its meetings on 13 and 14 December 2021, the matter of the objections received from States to the participation of nine non-governmental organizations.

24. On the matter of the objection to the participation of the Libyan Transparency Association, the Bureau had recommended that the objection be upheld. The President informed the Conference that, in the past, objections raised in view of the national legal status of non-governmental organizations had been upheld by the Conference. The Conference decided to uphold the objection to the participation of the Libyan Transparency Association.

25. On the matter of objections raised by Turkey to the participation in the Conference of eight non-governmental organizations not having consultative status with the Economic and Social Council, the President informed the Conference that, at its meeting on 14 December 2021, the Bureau had recommended that the Conference defer the decision on the participation of those eight non-governmental organizations not having consultative status with the Council that was objected to by Turkey and to start a process as soon as possible to discuss the issue, taking as much time as needed to find consensus. The Bureau had also recommended that the process should lead to the establishment of a mechanism, with the participation of all States parties, that would resolve the issue of the participation of non-governmental organizations not having consultative status with the Council in the future.

26. The representative of Turkey expressed appreciation for the timely and comprehensive reports on the meetings of the extended Bureau. He underlined that his Government was not targeting anyone and that it was not against non-governmental organizations, but that blanket approval could not be given to all of them. His Government expected all States parties to understand the serious security concern of his Government and noted that his Government would continue its fight against the Fethullah Gulen terrorist organization and other terrorist organizations. He reiterated his Government's objection to the participation of the eight non-governmental organizations, as set out in letters dated 28 October and 24 November 2021. Moreover, he noted that his delegation had registered its position in the context of its national statement and had replied to the statements made by some delegations. He recalled and reiterated his delegation's request that the letters of his delegation dated 28 October and 24 November 2021 be published as conference room papers and attached to the report of the Conference on the present session. Furthermore, he noted that he would transmit the proposal of the Bureau to his capital and revert as necessary.

27. The representative of Slovenia, representing the Presidency of the European Union, expressed support for the recommendation of the extended Bureau, which was

the only compromise possible in connection with the participation of non-governmental organizations not in consultative status with the Economic and Social Council. She noted that she had not been given the opportunity to make a statement on Monday, despite having raised her country name plate.

28. The representative of Slovenia, representing the Presidency of the European Union, made a joint statement on behalf of the following States parties to the Convention: Albania, Australia, Bosnia and Herzegovina, Canada, Chile, European Union and its member States, Honduras, Liechtenstein, Montenegro, North Macedonia, Norway, Switzerland, the United Kingdom and the United States. She noted that non-governmental organizations played a key role in supporting the global fight against corruption. It was therefore crucial that the Conference engage with a wide range of civil society organizations and that diverse voices be heard, in order to strengthen the implementation of the Convention and to ensure that States parties were capable of addressing current and future challenges in the fight against corruption. The principles of inclusivity and transparency were at the core of the Conference and its work. She stated that the expertise and voices of civil society were needed during the sessions. She noted that, for those reasons, States had always supported the widest participation of relevant civil society and non-governmental organizations in the sessions of the Conference. However, there was concern that the work of the Conference was being undermined by a few countries blocking the accreditation of non-governmental organizations that had a proven track record of working on issues demonstrably relevant to the objective and purpose of the Convention. That had become a worrying pattern that went against the spirit of cooperation and genuine partnership required to fulfil the aims of the Convention.

29. The representative of the United States expressed regret that the objections had been submitted to the Bureau and, through the Bureau, to the Conference, without meeting a threshold standard of adequate proof to support the decision, which undermined trust in the current process. He noted that the United States understood the importance of including non-governmental organizations in the Conference as observers that had acted in good faith to assist States parties in their endeavours to achieve the aims of the Convention. His Government also understood the need for a mechanism to permit States parties to raise their well-founded objections when an entity seeking approval to participate as an observer had not met that standard of good faith. He noted that the system was built on trust that all participants, non-governmental organizations, the media, academia and Governments would act reasonably and in good faith. He stressed that, at the Conference, it must be ensured that, where entities had acted in good faith and on reasonable grounds, appropriate measures were taken to protect such entities from any unjustified treatment. One of his Government's many goals was to further cooperation with non-governmental organizations; the Conference should not be used as a tool to have a negative impact on such cooperation. He expressed regret that a number of States parties had used the session of the Conference to further interests that were outside the scope of the Convention. He recalled that, at the eighth session of the Conference, the participation of four non-governmental organizations had been objected to with no evidence of bad faith or unreasonable conduct. At the present session, the same State party had objected to eight non-governmental organizations, without providing the other parties to the Conference evidence of bad faith or unreasonable conduct by the entities in question, none of which operated within the territory of the objecting State. He noted that, as States parties to the world's first global treaty against corruption, it was time for Governments to move beyond the fear of public criticism by civil society. Each Government was represented at the Conference because it had admitted – by virtue of having signed a treaty with 189 other States parties – that they could not effectively combat corruption in isolation. Any proposal to exclude civil society was inconsistent with the spirit and the purpose of the Convention. Integrity Initiatives International was a non-governmental organization based in the United States and a strong advocate for global anti-corruption efforts. Its voice at the Conference would provide a meaningful contribution to collective dialogue. For those reasons, the United States remained concerned about the request to block the application of those



non-governmental organizations to participate as observers. The representative appealed for the objections to be withdrawn and for the Conference to proceed in the constructive environment of transparency and collective effort that the signatories to the treaty had intended. Should that not be the will of the objecting State party, the United States would support deferring the matter without a decision to the next session of the Conference and using the intersessional period to establish a clear process consistent with the aims of the Convention and the terms and conditions unique to it.

30. The delegate speaking on behalf of the European Union and its member States expressed support for the joint statement made by the representative of Slovenia, who had delivered a statement on behalf of 41 States parties to the Convention. He noted that the European Union had always supported the widest participation of relevant civil society and non-governmental organizations in sessions of the Conference and expressed deep concern that the objections raised by Turkey to a considerable number of non-governmental organizations would seriously impede those efforts. He noted that upholding the objections would set a dangerous precedent, as none of the non-governmental organizations were based in the country that was objecting to them. He stressed that any Government had a legitimate right and responsibility to fight terrorism. Such efforts, however, needed to be undertaken in accordance with the rule of law, human rights and fundamental freedoms. Any measures taken to counter terrorism must comply with States' other obligations under international law and observe the principle of proportionality. In that context, the European Union had serious concerns in relation to the objection of Turkey to the participation of eight non-governmental organizations, none of which were based in Turkey, as entities and/or individuals supportive of terrorism. He urged the Conference not to uphold the objections raised by Turkey against the participation of those non-governmental organizations in the session of the Conference.

31. The representative of the Russian Federation noted that, when creating the Convention, there was no ambiguity in allowing for the active participation of non-governmental organizations in the work of Conference. He noted that the rules of procedure for the Conference clearly determined the order for the participation of non-governmental organizations in its work and recalled that those rules had been adopted by consensus, including by those States parties that were present at the Conference. He noted that no new problem or issue had emerged and also noted that his Government did not agree with the recommendation of the Bureau on establishing a mechanism, since such a mechanism already existed. He stressed that States parties had a right, as enshrined in the rules of procedure, to express objections to the participation of non-governmental organizations and that there was no requirement for States parties to justify their objections to the Conference. He stressed that the existing order for admitting non-governmental organizations did not require any changes to the rules of procedure.

32. The representative of Australia referred to the invaluable role played by civil society, the private sector and the media in preventing and combating corruption and expressed her Government's long-standing support of civil society's engagement in multilateral forums, including the Conference. She noted that it was important to ensure the broadest possible participation of civil society organizations in the work of the Conference, which was a forum to improve capacity and enhance cooperation in achieving the objectives of the Convention, and that the deliberations of the Conference were improved by the participation of non-governmental organizations.

33. The representative of Romania reiterated his Government's deep concern regarding the decision of the Government of Turkey to object to the participation in the Conference of eight non-governmental organizations, one of which – Expert Forum – was based in Bucharest, on the basis that it was considered as “supportive of terrorism”, without providing any substantiating evidence and against the assessment of Romania as the organization's country of operation. He pointed out that, while every State had the legitimate right and responsibility to fight terrorism, such an unfounded accusation could put individuals and entities at risk and deprive

the Conference of valuable input. The representative reminded the Conference that, as a State member of the European Union, Romania strongly encouraged a vibrant dialogue between representatives of Government and citizens. The representative provided detailed information on the work of Expert Forum and asked for a decision allowing Expert Forum to participate in the Conference. Pending further instructions from the capital, Romania considered that deferring such decision for as much time as needed, as proposed by the extended Bureau, could lead to unreasonable delays.

34. The representative of the Islamic Republic of Iran welcomed the participation in the Conference of relevant non-governmental organizations, in line with the rules of procedure, the established practice of the Conference and article 13 of the Convention. He noted that, although he did not have a comment on the participation of some non-governmental organizations, it was the sovereign right of States parties to make objections in accordance with rule 17 of the rules of procedure, which were clear in that, if there was no objection, observer status should be accorded, unless otherwise decided by the Conference. He also noted that the rules of procedure did not specify that States parties had to provide reasons for their objections. The representative noted that his Government did not support the establishment of a mechanism and that it was not in a position to agree to an amendment to the rules of procedure.

35. The representative of China noted that, although the issue of participation of non-governmental organizations had been discussed for a long time, no solution had been reached. He noted that there had been no statements opposing the participation of non-governmental organizations in principle and that States parties supported the participation of non-governmental organizations in line with the rules of procedure. China did not oppose the participation of any non-governmental organizations in the session, while emphasizing that States parties should be able to exercise their obligation to express concern. He noted that the matter was important and that a long-term solution should be identified. He expressed support for the recommendation of the Bureau to continue discussions to find an effective long-term solution.

36. Several speakers noted that their Governments associated themselves with the statement delivered by the representative of the European Union and its member States, as well as other States, and expressed support for the constructive and comprehensive recommendation of the Bureau of the Conference. Several speakers noted that the allegations against the non-governmental organizations in question, which were located in their countries, were unfounded.

37. Several speakers expressed serious concerns regarding the objections and noted that upholding those objections would set a dangerous precedent. They stressed their Governments' support for the widest participation of civil society and non-governmental organizations in the work of the Conference. Several speakers referred to the essential role of non-governmental organizations in terms of ensuring accountability and democracy. Reference was made to the fact that non-governmental organizations needed independent access to information and resources. Several speakers noted that the participation of non-governmental organizations was essential to the success of the Conference. One speaker referred to the different interpretations of the rules of procedure.

38. Representatives of a number of non-governmental organizations made statements in support of the participation of non-governmental organizations in the Conference, raised concerns with regard to the exclusion of non-governmental organizations and encouraged the Conference not to uphold the objections received.

39. The President noted that, while there was agreement to defer the decision on the participation of the eight non-governmental organizations not in consultative status with the Economic and Social Council, consensus had not been reached on the establishment of a mechanism.

40. The President proposed to the Conference the holding of informal consultations and the continuation of discussions on the issue during the intersessional period, in order to facilitate consensus in the future and identify a long-term, institutional solution so as not to bring the issue to future sessions of the Conference, which might impair the ability of the Conference to address other issues. The Conference agreed to the proposal by the President.

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

41. 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.

42. The President informed the Conference that the Bureau had considered the matter of credentials at its meetings on 13 and 14 December 2021.

43. At its meeting on 13 December, the Bureau had considered the matter of credentials submitted by Myanmar. On the basis of information provided through the Secretary by the Office of Legal Affairs of the Secretariat on the practice of other United Nations bodies in similar situations to which competing credentials were submitted, the Bureau had agreed to recommend not to accredit at that stage any delegate for Myanmar and to recommend to the Conference that it defer a decision on the credentials of Myanmar, pending guidance from the Credentials Committee of the General Assembly.

44. In addition, in view of the information provided by the secretariat on the matter of credentials from Afghanistan, the Bureau had agreed to recommend to the Conference that the credentials of Afghanistan be accepted.

45. At its meeting on 14 December, the Bureau considered the matter of submission of credentials in the form of scanned copies by email. As agreed by the Bureau, the secretariat had sought the guidance of the Office of Legal Affairs. The Bureau had agreed to follow the practice established in the context of the General Assembly and other United Nations conferences, at which the Credentials Committee had, as a matter of practice, accepted copies of formal credentials (including scanned copies received electronically) and notes verbales from permanent missions indicating the names of representatives on the understanding that the formal credentials would be communicated to the Secretary-General as soon as possible. Furthermore, the Bureau had taken note of the practice established in the context of the General Assembly and other United Nations conferences for instances in which a permanent mission submitted formal credentials and then submitted provisional credentials, such as in the form of a note verbale from the permanent mission, in order to communicate the names of additional delegates. The practice in those cases was that all those communications were made available to the members of the relevant Credentials Committee for their consideration.

46. The Bureau informed the Conference that, of the 154 States parties that had registered for the ninth session, 111 States were in compliance with the credentials requirements, 22 States parties had only submitted credentials in electronic form and 21 States parties had not submitted credentials. In cases where only copies of credentials had been received, delegations were reminded and requested to submit the originals to the secretariat in Vienna as soon as possible.

47. The President emphasized that it was the obligation of each State party to submit the credentials of representatives, in accordance with rule 18, and called upon those

States parties that had not yet done so to provide the secretariat with original credentials as soon as possible but not later than 13 January 2022.

48. The Conference adopted the report of the Bureau on credentials at its [...] meeting, on [...] December 2021.

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