



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

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### Item 2 of the provisional agenda\*

Review of the implementation of the United Nations  
Convention against Corruption

## Parameters for defining the review mechanism for the United Nations Convention against Corruption

Background paper prepared by the Secretariat

### I. Introduction

1. The Conference of the States Parties to the United Nations Convention against Corruption was established, in accordance with article 63 of the Convention, 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. Pursuant to article 63, paragraph 5, of the Convention, the Conference is to acquire the necessary knowledge of the measures taken by States parties in implementing the Convention – and the difficulties encountered by them in doing so – through information provided by them and through such supplemental review mechanisms as may be established by the Conference.

2. In its resolution 1/1, the Conference agreed on the need to establish an appropriate and effective mechanism to assist in the review of the implementation of the Convention. In the same resolution, the Conference underlined the following characteristics that the review mechanism should have: (a) it should be transparent, efficient, non-intrusive, inclusive and impartial; (b) it should not produce any form of ranking; (c) it should provide opportunities to share good practices and challenges; and (d) it should complement existing international and regional review mechanisms in order for the Conference to cooperate with them as appropriate and to avoid duplication of effort.

3. To assist it in reaching a decision on the matter, the Conference established an open-ended intergovernmental working group. In a meeting held in Vienna from

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\* CAC/COSP/2008/1.



29 to 31 August 2007, the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption deliberated on a range of proposals that the Conference might wish to further consider. Those proposals are reflected in the report on the meeting of the Working Group (CAC/COSP/2008/3).

4. To further assist the Conference in deciding on a feasible and appropriate review mechanism, the Working Group requested that the Secretariat prepare for the Conference a report containing a comparative analysis of methods employed by existing regional or sectoral mechanisms, based on an overview of those mechanisms that had been prepared by the Secretariat (CAC/COSP/2006/5 and Corr.1). The analysis was to include conclusions on whether such mechanisms could contribute to the performance by the Conference of its mandate to review the implementation of the Convention.

5. The present paper contains information concerning mechanisms used to review the implementation of the Organization for Economic Cooperation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the Asian Development Bank/OECD Anti-Corruption Action Plan for Asia and the Pacific, the Council of Europe anti-corruption instruments, the Inter-American Convention against Corruption and the African Union Convention on Prevention and Combating Corruption. In respect of global instruments, the paper summarizes methods used for reviewing the international drug control treaties, instruments for the protection of the ozone layer and human rights instruments.

6. The present paper also contains suggestions on areas of possible cooperation with existing regional and international mechanisms.

## **II. Methods employed by existing implementation review mechanisms**

7. The review mechanisms discussed below are grouped by the scope of the respective instruments: (a) regional or sectoral; or (b) global.

### **A. Regional or sectoral instruments**

8. The implementation review mechanisms of the following regional or sectoral instruments were examined:

(a) *Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*:<sup>1</sup>

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|-------------------------|--|
| (i) Entry into force:   | 1999   |
| (ii) Number of parties: | 37   |
| (iii) Review body:      | Working Group on Bribery (established in 1994) |

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<sup>1</sup> *Corruption and Integrity Improvement Initiatives in Developing Countries* (United Nations publication, Sales No. E.98.III.B.18).

- (iv) Composition: all parties to the Convention
- (v) Meetings: five times a year
- (vi) Methodology: The Working Group follows an elaborate sequence of monitoring procedures, which is divided into two phases. The first phase evaluates whether implementing legislation is in compliance with the standards set by the Convention. Countries provide information by means of a detailed questionnaire. A team of lead examiners and the secretariat can solicit further information. The second phase reviews implementation on the basis of a more detailed follow-up questionnaire and country visits.

Draft reports are prepared by the secretariat using the information provided and are discussed with lead examiners and with the Government under review. The Government is entitled to present observations, which, to the extent possible, are reflected in the final report presented to the plenary.

Informal consultations between examiners, representatives of the Government concerned and the secretariat precede the plenary session of the Working Group, with the aim of clarifying misunderstandings and, if possible, resolving areas of disagreement. During the reading of the report in the plenary session, examiners make their case, the Government can respond and other members of the Working Group can give their opinion, ask questions or raise further issues. The process is based on peer review and creates an opportunity for Governments to learn from the experiences and approaches of others.

(b) *Asian Development Bank and Organization for Economic Cooperation and Development Anti-Corruption Action Plan for Asia and the Pacific:*

- (i) Entry into force: launched in 2001 (not legally binding)
- (ii) Number of members: 27
- (iii) Review body: Asian Development Bank/OECD Anti-Corruption Initiative for Asia and the Pacific (established in 1999)
- (iv) Composition: steering group comprising all 27 members
- (v) Meetings: once or twice a year
- (vi) Methodology: Monitoring of the implementation of the Action Plan takes stock of measures, institutions and

legislation, and is based on a mutual review of information provided in self-assessment reports at steering group meetings. The results of the reviews are used as benchmarks to assess progress and developments. The stocktaking reports are updated regularly on the basis of information provided by States and thus make it possible to evaluate progress made by endorsing countries in implementing the principles and standards of the Action Plan over time. Every Government joining the Initiative commits to undergoing such a review.

(c) *Criminal Law Convention on Corruption*:<sup>2</sup>

- (i) Entry into force: 2002
- (ii) Number of parties: 37
- (iii) Review body: Group of States against Corruption (GRECO)
- (iv) Composition: plenary of all 46 member States
- (v) Meetings: 3-5 plenary meetings a year
- (vi) Methodology: Compliance is monitored through a process of mutual evaluation and peer review. The evaluation procedures involve the collection of information through questionnaires, country visits and the drafting of evaluation reports. Those reports, which are examined and adopted by GRECO in plenary meetings, contain recommendations for the evaluated Governments on how to improve their level of compliance with the provisions under consideration. Measures taken to implement those recommendations are subsequently assessed by GRECO under a separate compliance procedure. All members are evaluated within a single evaluation round. The themes to be covered and the provisions to be evaluated within each round are decided by GRECO. Members are called upon to implement the recommendations made within a fixed period of time.

(d) *Additional Protocol to the Criminal Law Convention on Corruption*:<sup>2</sup>

- (i) Entry into force: 2005
- (ii) Number of parties: 19
- (iii) Review body: same as in paragraph 8 (c), above

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<sup>2</sup> The anti-corruption standard-setting instruments of the Council of Europe include as well the Twenty Guiding Principles for the Fight against Corruption; Recommendation No. R(2000) 10 on codes of conduct for public officials; and Recommendation No. R(2003) 4 on common rules against corruption in the funding of political parties and electoral campaigns.

- (iv) Composition: same as in paragraph 8 (c), above
- (v) Meetings: same as in paragraph 8 (c), above
- (vi) Methodology: same as in paragraph 8 (c), above
- (e) *Civil Law Convention on Corruption*:<sup>2</sup>
- (i) Entry into force: 2003
- (ii) Number of parties: 28
- (iii) Review body: same as in paragraph 8 (c), above
- (iv) Composition: same as in paragraph 8 (c), above
- (v) Meetings: same as in paragraph 8 (c), above
- (vi) Methodology: same as in paragraph 8 (c), above
- (f) *Inter-American Convention against Corruption*:<sup>3</sup>
- (i) Entry into force: 1997
- (ii) Number of parties: 33
- (iii) Review body: Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (established in 2001), which is composed of two bodies: the Conference of the States Parties and the Committee of Experts
- (iv) Composition: The Conference of the States Parties comprises representatives of all the States parties; the Committee of Experts is made up of experts appointed by each State party.
- (v) Meetings: decided each year
- (vi) Methodology: The Conference of the States Parties has the authority and general responsibility for implementing the Mechanism; and the Committee of Experts is the body responsible for the technical analysis of how States implement the Convention. The review process is divided into phases and starts with the completion of a questionnaire designed by the Committee of Experts and the submission of supporting documents by all participating States. On the basis of that information, the secretariat prepares a preliminary report and submits it to sub-groups<sup>4</sup> for review by Government-appointed experts. During the review process, the experts collectively assess each State's

<sup>3</sup> E/1996/99.

<sup>4</sup> The States that comprise the review sub-groups are selected according to a detailed methodology. Within each sub-group there must be at least one State that shares the same legal tradition as the State under review.

performance on the basis of collected data and make recommendations for action. The findings are presented to the plenary of the Committee of Experts, where the country reports are approved.

(g) *African Union Convention on Preventing and Combating Corruption and African Peer Review Mechanism of the New Economic Partnership for Africa's Development:*

- (i) Entry into force: 2006
- (ii) Number of parties: 24
- (iii) Review body: Advisory Board (not yet operational)
- (iv) Composition: 11 members, who are elected by the Executive Council of the African Union and serve for a two-year period that may be renewed once
- (v) Meetings: to be determined
- (vi) Methodology: States parties are required to report to the Advisory Board on their progress in implementing the Convention within a year after the entry into force of the instrument and thereafter on an annual basis through reports by national anti-corruption authorities to the Board. The Board is required to report to the Executive Council regularly on the progress made by each State party in complying with the provisions of the Convention. As of the date of issue of the present document, the review process had not yet commenced.

The African Union has set in motion another governance review process under its New Partnership for Africa's Development, the African Peer Review Mechanism. Each of the 23 participating States completes a self-assessment questionnaire and prepares a draft national action plan, which ultimately results in a background document identifying the major governance challenges facing that State. This is followed by country review visits and the compilation of a country report containing an analysis and recommendations for improving governance to be reviewed by the African Peer Review Panel, which in turn makes recommendations to the African Peer Review Forum. At the Forum fellow Heads of State discuss the action plan that has been recommended.

## B. Global instruments

9. The global instruments and mechanisms examined included the following international drug control treaties:

(a) *Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol*:<sup>5</sup>

- (i) Entry into force: 1975
- (ii) Number of parties: 183
- (iii) Review body: International Narcotics Control Board (established in 1968)
- (iv) Composition: 13 members, who are elected by the Economic and Social Council and serve in a personal capacity for a period of five years<sup>6</sup>
- (v) Meetings: three a year
- (vi) Methodology: The International Narcotics Control Board reviews the drug control situation and evaluates measures taken by Governments and progress in their treaty compliance on the basis of information provided by Governments, United Nations bodies and specialized agencies or other competent international organizations. Governments are requested to complete questionnaires. The Board maintains a permanent dialogue with Governments to assist them in complying with their obligations under the treaties and recommends, where appropriate, technical or legal assistance to be provided. The Board also conducts an annual evaluation of the implementation of its recommendations pursuant to country visits. The Board provides regular reports to the Economic and Social Council.

(b) *Convention on Psychotropic Substances of 1971*:<sup>7</sup>

- (i) Entry into force: 1976
- (ii) Number of parties: 183
- (iii) Review body: same as in paragraph 9 (a), above
- (iv) Composition: same as in paragraph 9 (a), above
- (v) Meetings: same as in paragraph 9 (a), above

<sup>5</sup> United Nations, *Treaty Series*, vol. 976, No. 14152.

<sup>6</sup> Three members possessing medical, pharmacological or pharmaceutical experience are elected from a list of persons nominated by the World Health Organization and 10 members are elected from a list of persons nominated by Governments.

<sup>7</sup> United Nations, *Treaty Series*, vol. 1019, No. 14956.

- (vi) Methodology: same as in paragraph 9 (a), above
- (c) *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988*:<sup>8</sup>
  - (i) Entry into force: 1990
  - (ii) Number of parties: 183
  - (iii) Review body: same as in paragraph 9 (a), above
  - (iv) Composition: same as in paragraph 9 (a), above
  - (v) Meetings: same as in paragraph 9 (a), above
  - (vi) Methodology: same as in paragraph 9 (a), above

10. The following global instruments for the protection of the ozone layer were also examined:

- (a) *Vienna Convention for the Protection of the Ozone Layer*:<sup>9</sup>
  - (i) Entry into force: 1988
  - (ii) Number of parties: 191
  - (iii) Review body: Conference of the Parties to the Vienna Convention
  - (iv) Composition: all parties to the Convention
  - (v) Meetings: Meetings are usually held biannually, in conjunction with meetings of the implementation review body of the Montreal Protocol on Substances that Deplete the Ozone Layer. The Committee meets three times a year.
  - (vi) Methodology: Compliance by parties is monitored in a peer review process by an Implementation Committee, with the party under review participating in the relevant meeting of the Committee. An Executive Committee of seven developed and seven developing countries, chosen by the parties on an annual basis and in accordance with a balanced geographical representation, reviews the report of the Implementation Committee.

A trust fund finances attendance by developing countries at meetings, provides grants and finances programmes to assist in identifying needs for cooperation, to facilitate technical cooperation to meet those needs, to distribute information and relevant materials and to hold workshops, training sessions and other related activities. The Executive Committee develops and monitors the

<sup>8</sup> Ibid., vol. 1582, No. 27627.

<sup>9</sup> Ibid., vol. 1513, No. 26164.

implementation of operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the fund.<sup>10</sup>

(b) *Montreal Protocol on Substances that Deplete the Ozone Layer*:<sup>11</sup>

- (i) Entry into force: 1989
- (ii) Number of parties: 191
- (iii) Review body: Meeting of the Parties to the Montreal Protocol, supported by the Implementation Committee
- (iv) Composition: 10 parties to the Montreal Protocol, selected on the basis of equitable geographical distribution
- (v) Meetings: same as in paragraph 10 (a), above
- (vi) Methodology: same as in paragraph 10 (a), above

11. The global instruments and mechanisms examined included the following international human rights instruments:

(a) *International Convention on the Elimination of All Forms of Racial Discrimination*:<sup>12</sup>

- (i) Entry into force: 1969
- (ii) Number of parties: 173
- (iii) Review body: Committee on the Elimination of Racial Discrimination<sup>13</sup> (established in 1969)
- (iv) Composition: independent experts possessing recognized competence in the area of human rights, who are nominated or elected by States parties
- (v) Meetings: usually twice a year
- (vi) Methodology: States must submit an initial report, usually one year after acceding to the treaty, and then report periodically in accordance with the provisions of the treaty (usually every 4-5 years). In addition to the Government report, the treaty bodies may receive information on a country's human rights situation from other sources, including non-governmental organizations, United Nations agencies, other intergovernmental organizations,

<sup>10</sup> In addition, a range of international organizations supports the implementation of the Montreal Protocol through technical assistance to developing countries to comply with treaty obligations; they include the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank.

<sup>11</sup> United Nations, *Treaty Series*, vol. 1522, No. 26369.

<sup>12</sup> United Nations, *Treaty Series*, vol. 660, No. 9464.

<sup>13</sup> The Committee is supported by the Office of the United Nations High Commissioner for Human Rights.

academic institutions and the press. In the light of all the information available, the Committee examines the report together with Government representatives. Based on this “constructive dialogue”, the Committee publishes its concerns and recommendations. The Committee has adopted guidelines on the form and content of the reports to assist States parties with the preparation of the reports.

The process of preparing the country reports is at the same time an opportunity for Governments to take stock of the state of human rights protection within their jurisdiction for the purpose of policy planning and implementation.

(b) *International Covenant on Civil and Political Rights*:<sup>14</sup>

- (i) Entry into force: 1976
- (ii) Number of parties: 160
- (iii) Review body: Committee on Human Rights<sup>15</sup> (established in 1976)
- (iv) Composition: same as in paragraph 11 (a), above
- (v) Meetings: same as in paragraph 11 (a), above
- (vi) Methodology: same as in paragraph 11 (a), above

(c) *Convention on the Elimination of All Forms of Discrimination against Women*:<sup>16</sup>

- (i) Entry into force: 1981
- (ii) Number of parties: 185
- (iii) Review body: Committee on the Elimination of Discrimination against Women (established in 1982)
- (iv) Composition: same as in paragraph 11 (a), above
- (v) Meetings: same as in paragraph 11 (a), above
- (vi) Methodology: same as in paragraph 11 (a), above

(d) *International Covenant on Economic, Social and Cultural Rights*:<sup>17</sup>

- (i) Entry into force: 1976
- (ii) Number of parties: 157

<sup>14</sup> General Assembly resolution 2200 A (XXI), annex.

<sup>15</sup> The Committee is supported by the Office of the United Nations High Commissioner for Human Rights.

<sup>16</sup> United Nations, *Treaty Series*, vol. 1249, No. 20378.

<sup>17</sup> General Assembly resolution 2200 A (XXI), annex.

- (iii) Review body: Committee on Economic, Social and Cultural Rights<sup>18</sup> (established in 1987)
- (iv) Composition: same as in paragraph 11 (a), above
- (v) Meetings: same as in paragraph 11 (a), above
- (vi) Methodology: same as in paragraph 11 (a), above
- (e) *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*:<sup>19</sup>
- (i) Entry into force: 1987
- (ii) Number of parties: 145
- (iii) Review body: Committee against Torture<sup>20</sup> (established in 1987)
- (iv) Composition: same as in paragraph 11 (a), above
- (v) Meetings: same as in paragraph 11 (a), above
- (vi) Methodology: same as in paragraph 11 (a), above
- (f) *Convention on the Rights of the Child*:<sup>21</sup>
- (i) Entry into force: 1990
- (ii) Number of parties: 193
- (iii) Review body: Committee on the Rights of the Child<sup>22</sup> (established in 1990)
- (iv) Composition: same as in paragraph 11 (a), above
- (v) Meetings: same as in paragraph 11 (a), above
- (vi) Methodology: same as in paragraph 11 (a), above
- (g) *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*:<sup>23</sup>
- (i) Entry into force: 2002
- (ii) Number of parties: 119
- (iii) Review body: same as in paragraph 11 (f), above
- (iv) Composition: same as in paragraph 11 (a), above
- (v) Meetings: same as in paragraph 11 (a), above
- (vi) Methodology: same as in paragraph 11 (a), above

<sup>18</sup> The Committee is supported by the Office of the United Nations High Commissioner for Human Rights.

<sup>19</sup> General Assembly resolution 39/46, annex.

<sup>20</sup> The Committee is supported by the Office of the United Nations High Commissioner for Human Rights.

<sup>21</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>22</sup> The Committee is supported by the Office of the United Nations High Commissioner for Human Rights.

<sup>23</sup> United Nations, *Treaty Series*, vol. 2173, No. 27531.

(h) *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*:<sup>24</sup>

- (i) Entry into force: 2002
- (ii) Number of parties: 124
- (iii) Review body: same as in paragraph 11 (f), above
- (iv) Composition: same as in paragraph 11 (a), above
- (v) Meetings: same as in paragraph 11 (a), above
- (vi) Methodology: same as in paragraph 11 (a), above

(i) *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*:<sup>25</sup>

- (i) Entry into force: 2003
- (ii) Number of parties: 37
- (iii) Review body: Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>26</sup> (established in 2004)
- (iv) Composition: same as in paragraph 11 (a), above
- (v) Meetings: same as in paragraph 11 (a), above
- (vi) Methodology: same as in paragraph 11 (a), above

### **III. Analysing existing methods for reviewing implementation**

#### **A. Common denominators in reviewing implementation**

12. Although the mechanisms discussed above apply a variety of methods for reviewing the implementation of the respective instruments, the following common elements can be identified:

(a) *Self-assessment*. Most implementation review processes have an initial step in which countries assess their own implementation efforts. That can be done through the completion of questionnaires, self-assessment reports or the preparation of less-structured country reports. Those documents are submitted by the countries to the respective secretariats;

(b) *Review*. The next step is usually a review that is carried out by the secretariat; by peers in a plenary review; by smaller working groups or committees, composed of designated or elected experts or a group of peers; or any combination of the foregoing;

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<sup>24</sup> Ibid., vol. 2171, No. 27531.

<sup>25</sup> General Assembly resolution 45/158, annex.

<sup>26</sup> The Committee is supported by the Office of the United Nations High Commissioner for Human Rights.

(c) *Dialogue.* Many of the review mechanisms allow for dialogue during which questions can be asked and clarifications can be sought while the review process is under way. The dialogue is led either by the respective secretariat or by the reviewing experts and/or peers;

(d) *Other information.* Some review mechanisms consider information obtained from intergovernmental and non-governmental organizations in the review process. In some cases, the reviewers can consider information obtained from open sources. In all cases, the additional information forms part of the dialogue between reviewers and the country under review and is subject to validation as part of the process;

(e) *Country visits.* Some mechanisms include country visits, either to all countries (as is the case with the OECD Working Group on Bribery and with GRECO of the Council of Europe) or only when further clarification is sought (as is the case with the International Narcotics Control Board). Different procedures apply to the country visits, which are mainly conducted by the secretariat together with a reviewing team of experts and/or peers;

(f) *Benchmarking and identifying technical assistance needs.* In several review mechanisms, the outcome of the review is used by the country under review to establish benchmarks against which it can measure its own progress in implementing the relevant instruments. At the same time, such benchmarks assist the State in assessing what has been achieved, what still needs to be accomplished and where assistance is required in addressing those needs;

(g) *Technical assistance.* Some review mechanisms establish close links between the review process and technical assistance. That is specifically a strong element in the instruments for the protection of the ozone layer, where technical assistance financed through a designated trust fund encourages developing countries to join the treaty regime.

## **B. Cooperation with regional and sectoral review mechanisms**

13. Despite the fact that the existing regional and sectoral review mechanisms have a limited scope compared with the United Nations Convention against Corruption, some of them have been operational either regionally or substantively for several years and there are relevant lessons that can be drawn from the methods used, as discussed above. At the same time, the various existing mechanisms have at their disposal a wealth of substantive information that will be of importance when reviewing the implementation of certain provisions and measures relevant to the Convention against Corruption.

14. The most pragmatic approach to incorporating such information into the review process for the Convention against Corruption would be for experts responding to requests for information – be it by way of the self-assessment checklist or in response to clarifications sought in the context of a dialogue, if that method is chosen – to use information already provided to other existing mechanisms to the extent possible and when relevant to the Convention review process. Doing so will avoid duplication and will ensure that contradictory information is not provided to different bodies. While the Conference may wish to

encourage such an approach, the decision would need to be left to the discretion of the country concerned, with no decision of the Conference being required in this regard.

15. As a further step, the Conference may wish to decide on assigning a proactive role to the review mechanism with respect to soliciting information from other review mechanisms, as applicable and relevant to the review of the implementation of the Convention against Corruption. To the extent that such information is not publicly accessible, as will be the case for supporting information such as legislation, that would require a commitment by the regional and sectoral mechanisms to make that information available to the review mechanism of the Convention.

16. Another matter is the use of “processed” information from other existing mechanisms, meaning analysis and findings emanating from existing review bodies. Caution would be required when considering how those findings could be used in the context of reviewing the Convention against Corruption. More specifically, attention would need to be given to the legitimacy that such findings, which would have been made by another review mechanism with a more limited geographical reach, would have in the context of a global mechanism.

#### **IV. Defining parameters for the review mechanism for the United Nations Convention against Corruption**

17. The Conference took an important decision at its first session by agreeing to establish an appropriate and effective mechanism to assist it in the review of the implementation of the Convention against Corruption. The Conference has already identified a number of attributes that the review mechanism should have, namely that it should be transparent, efficient, non-intrusive, inclusive and impartial. In addition, it should not produce any form of ranking, it should provide opportunities to share good practices and challenges and it should complement existing regional and international review mechanisms.

18. The Conference is now well placed to work towards elaborating concrete processes that will make those attributes functional. The international community has high expectations that the Conference will take a clear step forward in further describing the review mechanism for the Convention.

19. When considering how to define the parameters of the review mechanism, the Conference may wish to draw inspiration from some of the common elements found in many of the existing regional, sectoral and global review mechanisms outlined above. Some further considerations on those elements are as follows:

(a) *Self-assessment.* The Conference decided at its first session to use the self-assessment checklist as a tool for gathering information. The response rate to the checklist has been high and, while improvements can be made, it seems to be a tool that is user-friendly, specifically when gathering information on the legislative steps taken by countries. However, it presents some limitations when more complex information is sought, for example on provisions such as article 5, on anti-corruption strategies. To address those shortcomings, the Conference may wish to devote attention to the level of detail that an improved version of the checklist

might include. In that connection, the Conference may wish to refer to the relevant recommendations of the Working Group on Technical Assistance, especially the recommendation on the development of a comprehensive, software-based checklist (CAC/COSP/2008/5, paras. 38-46);

(b) *Review*. The information collected through the self-assessment checklist was reviewed in accordance with the relevant resolution of the Conference and a report containing an analysis of that information is before the Conference. All of the existing review mechanisms outlined above, be they regional, sectoral or global, enrich the analysis of information by the Secretariat by adding reviews by groups of experts, committees or groups of peers. Some of the smaller bodies conduct their peer reviews in plenary sessions. For a body the size of the Conference, such an approach presents practical difficulties and entails the risk of deliberations being at best superficial, thus producing little or no benefit for States;

(c) *Dialogue*. As already mentioned, the responses to the self-assessment checklist were analysed by the Secretariat as received. Often responses were not complete and a process of constructive dialogue could have brought clarification and provided additional information where required. Whatever decision the Conference takes on the terms of reference of the review mechanism, dialogue emerges as a key component that will ensure full respect of the ownership of the review process by States, as envisaged by the Convention. The dialogue can be between the Secretariat and the country concerned, or it can involve experts and peer reviewers;

(d) *Cooperation with existing review mechanisms*. With respect to cooperation with regional and sectoral mechanisms, the Conference may wish to consider in particular how it foresees that the information available from existing review mechanisms will be taken into account for the review of implementation of the Convention against Corruption. If a decision is taken to consider such information, specific attention should be devoted to the ability of the countries under review to comment on that additional information through a process of dialogue;

(e) *Country visits*. The approach taken by existing review mechanisms with regard to country visits ranges from no visits at all to visits only where necessary to compulsory country visits. The Conference may wish to focus on what it would regard as the added value of on-site visits;

(f) *Benchmarking and technical assistance*. Any self-assessment process, whether implicit or explicit, is a stocktaking exercise and will thus result in some form of benchmarking. That could be enhanced through the development of action plans by the country being reviewed. In that context, the strong link that the Convention against Corruption has established between reviewing implementation and technical assistance comes into play. Technical assistance is an integral part of the Convention and the Conference should thus explore how the review mechanism could best benefit countries that identify gaps in their implementation of the Convention and needs for assistance to address those gaps.

20. A group of countries are testing, on a limited voluntary basis, all the above methods for reviewing the Convention against Corruption. Despite the limited time available for the pilot review process, the participating countries have drawn conclusions and compiled suggestions based on lessons learned from the pilot

programme, and that information is being presented to the Conference (CAC/COSP/2008/9). While it is hoped that those experiences will be useful in assisting the Conference in developing a full-fledged review mechanism, it is also recognized that there is a need for further guidance from the Conference.

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