



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

Distr.: General  
22 July 2010

Original: English

**Report of the Implementation Review Group on its first  
session, held in Vienna from 28 June to 2 July 2010**

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## I. Resolution adopted by the Implementation Review Group

1. At its first session, held in Vienna from 28 June to 2 July 2010, the Implementation Review Group adopted the following resolution:

### Resolution 1/1

#### **Resource requirements for the functioning of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption for the biennium 2012-2013**

*The Implementation Review Group,*

*Recalling* resolution 3/1 of 13 November 2009, entitled “Review mechanism”, of the Conference of the States Parties to the United Nations Convention against Corruption, in which the Conference underlined that the Mechanism for the Review of Implementation of the United Nations Convention against Corruption would require a budget that ensured its efficient, continued and impartial functioning,

*Recalling also* General Assembly resolution 64/237 of 24 December 2009, in paragraph 17 of which the Assembly requested the Secretary-General to ensure that the mechanism for the review of implementation of the United Nations Convention against Corruption<sup>1</sup> was adequately funded, in line with Conference resolution 3/1,

*Recalling* that the programme budget implications of General Assembly resolution 64/237 in terms of requirements for posts and related general operating expenses of the Review Mechanism, as well as for the Implementation Review Group, were included in the programme budget for the biennium 2010-2011,

*Recalling also* that in its resolution 3/1 the Conference requested the Secretary-General to propose to the Implementation Review Group, for its consideration and decision at its first meeting, further means of funding the implementation of the Review Mechanism,

*Recalling further* that in its resolution 3/1, the Conference decided that the Implementation Review Group should consider the resource requirements for the functioning of the Review Mechanism for the biennium 2012-2013, and requested the Secretary-General to prepare, for the first meeting of the Group, a proposed budget for the Mechanism for the biennium 2012-2013,

1. *Welcomes* the voluntary contributions received so far, which cover partially the operational requirements of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption for the biennium 2010-2011, including the costs of communication and translation from and into the working language or languages of the Mechanism designated for individual reviews, travel and daily subsistence allowance for representatives of least developed countries to attend the annual sessions of the Implementation Review Group, training and general operating expenses, as well as country visits, joint meetings in Vienna, and translation and interpretation into languages other

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

than the six working languages of the Mechanism, if requested by a State party under review;

2. *Recommends* that the budgetary requirements of the Review Mechanism and its secretariat for the biennium 2012-2013 be funded from the regular budget of the United Nations in accordance with the terms of reference of the Mechanism;<sup>2</sup>

3. *Requests* the Secretary-General to include in his proposals for the programme budget for the biennium 2012-2013 the budgetary requirements necessary for the full functioning of the Review Mechanism, including posts and related general operating expenses, costs of communication and translation from and into the working language or languages of the Mechanism designated for individual reviews, functioning of the Group and participation by least developed countries in its sessions in accordance with the estimates contained in the note by the Secretary-General on resource requirements for the functioning of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption for the bienniums 2010-2011 and 2012-2013,<sup>3</sup> but excluding the proposed line items for country visits and training, submitted to the Group at its first session;

4. *Requests* the United Nations Office on Drugs and Crime, in accordance with the terms of reference of the Review Mechanism, to seek voluntary contributions to cover costs of the Mechanism not covered by the regular budget;

5. *Expresses the wish* that the General Assembly and its competent bodies give favourable consideration to the proposal of the Secretary-General submitted pursuant to paragraph 3 above.

## II. Introduction

2. In its resolutions 1/1, 2/1 and 3/1, the Conference of the States Parties to the United Nations Convention against Corruption recalled article 63 of the Convention, in particular paragraph 7, according to which the Conference would establish, if it deemed it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.

3. In its resolution 3/1, the Conference adopted the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (contained in the annex to the resolution) and the draft guidelines for governmental experts and the secretariat in the conduct of country reviews and the draft blueprint for country review reports (contained in the appendix to that annex), which would be finalized by the Implementation Review Group.

4. Pursuant to paragraph 42 of the terms of reference of the Review Mechanism, the Implementation Review Group shall be an open-ended intergovernmental group of States parties and shall operate under the authority of and report to the Conference. Pursuant to paragraph 44 of the terms of reference, the functions of the Group shall be to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in

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<sup>2</sup> CAC/COSP/2009/15, chap. I, sect. A, resolution 3/1, annex.

<sup>3</sup> CAC/COSP/IRG/2010/5.

order to ensure effective implementation of the Convention. Pursuant to paragraph 43 of the terms of reference, the Group shall hold meetings at least once a year in Vienna.

5. Also in its resolution 3/1, the Conference decided that the Implementation Review Group should be in charge of following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance.

6. In its resolution 3/4, entitled “Technical assistance to implement the United Nations Convention against Corruption”, the Conference took note of the recommendations of the Open-ended Intergovernmental Working Group on Technical Assistance contained in the report of the Secretariat on the work of that Working Group (CAC/COSP/2009/8).

### **III. Organization of the session**

#### **A. Opening of the session**

7. The Implementation Review Group held its first session in Vienna from 28 June to 2 July 2010.

8. The 1st to 5th meetings of the session were chaired by Elizabeth Verville (United States of America), Vice-President of the Conference, and the 6th to 10th meetings were chaired by Taous Feroukhi (Algeria), Vice-President of the Conference. In her introductory remarks at the 1st meeting, the Chair highlighted that the Review Mechanism was the fruit of the same constructive and positive spirit that had guided the negotiation of the Convention itself. She urged all States to work together in a similar manner for the implementation of the Review Mechanism.

9. At the invitation of the Chair, the Officer-in-Charge of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime (UNODC) took the floor. Noting that Conference resolution 3/1 marked the culmination of almost two years of negotiation by the Conference and its Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption, he pointed out that the work of the Review Mechanism would forge partnerships and foster dialogue among States. He called on States to rise to the challenge and show that they were serious about combating corruption and about assisting each other in doing so.

10. The Secretary of the Conference welcomed the fact that over 800 nominations of experts from 94 States parties had been received. He suggested that the drawing of lots be conducted manually since the available software solutions for random selection could not take into account all the parameters required in the terms of reference.

11. The representative of the States parties to the Convention that are members of the Group of 77 and China highlighted the international importance of the review process. She stressed the features of the Review Mechanism with regard to assisting States parties and stressed the goals and guiding principles of the Mechanism, particularly with regard to technical assistance. While welcoming voluntary contributions, she reiterated the view of the Group of 77 and China that the Review

Mechanism should be funded through the regular budget of the United Nations. She proposed that the Implementation Review Group should start as from its first session to examine procedures for gathering information on technical assistance requirements.

12. The representative of Spain, speaking on behalf of the European Union and Albania, Armenia, Bosnia, Croatia, Liechtenstein, Montenegro, Norway, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, welcomed the Review Mechanism and the establishment of the Implementation Review Group. All the European Union States were committed to ensuring the participation of civil society and the private sector, accepting country visits and publishing country reports. He encouraged States parties to avoid deferring participation in the process and repetition of the drawing of lots. He conveyed the support of the European Union for the active work to ensure that the future requirements of the Review Mechanism would be funded through the regular budget of the United Nations.

13. The representative of Costa Rica, speaking on behalf of the States parties to the Convention that are members of the Group of Latin American and Caribbean States, welcomed the Review Mechanism and reiterated its goals and guiding principles. He highlighted the need for timely compliance with its requirements. He encouraged States parties to submit their technical assistance needs through the self-assessment checklist and was of the view that the Secretariat should submit periodic reports on technical assistance to the Implementation Review Group in order to systematically identify regional and thematic tendencies. The speaker highlighted the need to be able to rely on resources from the regular budget of the United Nations in order to ensure financing of the Review Mechanism in a transparent and sustainable manner, as agreed in the terms of reference adopted by the Conference at its third session, held in Doha from 9 to 13 November 2009. States parties should learn from the experience of follow-up mechanisms of regional anti-corruption instruments and establish collaboration with them from the beginning.

14. The Minister for Institutional Transparency and the Fight against Corruption of the Plurinational State of Bolivia welcomed the launching of a methodologically sound, knowledge-based review mechanism that enabled follow-up on national anti-corruption efforts among equal peers. She reported on anti-corruption action taken by her Government, including the adoption of a new Constitution that placed high emphasis on the matter, the adoption and implementation of new anti-corruption legislation, the creation of dedicated institutions and the Government's full commitment to international cooperation in criminal matters. She further referred to the participation of her country in the pilot programme for the review of implementation of the Convention and in regional anti-corruption efforts.

15. Speakers welcomed the launching of the Review Mechanism as an important step in ensuring the full implementation of the Convention and expressed their full commitment to the work of the Mechanism. They highlighted the fundamental agreement that was reached in Doha, pointing out that the Review Mechanism was the first peer-review mechanism ever established for a United Nations convention, and reiterated the goals and guiding principles of the Mechanism.

16. Speakers recognized that governmental experts should receive comprehensive training for the conduct of reviews and reiterated that technical assistance was accorded high priority in the framework of the Review Mechanism. One speaker referred to the importance of confidentiality of information as set out in the terms of reference. Some speakers reported on national and regional anti-corruption efforts, including efforts for the ratification of the Convention, the adoption of policies for its implementation and participation in regional anti-corruption initiatives.

17. Speakers highlighted the important tasks lying ahead for the Implementation Review Group. They pointed out that the guidelines for governmental experts and the secretariat in the conduct of country reviews and the blueprint for country review reports were important documents for guiding the work of the Review Mechanism. They further recalled Conference resolution 3/1, in which the Conference had adopted the two documents and had given the Group a mandate to finalize them.

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

18. At its 1st meeting on 28 June 2010, the Implementation Review Group adopted the following agenda:

1. Organizational matters:
  - (a) Opening of the meeting;
  - (b) Adoption of the agenda and organization of work.
2. Guidelines for governmental experts and the secretariat and blueprint for country review reports.
3. Country reviews:
  - (a) Drawing of lots;
  - (b) Organization and schedule of reviews.
4. Resource requirements for the Mechanism.
5. Technical assistance.
6. Provisional agenda for the second meeting of the Implementation Review Group.
7. Other matters.
8. Adoption of the report of the Implementation Review Group on its first meeting.

19. At the 1st meeting, the Group decided to conduct its first session as a closed session excluding all but representatives of States parties, the European Union, States signatories, States represented by observers and Palestine. It also decided to discuss participation of observers under agenda item 7 (“Other matters”).

## C. Attendance

20. The session was attended by representatives of the following States parties to the Convention: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Croatia, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Greece, Guatemala, Guinea-Bissau, Haiti, Hungary, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Montenegro, Morocco, Netherlands, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.
21. The European Union, a regional economic integration organization that is a party to the Convention, was also represented at the session.
22. The following States signatories to the Convention were represented by observers: Bahrain, Côte d'Ivoire, Czech Republic, Germany, India, Ireland, Japan, Liechtenstein, Sudan, Syrian Arab Republic and Thailand.
23. The following States were also represented by observers: Andorra and Oman.
24. Palestine, an entity maintaining a permanent observer mission to the United Nations, was also represented by an observer.
25. The following Secretariat units, United Nations bodies, 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 at the 1st meeting: United Nations Development Programme, World Food Programme, United Nations Commission on International Trade Law, World Bank and the Basel Institute on Governance.
26. The following intergovernmental organizations were also represented by observers at the 1st meeting: Asian Development Bank, Asian-African Legal Consultative Organization, Council of Arab Ministers of Interior, Council of Europe, Ibero-American Legal Assistance Network (IberRed), International Association of Anti-Corruption Authorities, International Organization for Migration, Offshore Group of Banking Supervisors, Organization for Economic Cooperation and Development and World Customs Organization.
27. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented by an observer at the 1st meeting.

#### **IV. Guidelines for governmental experts and the secretariat and blueprint of country review reports**

28. For its consideration of agenda item 2, the Group had before it a note by the Secretariat on the guidelines for governmental experts and the secretariat in the conduct of country reviews (CAC/COSP/2010/2) and a proposal submitted by China and the Russian Federation. In its resolution 3/1, the Conference adopted the draft guidelines for governmental experts and the secretariat in the conduct of country reviews and the draft blueprint for country review reports, which would be finalized by the Group. The note by the secretariat had been prepared with a view to ensuring the consistency of the guidelines and the blueprint with the terms of reference adopted by the Conference in its resolution 3/1.

29. In finalizing the guidelines, the understanding of the Group was that paragraphs 24-29 addressed further means of direct dialogue, which according to paragraph 29 of the terms of reference was optional.

30. Informal consultations were held on 29 and 30 June 2010, led by the representative of Peru, to consider the section of the draft guidelines entitled "Specific guidance". The outcome of those consultations was submitted to the Group.

31. The guidelines for governmental experts and the secretariat in the conduct of country reviews and the blueprint for country review reports and executive summaries, as finalized by the Group, are contained in annex I to the present report.

#### **V. Country reviews**

32. The selection of the States parties to be reviewed was carried out pursuant to paragraph 3 of Conference resolution 3/1 and paragraph 14 of the terms of reference of the Review Mechanism. Lots were drawn to select the States parties to be reviewed in each of the first four years of the first review cycle.

33. The number of States parties from each regional group to be reviewed in each year was proportionate to the size of that regional group and the number of its members which were parties to the Convention (see annex II). The Group was of the understanding that States ratifying or acceding to the Convention after the drawing of lots would be reviewed in the fifth year of the review cycle.

34. According to paragraph 14 of the terms of reference of the Review Mechanism, any State party selected for review in a given year may, with a reasonable justification, defer participation to the following year of the review cycle. The States parties selected for reviews that were in attendance were asked to indicate whether they wished to exercise that right. Selected States parties not in attendance would be notified by the secretariat of their selection and allowed a reasonable time frame for exercising their right to defer. When a selected State party exercised its right to defer, the States parties from the same regional group selected to be reviewed the following year were invited to indicate whether they wished to take the place of the deferring State party. The Group was of the understanding that if no State party volunteered to advance its review, the review of the deferring State party would be added to the reviews already scheduled for the following year.



35. Before the drawing of lots, the Secretary of the Conference placed the ballots into boxes in the presence of the Group. For each regional group, the lots were drawn by two representatives of that group. The Group of African States was represented by Ethiopia and Uganda; the Group of Asian States by Maldives and the Republic of Korea; the Group of Eastern European States by Lithuania and the Russian Federation; the Group of Latin American and Caribbean States by El Salvador and Venezuela (Bolivarian Republic of); and the Group of Western European and others States by Spain and the United States.

36. The selection of the reviewing States parties was carried out pursuant to paragraph 3 of Conference resolution 3/1 and paragraphs 18-21 of the terms of reference of the Review Mechanism. Lots were drawn to select the reviewing States parties for the first year of the first review cycle. For each State party selected to be reviewed, one of the two reviewing States was selected from the same regional group and the second reviewing State was selected from a pool of all States parties.

37. According to paragraph 21 of the terms of reference of the Review Mechanism, reviewing States parties shall appoint up to 15 governmental experts for the purpose of the review process. At the time of the drawing of lots, 94 States parties had submitted lists of experts. It was agreed that the secretariat would set an appropriate deadline for the remaining States parties to comply with their obligation.

38. According to paragraph 19 of the terms of reference of the Review Mechanism, the State party under review may request, a maximum of two times, that the drawing of lots be repeated. In exceptional circumstances, the drawing of lots may be repeated more than twice. The Group was of the understanding that a request by a State party to have the drawing of lots repeated because the State party or States parties selected to review it had not complied with paragraph 21 of the terms of reference constituted such an exceptional circumstance.

39. For States parties exercising their right to defer to the following year their participation as a State party under review pursuant to paragraph 14 of the terms of reference of the Review Mechanism, the selection of the reviewing States would be carried out at the time of drawing of lots for that year. In cases where a State party volunteered to advance its review in order to take the place of a deferring State party, the drawing of lots of the reviewing States was repeated.

40. The Group requested the secretariat to inform the States parties selected as reviewing States for 2010 to indicate within two weeks after the drawing of lots their readiness to conduct the review and submit their list of governmental experts. If requested by the State party under review, the drawing of lots would be repeated.

41. The secretariat was requested to repeat, if required and as appropriate after the two-week period had expired, the drawing of lots for the reviewing States with the participation of the States parties concerned through their permanent missions.

42. The Group requested the secretariat to inform those States parties selected for review during the first year of the cycle but not present at the session that they should indicate within two weeks after the drawing of lots their readiness for such a review.

43. A similar procedure was adopted for the selection of the reviewing States parties as for the selection of the States parties to be reviewed. The Secretary of the

Conference placed the ballots into boxes in the presence of the Group. The same two representatives of each regional group as for the previous drawing of lots drew the lots for the selection of the reviewing States parties for countries of their group.

44. Some States parties that had been selected for review during the first year and were then also selected as reviewing States expressed their readiness to serve in both capacities. Other States parties made use of their right to defer serving as a reviewing and reviewed State party in the same year, pursuant to paragraph 20 of the terms of reference of the Review Mechanism. In such cases, the drawing of lots was repeated. The same procedure was followed for those States parties selected to serve as reviewing States for more than one State in the first year.

## **VI. Resource requirements for the Mechanism**

45. For its consideration of agenda item 4, the Group had before it a note by the Secretary-General on the resource requirements for the functioning of the Review Mechanism for the bienniums 2010-2011 and 2012-2013 (CAC/COSP/IRG/2010/5), prepared pursuant to paragraphs 13 and 15 of Conference resolution 3/1.

46. With regard to the funding requirements for the biennium 2010-2011, the Secretary recalled the decisions taken by the General Assembly to include in the programme budget for the biennium the staffing requirements for the secretariat to implement the Review Mechanism. He also recalled the mandate given by the Conference to the Group to decide on further means of funding the implementation of the Review Mechanism in the current biennium and provided an update on the voluntary contributions received for that purpose. He further noted the mandate given to the Group to consider the resource requirements for the functioning of the Review Mechanism in the biennium 2012-2013 and drew the attention of the Group to the budget requirements contained in the Secretary-General's note.

47. Speakers noted with appreciation the compromise reached by the Conference at its third session with regard to the funding of the Review Mechanism. Appreciation was expressed for the voluntary contributions made towards the implementation of the Review Mechanism, as they would allow for implementation to commence. At the same time, speakers underlined the need for the Review Mechanism to have sustainable and secure funding and thus highlighted the need to secure the funding for the functioning of the Mechanism from the regular budget of the United Nations for future bienniums. Specifically, speakers stressed the urgent need for timely action with regard to advocating for additional resources for the biennium 2012-2013. One speaker suggested holding a number of informal consultations during the following months with a view to considering the resource requirements for the functioning of the Review Mechanism for the biennium 2012-2013 and developing a plan of action.

48. In order to promote further consideration of the proposals regarding the funding of the Review Mechanism requirements from the regular budget of the United Nations for the biennium 2012-2013 and subsequent bienniums, it was suggested that the secretariat coordinate informal consultations with permanent missions in Vienna. Some speakers highlighted that training for governmental experts was an integral part of the Review Mechanism and that consideration should

be given to funding such training in future bienniums from the regular budget of the United Nations.

49. The secretariat was requested to continue submitting budgetary information to the Group. It was emphasized that this information should contain an outline of the estimated costs and information on the expenditures.

50. Speakers underlined the importance of securing resources for technical assistance through appropriate allocation of voluntary contributions. Speakers confirmed that technical assistance activities were dependent on voluntary contributions. One speaker expressed the view that raising funds for technical assistance should be foreseen and incorporated into the overall funding of the Review Mechanism.

51. Subsequent to its consideration of agenda item 4, the Group adopted a draft resolution (CAC/COSP/IRG/2010/L.2) on resource requirements for the functioning of the Review Mechanism for the biennium 2012-2013 (see chap. I).

## **VII. Agenda for the resumed first session of the Implementation Review Group**

52. The Group decided to hold a resumed session of three days' duration before the end of the year to consider the agenda item on technical assistance and the application of paragraph 42 of the terms of reference of the Review Mechanism, pursuant to its request that the secretariat seek a legal opinion from the Office of Legal Affairs of the Secretariat on that matter. The Group decided that intergovernmental organizations would be invited to attend the resumed first session for the consideration of the agenda item on technical assistance.

## **VIII. Other matters**

53. With regard to the participation of observers in sessions of the Group, several speakers considered that the compromise adopted in Doha and reflected in the terms of reference of the Review Mechanism impeded such participation. They emphasized that paragraph 42 of the terms of reference, which referred to the Group as an "open-ended intergovernmental group of States parties" meant that only States parties were allowed to attend its sessions. One speaker stated that paragraph 42 constituted a "decision otherwise" pursuant to rule 2 of the rules of procedure of the Conference and that meant that the Conference had already pronounced itself on the matter.

54. Some speakers suggested that the Group establish subgroups, which could allow the participation of observers. Others stated that the decision on the participation of observers rested with the Group or the Conference, as appropriate, and that in any case the secretariat could not invite observers without first consulting all States parties.

55. Other speakers were of the view that paragraph 42 of the terms of reference did not contain anything that would exclude the participation of observers in the sessions of the Group. They stressed that the rules of procedure of the Conference

applied to the Group as a subsidiary body of the Conference and an integral part of the Review Mechanism and that, therefore, the participation of observers was to be treated according to rules 16 and 17 of the rules of procedure. Because of the important role that those respective organizations played in the provision of technical assistance, it was felt that their participation in the sessions would promote the availability of technical assistance to meet needs identified through the Review Mechanism. Similarly, it was noted that intergovernmental organizations had in the past been allowed to attend meetings of the Open-ended Intergovernmental Working Group on Technical Assistance established by the Conference. Speakers further stressed that, in the spirit of the Convention, the sessions of the Group should strive to be inclusive and transparent.

56. Some speakers highlighted that rules 16 and 17 of the rules of procedure applied only to participation in plenary meetings and that the plenary body of the Review Mechanism was the Conference of the States Parties; the Group was not a plenary body. Other speakers, however, expressed the view that such an interpretation of the rules of procedure — in the light of rule 2 — was incorrect. Some speakers expressed concern that the terms of reference of the Review Mechanism were not being adhered to.

57. The Group requested the secretariat to seek a legal opinion on the matter from the Office of Legal Affairs and to circulate the opinion to the States parties.

58. It was the understanding of the Group that the issue would be discussed further at the resumed first session.

## **IX. Adoption of the report of the Implementation Review Group on its first session**

59. On 2 July 2010, the Group adopted the report on the first part of its first session (CAC/COSP/IRG/2010/L.1).

## Annex I

### **Guidelines for governmental experts and the secretariat in the conduct of country reviews**

#### **I. General guidance**

1. Throughout the review process, governmental experts and the secretariat shall be guided by the relevant provisions of the United Nations Convention against Corruption<sup>a</sup> and the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.<sup>b</sup>
2. In particular, governmental experts shall bear in mind article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.
3. Furthermore, governmental experts shall carry out the reviews in full recognition of the purpose of the review process as specified in paragraph 11 of the terms of reference.
4. During all interactions within the review process, governmental experts shall respect the collective approach. Governmental experts are expected to act with courtesy and diplomacy, and shall remain objective and impartial. Governmental experts need to be flexible in their approach and ready to adapt to changes in schedules.
5. Governmental experts and the secretariat shall maintain the confidentiality of all information obtained in the course of, or used in, the country review process, as well as the country review report, as stipulated in the terms of reference. If there are serious grounds for believing that a governmental expert or a member of the secretariat has violated the obligation of confidentiality, the States parties concerned or the secretariat may inform the Implementation Review Group for appropriate consideration and action, including referring the matter to the Conference of the States Parties to the United Nations Convention against Corruption.
6. It is also expected that governmental experts are not to be influenced in their assessment of the implementation of the Convention. While information generated through competent international organizations whose mandates cover anti-corruption issues or regional and international mechanisms for combating and preventing corruption, of which the State party under review is a member, is to be taken into account, governmental experts shall make their own analysis of the facts provided by the State party under review in order to present findings that are in line with all the specific requirements of the Convention provisions under review.
7. Throughout the review process, governmental experts are encouraged to contact the secretariat for any assistance required.

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

<sup>b</sup> CAC/COSP/2009/15, chap. I, sect. A, resolution 3/1, annex.

## II. Specific guidance for the conduct of the review

8. In accordance with the terms of reference of the Review Mechanism and consistent with the importance of ensuring the efficiency and effectiveness of the review process, reviews shall be conducted in a spirit of constructive collaboration, dialogue and mutual trust.

9. States parties and the secretariat shall endeavour to adhere to the indicative timelines in the paragraphs below.

10. The governmental experts shall prepare themselves by:

(a) Studying thoroughly the Convention and the terms of reference of the Review Mechanism, including the present guidelines;

(b) Familiarizing themselves with the *Legislative Guide for the Implementation of the United Nations Convention against Corruption*<sup>c</sup> and with the official records (*travaux préparatoires*) of the negotiation of the Convention, particularly those parts pertaining to the articles that are the subject of the relevant review cycle;

(c) Reviewing the responses provided by the State party under review in its comprehensive self-assessment checklist and supplementary documentation and familiarizing themselves with the issues addressed by the State party under review;

(d) Informing the secretariat if additional information and material are required and highlighting issues requiring further clarification.

11. The secretariat shall organize periodic training courses for governmental experts who participate in the review process, so that they may familiarize themselves with the present guidelines and increase their capacity to participate in the review process.

12. The secretariat, within one month after the drawing of lots, shall inform officially the State party under review and the reviewing States parties of the beginning of the conduct of the country review, as well as of all relevant procedural matters, including the schedule for the training of experts and a provisional schedule for the country review.

13. The State party under review, within three weeks after officially being informed, shall appoint a focal point — and shall inform the secretariat accordingly — to coordinate its participation in the review, in accordance with paragraph 17 of the terms of reference of the Review Mechanism. The secretariat shall assign a staff member to each review.

14. The secretariat shall undertake consultations with the State party under review and the reviewing States parties on the establishment of schedules and requirements of the country review, including the selection of the working language or languages of the country review in accordance with section VI of the terms of reference of the Review Mechanism. The translation to and from those languages shall be provided by the secretariat throughout the review process.

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<sup>c</sup> United Nations publication, Sales No. E.06.IV.16.

15. The State party under review, within two months of being officially informed of the beginning of the conduct of the country review, shall provide to the secretariat the information required concerning its compliance with and implementation of the Convention, using the comprehensive self-assessment checklist as an initial step for that purpose. Assistance in the preparation of responses shall be provided by the secretariat to State parties requesting such assistance. The secretariat shall, within one month after receipt of the completed response to the checklist, have the response translated and circulate it to the governmental experts.
16. Within one month after the State party under review has officially been informed of the beginning of the conduct of the country review, governmental experts shall participate in a telephone conference or videoconference, to be organized by the secretariat, for the purpose of an initial introduction of the reviewing States parties, the State party under review and the staff member of the secretariat assigned to the country review, as well as for general orientation, including a review of the schedule and requirements established for the review.
17. Governmental experts from reviewing States parties shall take a decision on how to divide tasks and issues among themselves, taking into account their respective fields of competence.
18. While governmental experts shall establish open lines of communication with the State party under review, experts shall keep the secretariat abreast of all these communications.
19. Throughout the process, the governmental experts shall give appropriate consideration to the information and material provided by the State party under review through the different means of communication described in the terms of reference of the Review Mechanism.
20. When seeking additional information and asking for clarification, governmental experts shall bear in mind the non-adversarial, non-intrusive and non-punitive character of the review and the overall goal of assisting the State party under review in reaching full implementation of the Convention.
21. Within one month after the receipt of the completed response to the comprehensive self-assessment checklist and any supplementary information provided by the State party under review, governmental experts shall submit to the secretariat the outcome of the desk review, including requests for clarification or additional information or supplementary questions, to be translated into the designated languages of the review and provided to the State party under review.
22. During the desk review, governmental experts shall avoid duplicating texts already contained in the comprehensive self-assessment checklist. The desk review is to be concise and factual and is to include solid reasoning for the outcome of the desk review. Objective and impersonal language will aid understanding. When abbreviations and acronyms are used, these shall be defined upon their first use.
23. After the State party under review receives the outcome of the desk review, the secretariat will organize a telephone conference or videoconference bringing together the governmental experts of the reviewing States parties and the State party under review. During the conference call, governmental experts from the reviewing States parties shall introduce their parts of the desk review and explain the findings.

The ensuing dialogue shall ideally last up to two months and consist of requests for additional information or specific questions from the governmental experts, to which the State party under review will respond, using various means of dialogue, including conference calls, videoconferences, e-mail exchanges or further means of direct dialogue as mentioned in paragraph 29 of the terms of reference of the Review Mechanism and specified below.

24. If agreed by the State party under review, the desk review should be complemented by any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna. The country visit or joint meeting at the United Nations Office at Vienna shall be planned and organized by the State party under review. While the secretariat will facilitate all practical arrangements, governmental experts shall take all necessary measures from their side to participate in the country visit or joint meeting at the United Nations Office at Vienna, bearing in mind paragraph 30 of the terms of reference.

25. During the country visit or joint meeting at the United Nations Office at Vienna, governmental experts shall uphold the principles and standards outlined in the general guidance above.

26. Governmental experts are expected to participate actively and constructively in all meetings, including in internal debriefings at the end of each working day or at the end of the country visit or joint meeting at the United Nations Office at Vienna.

27. Governmental experts are expected to be respectful and courteous in meetings, respecting time frames set in the programme and allowing time for all members to participate. At the same time, governmental experts are expected to be flexible, as the programme may change during the country visit or the joint meeting at the United Nations Office at Vienna.

28. Questions should seek to complement information already provided by the State party under review and relate only to the review process. Governmental experts shall therefore remain neutral and not voice personal opinions during the meetings.

29. Governmental experts are expected to take notes during all meetings, which they can refer to for the production of the final country review report. They shall share their opinions and preliminary findings in writing among themselves and with the secretariat within two weeks after the country visit or the joint meeting at the United Nations Office at Vienna.

30. At the final stage of the country review process and preferably within five months after the beginning of the review, based on the blueprint format, the governmental experts shall, with the assistance of the secretariat, prepare a draft country review report and send it to the State party under review in the designated language or languages of the review. The report shall identify successes, good practices and challenges and make observations for the implementation of the Convention. Where appropriate, the report shall include the identification of technical assistance needs for the purpose of improving implementation of the Convention. The comments of the State party under review shall be incorporated in the draft country review report.



31. Governmental experts shall include observations with respect to the implementation in national law of the articles of the Convention under review, as well as their application in practice.
32. Governmental experts shall further identify successes, good practices and challenges and make observations with respect to the implementation of the articles of the Convention under review and areas where technical assistance may be required.
33. At the request of the State party under review and as required, governmental experts may be asked to provide the State party under review with explanations of how to address the challenges identified so as to allow the State to fully and effectively implement the relevant articles of the Convention.
34. The secretariat shall send this draft country review report to the State party under review for agreement. In case of disagreement, there shall be a dialogue between the State party under review and the governmental experts to arrive at a consensual final report. An executive summary shall subsequently be prepared and agreed to.

## **Appendix**

### **Blueprint for country review reports and executive summaries**

**Review by *[names of reviewing States]* of the implementation by *[name of State under review]* of article[s] *[number(s) of articles]* of the United Nations Convention against Corruption for the review cycle *[time frame]***

#### **I. Introduction**

1. The Conference of the States Parties to the United Nations Convention against Corruption was established pursuant to article 63 of the Convention to, inter alia, promote and review the implementation of the Convention.
2. In accordance with article 63, paragraph 7, of the Convention, the Conference established at its third session, held in Doha from 9 to 13 November 2009, the Mechanism for the Review of Implementation of the Convention. The Mechanism was established also pursuant to article 4, paragraph 1, of the Convention, which states that States parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and of non-intervention in the domestic affairs of other States.
3. The Review Mechanism is an intergovernmental process whose overall goal is to assist States parties in implementing the Convention.
4. The review process is based on the terms of reference of the Review Mechanism.

## II. Process

5. The following review of the implementation by *[name of State under review]* of the Convention is based on the completed response to the comprehensive self-assessment checklist received from *[name of State under review]*, and any supplementary information provided in accordance with paragraph 27 of the terms of reference of the Review Mechanism and the outcome of the constructive dialogue between the governmental experts from *[names of the two reviewing States and the State under review]*, by means of *[telephone conferences, videoconferences, e-mail exchanges or any further means of direct dialogue in accordance with the terms of reference]* and involving *[names of experts involved]*.

[Optional paragraph 6:

Option 1

6. A country visit, agreed to by *[name of State under review]*, was conducted from *[date]* to *[date]*.

Option 2

6. A joint meeting between *[name of State under review]* and *[names of reviewing States]* was held at the United Nations Office at Vienna from *[date]* to *[date]*.

Option 3

6. A country visit, agreed to by *[name of State under review]*, was conducted from *[date]* to *[date]*; and a joint meeting between *[name of State under review]* and *[names of reviewing States]* was held at the United Nations Office at Vienna from *[date]* to *[date]*.

## III. Executive summary

7. *[Summary of the following:*

*(a) Successes and good practices;*

*(b) Challenges in implementation, where applicable;*

*(c) Observations on the implementation of the articles under review;*

*(d) Technical assistance needs identified to improve implementation of the Convention.]*

## IV. Implementation of the Convention

### A. Ratification of the Convention

8. *[Name of State under review]* signed the Convention on *[date]* and ratified it on *[date]*. *[Name of State under review]* deposited its instrument of ratification with the Secretary-General on *[date]*.

9. The implementing legislation — in other words, the *[title of act ratifying the Convention]* — was adopted by *[name of national legislative body]* on *[date]*, entered into force on *[date]* and was published in *[name, number and date of official publication communicating adoption of the act]*. The implementing legislation includes *[summary of ratification legislation]*.

## **B. Legal system of *[name of State under review]***

10. Article *[number of article]* of the Constitution states that *[discuss whether treaties are self-executing or require implementing legislation, where the Convention fits into the hierarchy of law etc.]*.

## **C. Implementation of selected articles**

**Article** *[number of article]*

*[Title of article]*

*[Text of the article, block indented]*

### **(a) Summary of information relevant to reviewing the implementation of the article**

11. *[Information provided by the State under review through the comprehensive self-assessment checklist and any supplementary information provided in accordance with paragraph 27 of the terms of reference of the Review Mechanism and in the context of the constructive dialogue]*

### **(b) Observations on the implementation of the article**

12. *[Observations of the governmental experts with regard to the implementation of the article. Depending on the scope of the review cycle, findings with respect to the way in which national law has been brought into line with the article, as well as to the implementation of the article in practice]*

13. *[Observations on the status of implementation of the article, including successes, good practices and challenges in implementation]*

### **(c) Successes and good practices**

14. *[Identification of successes and good practices in implementing the article, where applicable]*

### **(d) Challenges, where applicable**

15. *[Identification of any challenges in implementation, where applicable]*

### **(e) Technical assistance needs**

16. *[Identification of technical assistance needs, priorities and actions to improve implementation of the Convention, where applicable]*

## Annex II

### States parties selected for review and as reviewers for the first review cycle

1. The tables below reflect the results of the drawing of lots conducted by the Implementation Review Group, at its first session, to select States parties to be reviewed and to conduct reviews during the first four years of the first review cycle. As explained in the text, reviewing States parties were selected only for the first year of the cycle (year 1).

2. In year 1, a total of 30 reviews will be conducted. Iran (Islamic Republic of), Kuwait, South Africa, Switzerland, the United Arab Emirates and Zimbabwe deferred to year 2 their participation as a State party under review. Mongolia and Uganda, selected to undergo review in year 2 of the cycle, volunteered to participate in year 1 to fill the empty slots:

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
Group of African States (total: 9)	Zambia	Zimbabwe	Kuwait <sup>a</sup>
	Uganda	Ghana	Romania
	Togo	United Republic of Tanzania	Uganda
	Morocco	South Africa <sup>a</sup>	Slovakia
	Sao Tome and Principe	Ethiopia <sup>a</sup>	Mongolia
	Rwanda	Senegal <sup>a</sup>	Lebanon
	Niger	Djibouti <sup>a</sup>	Russian Federation
	Cameroon <sup>b</sup>	Madagascar	Netherlands
	Burundi	Egypt	Bolivarian Republic of Venezuela
Group of Asian States (total: 6)	Jordan	Maldives <sup>a</sup>	Nigeria
	Bangladesh <sup>b</sup>	Islamic Republic of Iran	Paraguay
	Mongolia	Yemen	Turkmenistan <sup>a</sup>
	Fiji <sup>b</sup>	Bangladesh <sup>a</sup>	United States
	Papua New Guinea <sup>b</sup>	Tajikistan	Malawi
	Timor-Leste <sup>b</sup>	Philippines	Zimbabwe
Group of Eastern European States (total: 5)	Lithuania	Russian Federation	Egypt
	Croatia	Montenegro	Lao People's Democratic Republic <sup>a</sup>
	Bulgaria	Albania	Sweden
	Georgia <sup>b</sup>	Armenia <sup>a</sup>	Romania
	Ukraine <sup>b</sup>	Slovenia	Poland

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
Group of Latin American and Caribbean States (total: 6)	Chile	El Salvador	Ukraine <sup>a</sup>
	Dominica <sup>b</sup>	Trinidad and Tobago	Norway
	Dominican Republic	Nicaragua	Uruguay
	Argentina	Panama	Gabon <sup>a</sup>
	Jamaica <sup>b</sup>	Costa Rica	Qatar <sup>a</sup>
	Peru	Plurinational State of Bolivia	Ecuador
Group of Western European and other States (total: 4)	United States	Sweden	Kyrgyzstan
	Finland	Greece	Tunisia <sup>a</sup>
	Spain	Belgium	Lithuania
	France	Denmark	Cape Verde <sup>a</sup>

<sup>a</sup> State party selected as reviewer but list of experts not yet presented.

<sup>b</sup> State party selected but not present at session to confirm readiness to take part in review in year 1.

## 3. In year 2, a total of 40 reviews will be conducted:

	<i>State party under review</i>
Group of African States (total: 11)	Seychelles Mauritius Benin Mozambique Congo Cape Verde Central African Republic Mauritania Sierra Leone South Africa <sup>a</sup> Zimbabwe <sup>a</sup>
Group of Asian States (total: 11)	Brunei Darussalam Iraq Lao People's Democratic Republic Sri Lanka Kazakhstan Philippines Indonesia Viet Nam United Arab Emirates <sup>a</sup> Islamic Republic of Iran <sup>a</sup> Kuwait <sup>a</sup>
Group of Eastern European States (total: 6)	Slovakia Serbia Montenegro Estonia Azerbaijan Russian Federation
Group of Latin American and Caribbean States (total: 7)	Brazil Cuba Uruguay El Salvador Nicaragua Colombia Panama
Group of Western European and other States (total: 5)	Australia Norway United Kingdom Portugal Switzerland <sup>a</sup>

<sup>a</sup> Deferred from previous year of the cycle.

## 4. In year 3, a total of 38 reviews will be conducted:

	<i>State party under review</i>
Group of African States (total: 11)	Egypt Mali Lesotho Djibouti Algeria Ghana United Republic of Tanzania Burkina Faso Tunisia Guinea-Bissau Angola
Group of Asian States (total: 8)	Republic of Korea Yemen Cyprus Cambodia Malaysia Pakistan Qatar Afghanistan
Group of Eastern European States (total: 6)	Hungary Slovenia Latvia Romania The former Yugoslav Republic of Macedonia Armenia
Group of Latin American and Caribbean States (total: 6)	Mexico Paraguay Plurinational State of Bolivia Trinidad and Tobago Guyana Bolivarian Republic of Venezuela
Group of Western European and other States (total: 7)	Sweden Canada Luxembourg Italy Netherlands Austria Malta <sup>a</sup>

<sup>a</sup> Deferred from previous year of the cycle.

## 5. In year 4, a total of 36 reviews will be conducted:

	<i>State party under review</i>
Group of African States (total: 10)	Senegal
	Liberia
	Kenya
	Nigeria
	Gabon
	Malawi
	Libyan Arab Jamahiriya
	Madagascar
	Namibia
	Ethiopia
Group of Asian States (total: 9)	Kyrgyzstan
	Maldives
	Lebanon
	Uzbekistan
	Palau
	Turkmenistan
	Singapore
	China
	Tajikistan
Group of Eastern European States (total: 5)	Poland
	Belarus
	Bosnia and Herzegovina
	Albania
	Republic of Moldova
Group of Latin American and Caribbean States (total: 7)	Ecuador
	Haiti
	Costa Rica
	Honduras
	Guatemala
	Antigua and Barbuda
	Bahamas
Group of Western European and other States (total: 5)	Turkey
	Greece
	Belgium
	Denmark
	Israel





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

Distr.: General  
16 September 2010

Original: English

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## Implementation Review Group

### Resumed first session

Vienna, 29 November-1 December 2010

## Report of the Implementation Review Group on its intersessional meeting held in Vienna on 23 August 2010

1. The Implementation Review Group of the Conference of the States Parties to the United Nations Convention against Corruption held an intersessional meeting on 23 August 2010, as decided by the Group at its informal briefing held on 5 August 2010.
2. At its first session, the Implementation Review Group had requested the Secretariat to inform States parties that were selected to be under review in the first year of the review cycle and that were not present at its session to indicate within two weeks after the drawing of lots their readiness for a review. The Group had also requested the Secretariat to inform the States parties that were selected as reviewing States to indicate within two weeks after the drawing of lots their readiness to conduct the review and submit their lists of governmental experts. The Secretariat was requested to repeat the drawing of lots for the reviewing States after the two weeks had expired, if required and appropriate, and if requested by the State party under review; the States parties concerned would be represented by their permanent missions.
3. At the informal briefing on 5 August 2010, the Group decided to proceed with the drawing of lots when so requested by a State party under review, on the understanding that the Secretariat would convene an intersessional meeting of the Group on 23 August 2010 to consider the results of the drawing of lots. Lots were drawn for Brazil, which had volunteered to move forward from the second year of the first cycle; Mexico and Haiti were selected to review Brazil. Argentina, Mongolia and Zambia requested a redraw of their second reviewers; Singapore, Kenya and Italy were drawn, respectively, to review those three States parties.
4. At the intersessional meeting of the Group, the Secretary provided an update on contacts with States parties that had been selected to undergo review. Bangladesh, Fiji and Ukraine had confirmed their readiness to undergo review. Georgia, Jamaica and Timor-Leste had deferred review to the following year of the cycle. Official communications from Cameroon, Dominica and Papua New Guinea



were pending. States parties that had been selected to perform reviews had all submitted their lists of governmental experts, with the exception of Djibouti and the Lao People's Democratic Republic. No further communication had been received from Kyrgyzstan on the status of its list of governmental experts.

5. Indonesia volunteered to move forward from the second year of the first cycle to be reviewed in the first year. Uzbekistan and the United Kingdom of Great Britain and Northern Ireland were drawn as reviewing States parties for Indonesia. The Niger requested that lots be redrawn for its first reviewer; Mauritius was selected. The United States of America requested that lots be redrawn for its second reviewer; the former Yugoslav Republic of Macedonia was selected.

6. On the basis of the information provided by the Secretariat on the status of submission of the list of governmental experts of the Lao People's Democratic Republic, the Group agreed, at the request of Croatia, to conduct a provisional redraw for the second reviewer of Croatia, on the understanding that if the Lao People's Democratic Republic did not submit its list by 6 September the provisional reviewer selected in the redraw would take its place; Viet Nam was selected as the provisional reviewer.

7. The Group requested the Secretariat to continue efforts to contact Cameroon, Dominica and Papua New Guinea, which had been selected for review and had not yet indicated their readiness to undergo review or their wish to defer.

8. The Secretariat informed the Group that it had received the legal opinion requested by the Group at its first session on the participation of observers and would make it available in all official languages as a document of the Group.

## Annex

## Results of the drawing of lots

## First year of the first cycle: 26 reviews

	<i>State party under review</i>	<i>Reviewer from same region</i>	<i>Other reviewer</i>
<b>Group of African States</b>	Burundi	Egypt	Bolivarian Republic of Venezuela
	Cameroon <sup>a</sup>	Madagascar	Netherlands
	Morocco	South Africa	Slovakia
	Niger <sup>b</sup>	Mauritius	Russian Federation
	Rwanda	Senegal	Lebanon
	Sao Tome and Principe	Ethiopia	Mongolia
	Togo	United Republic of Tanzania	Uganda
	Uganda	Ghana	Romania
Zambia	Zimbabwe	Italy	
<b>Group of Asian and Pacific States</b>	Bangladesh	Islamic Republic of Iran	Paraguay
	Fiji	Bangladesh	United States of America
	Indonesia <sup>c</sup>	Uzbekistan	United Kingdom of Great Britain and Northern Ireland
	Jordan	Maldives	Nigeria
	Mongolia	Yemen	Kenya
	Papua New Guinea <sup>a</sup>	Tajikistan	Malawi
<b>Group of Eastern European States</b>	Bulgaria	Albania	Sweden
	Croatia <sup>b</sup>	Montenegro	Lao People's Democratic Republic <sup>d</sup>
	Lithuania	Russian Federation	Egypt
	Ukraine	Slovenia	Poland
<b>Group of Latin American and Caribbean States</b>	Argentina	Panama	Singapore
	Brazil <sup>c</sup>	Mexico	Haiti
	Chile	El Salvador	Ukraine
	Dominica <sup>a</sup>	Trinidad and Tobago	Norway
	Dominican Republic	Nicaragua	Uruguay
	Peru	Plurinational State of Bolivia	Ecuador

	<i>State party under review</i>	<i>Reviewer from same region</i>	<i>Other reviewer</i>
<b>Group of Western European and Other States</b>	Finland	Greece	Tunisia
	France	Denmark	Cape Verde
	Spain	Belgium	Lithuania
	United States of America <sup>b</sup>	Sweden	The former Yugoslav Republic of Macedonia

<sup>a</sup> According to the briefing delivered by the Secretariat, the participation of Cameroon, Dominica and Papua New Guinea in the first year was as yet unconfirmed.

<sup>b</sup> The Niger requested a redraw for its first reviewer; Mauritius was selected. The United States requested a redraw for its second reviewer; the former Yugoslav Republic of Macedonia was selected. Croatia requested a provisional redraw for its second reviewer; Viet Nam was selected.

<sup>c</sup> Brazil and Indonesia volunteered to move forward from the second year. Lots were drawn for their reviewers (Mexico and Haiti, and Uzbekistan and the United Kingdom, respectively).

<sup>d</sup> The Lao People's Democratic Republic submitted its list of governmental experts on 27 August 2010.



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

Distr.: General  
13 December 2010

Original: English

**Report of the Implementation Review Group on its  
resumed first session, held in Vienna from 29 November to  
1 December 2010**

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## **I. Introduction**

1. At the first part of its first session, which was held in Vienna from 28 June to 2 July 2010, the Implementation Review Group decided to hold a resumed session of three days' duration before the end of the year to consider the agenda item on technical assistance and the application of paragraph 42 of the terms of reference of the Review Mechanism, pursuant to its request that the secretariat seek a legal opinion from the Office of Legal Affairs of the Secretariat on that matter.

## **II. Organization of the session**

### **A. Opening of the session**

2. The Implementation Review Group of the United Nations Convention against Corruption held its resumed first session in Vienna from 29 November to 1 December 2010.

3. The 1st meeting of the resumed first session was chaired by Dominika Krois (Poland) and the 2nd to 6th meetings by Eugenio Curia (Argentina). In her introductory remarks, the Chair recalled the outcome of the first part of the first session, and of its intersessional meeting held on 23 August 2010. She further referred to the work of the Open-ended Intergovernmental Working Group on Technical Assistance, which had been welcomed by the Conference of the States Parties in its resolution 3/4, entitled "Technical assistance to implement the United Nations Convention against Corruption".

4. The representative of Chile, speaking on behalf of the Group of Latin American and Caribbean States, welcomed the beginning of the operation of the Mechanism and the conduct of training workshops for governmental experts. While voluntary contributions for the work of the Mechanism were appreciated, the resources for the functioning of the Mechanism should be made available from the regular budget of the United Nations. It was considered essential to integrate technical assistance into the work of the Mechanism and to develop a concrete procedure in the framework of the Implementation Review Group to strategically prioritize and meet technical assistance needs identified through the Mechanism, in a way that was complementary to the provision of technical assistance at the bilateral and regional levels. The speaker highlighted confidence and mutual understanding as the basic principles of the incipient work of the Mechanism and stressed that a decision on the participation of observers should offer practical solutions that would allow the Group to avail itself of the contributions of observers whose participation was relevant for the attainment of the objectives of the Mechanism; such a solution should be in accordance with the rules of procedure and resolution 3/1 of the Conference.

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

5. On 29 November, the Implementation Review Group adopted the following agenda for its resumed first session:
  1. Organizational matters:
    - (a) Opening of the resumed session;
    - (b) Adoption of the agenda and organization of work.
  3. Country reviews: organization and schedule of reviews.
  4. Resource requirements for the Mechanism.
  5. Technical assistance.
  6. Provisional agenda for the second session of the Implementation Review Group.
  7. Other matters.
  8. Adoption of the report of the Implementation Review Group on its resumed first session.

## **C. Attendance**

6. The following States parties to the Convention were represented at the resumed first session of the Implementation Review Group: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Costa Rica, Cuba, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Ghana, Greece, Guatemala, Guinea-Bissau, Haiti, Hungary, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mexico, Morocco, Mozambique, Namibia, Netherlands, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.
7. The European Union, a regional economic integration organization that is a party to the Convention, was also represented at the resumed session.
8. The following States signatories to the Convention were represented by observers: Czech Republic, Germany, India, Japan and Syrian Arab Republic.
9. Palestine, an entity maintaining a permanent observer mission to the United Nations, was also represented by an observer.

10. At the conclusion of the first part of its first session, the Implementation Review Group decided that intergovernmental organizations would be invited to attend the resumed first session as observers. It was also decided that the participation of intergovernmental organizations would be limited to the deliberations on the agenda item on technical assistance, scheduled for 29 November and the morning of 30 November 2010.

11. The following Secretariat units, United Nations bodies, 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: International Narcotics Control Board, United Nations Commission on International Trade Law, Economic Commission for Africa, United Nations Development Programme and Naif Arab University for Security Sciences.

12. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, East African Community secretariat, International Criminal Police Organization (INTERPOL), International Organization for Migration and Organization for Security and Cooperation in Europe.

13. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

### **III. Country reviews**

14. During the consideration of agenda item 3, on country reviews, the Secretary informed the Group about progress in the work of the Mechanism, making reference to CAC/COSP/IRG/2010/CRP.12, entitled "Country reviews: organization and schedule of reviews". He provided an update on the status of a number of procedural matters, such as the drawing of lots, the schedule for the country reviews in the first year and the training workshops for governmental experts. The drawing of lots for the reviewing States parties in the second year of the cycle was to take place at the second session of the Group, to be held in May 2011, which would mark the start of the second year of the first review cycle. The Secretariat was compiling procedural and practical issues for submission to the Group at its second session. The Secretary further reported on the efforts of the Secretariat to reach out, as requested by the Group at its first session, to States that were selected for review and had not yet informed the Secretariat of their readiness to undergo review in the first year or to defer their review to the following year. In two cases, the Secretariat's efforts had been unsuccessful to date. For one State that had been selected as a reviewing State party, the Secretariat had not been successful in securing the contact details of its governmental experts. The Secretary sought the guidance of the Group on how to proceed in those cases.

15. Speakers addressed the issue of States parties selected for review that had not yet informed the Secretariat whether they were ready to undergo the review in the first year or to defer it to the following year. Speakers expressed concern over the lack of responsiveness, noting that such States might need assistance. The Group decided that a letter, signed by the President of the Conference and the other members of the Bureau, would be sent to unresponsive States via their Permanent



Missions and copied to the Chairs of regional groups in New York. The letter would express the Group's concern, but also its confidence as to the States' readiness to fulfil the procedural requirements of the review process, and would outline those requirements. The Secretariat would remain available to provide assistance, if required. The State party concerned would be requested to inform the Bureau of its decision in the shortest time possible. If no response was received by the end of January, a second letter would be sent, indicating a deadline for response. A similar procedure would be applied in the case of the State party that had not communicated the contact details of its governmental experts.

#### **IV. Technical assistance**

16. The Secretary highlighted the importance of technical assistance as an integral component of the Mechanism for the Review of Implementation of the Convention. He further noted the usefulness of the comprehensive self-assessment checklist as a tool for the identification of technical assistance requirements, and the importance of coordination among donors, other technical assistance providers and recipient countries. He concluded by echoing the words of the Conference in endorsing a country-led and country-based, integrated and coordinated technical assistance programme delivery.

17. At its second meeting, on 18 and 19 December 2008, the Open-ended Intergovernmental Working Group on Technical Assistance had welcomed the proposal that the United Nations Office on Drugs and Crime (UNODC) establish a directory of anti-corruption experts, in such a way that the Office and other technical assistance providers could consult it for the identification of expertise (CAC/COSP/WG.3/2008/3). That proposal had been further considered during the Working Group's third meeting, on 3 and 4 September 2009 (CAC/COSP/WG.3/2009/3). In accordance with resolution 3/4, States parties and signatories were encouraged to continue to identify and communicate to UNODC information about their anti-corruption experts. A representative of the Secretariat provided a demonstration of how States parties and signatories could upload the information about their anti-corruption experts onto the UNODC website for inclusion in the database. This option would allow countries to add, modify or delete, where necessary, the details of their own experts' information online. The Secretariat would have access to all the information provided so as to safeguard its confidentiality and, upon request, identify and screen the experts in the database with specific expertise. After seeking the consent of an identified expert, the Secretariat would put the expert into contact with the requesting technical assistance provider, and an assignment would be agreed upon on a bilateral basis between them. It was noted that the Secretariat had received to date information on 45 experts from 12 countries in the Group of African States; 20 from 7 countries in the Group of Asian and Pacific States; 26 from 9 countries in the Group of Eastern European States; 24 from 8 countries in the Group of Latin American and Caribbean States; and 36 from 10 countries in the Group of Western European and Other States. The Secretariat had already received and responded to requests for use of the database.

18. A representative of the Secretariat presented a technical assistance study that had recently been completed in Indonesia, Kenya and Peru on the pilot testing of

United Nations Convention against Corruption assessment tools in identifying and prioritizing technical assistance. The study had been conducted pursuant to resolutions 1/5, 2/4 and 3/4 of the Conference of the States Parties, with the objective of assisting States parties in improving the use of assessment tools to develop and coordinate future technical assistance initiatives so as to ensure further compliance with the Convention. She addressed the individual country studies and provided an overview of the good practices and lessons learned. The study concluded that the assessment tools were an excellent starting point for national anti-corruption reform and technical assistance programmes to implement the Convention, but this needed to be based on country-led and country-based, integrated and coordinated technical assistance programme delivery. Moreover, the self-assessment checklist had to be used as the basis for assessment tools so as to avoid duplication of efforts and provide for improved quality, focus and coordination of the provision of technical assistance.

19. A representative of the Secretariat further provided the Group with a demonstration of the blueprint for the legal library, which was to generate and disseminate knowledge on national legislation adopted or modified to implement the Convention, as mandated in resolution 3/4. The key objective was to collect, systematize and disseminate legal knowledge acquired as States parties submitted their responses to the self-assessment checklist. The legal library would provide updated and validated legal knowledge to help strengthen implementation of the Convention and ratification or accession by non-States parties. She informed the Group that an initial data set of the laws, regulations and administrative practices of 120 States had been compiled, and a detailed analytical breakdown of how those data related to the provisions of the Convention had been conducted. It was confirmed that the legal library would contain the texts of laws in their original language and translations as officially available or provided by States. The secretariat clarified that the legal library was not intended to make any assessments with regard to the compliance of Member States with the provisions of the Convention. It was further mentioned that the legal library was part of a broader project known as Tools and Resources for Anti-Corruption Knowledge (TRACK), a web-based portal and collaborative forum that would collect and disseminate legal and non-legal knowledge on anti-corruption and asset recovery, providing also for case studies, best practices and policy analyses, and links to the UNODC database of asset recovery focal points and the expanded mutual legal assistance request writer tool. TRACK had the support of the World Bank, the United Nations Development Programme (UNDP), the International Association of Anti-Corruption Authorities, the Asian Development Bank, the Organization for Economic Cooperation and Development, the Basel Institute on Governance and the U4 Anti-Corruption Research Centre.

20. In accordance with paragraph 44 of the terms of reference of the Mechanism for the Review of Implementation of the Convention, the Group was to consider technical assistance requirements in order to ensure effective implementation of the Convention. Thematic implementation reports were to serve as the basis for the analytical work of the Group. Speakers reiterated the principles of sovereign equality and territorial integrity of States and non-intervention in the domestic affairs of other States. For this reason, several speakers suggested that the technical assistance matrix be reformulated so as not to look at the technical assistance needs identified by individual States parties under each article of the Convention, but

rather to provide for a thematic approach with a regional focus. One speaker recommended a matrix that would highlight specific technical assistance needs (i.e. model legislation) by region. Other speakers supported a thematic approach at the regional level so that trends could be analysed. Speakers also supported a country-level approach so as to further partnerships. It was further noted by speakers that the technical assistance needs provided by States in their responses to the self-assessment checklist could change in the course of the review process and that the basis for identifying technical assistance needs should be the country reports and executive summaries.

21. Some speakers emphasized that the role of the Implementation Review Group as assigned to it by the terms of reference was to consider overall technical assistance needs, based on the thematic implementation reports, rather than to consider individual countries' technical assistance needs. Several speakers referred to the means of identifying technical assistance needs at the national level and how such needs were met through the delivery of technical assistance by the bilateral and multilateral donors and executing agencies, including through South-South cooperation. Sector-specific technical assistance was also a means of delivery. The representative of UNDP highlighted the different aspects of work undertaken to implement the Convention and UNDP cooperation with UNODC, as well as the existence of established processes at the national level. Joint activities by UNDP and UNODC were referred to, in particular the training workshops for focal points and governmental experts participating in the first year of reviews and the guidance note on self-assessments. He further noted that technical assistance could be multidisciplinary and highly contextualized.

22. It was noted that key questions faced by the Implementation Review Group and the Conference of the States Parties faced were whether and how technical assistance requirements were met, and not necessarily who the provider of technical assistance was. Related to this was the issue of helping States to identify their technical assistance needs. The identification of technical assistance needs within the context of the review process was one of the crucial aspects of the work of the Review Mechanism. Moreover, from a policymaking perspective, the Group and the Conference needed to have an overview and be satisfied that needs were matched with delivery and that the delivery produced the desired result.

23. The role of UNODC as a broker, provider or both was another issue that needed to be discussed, but in the proper context. UNODC had a specific and clear mandate entrusted to it first by the Convention itself, as well as by the General Assembly, and subsequently by the Conference and the Implementation Review Group. Several speakers raised the issue of coordination, underlining its importance for maximizing scarce resources and ensuring effective implementation of the Convention. It was stated that while there had been some improvements, the level of knowledge of the Convention's provisions was still low. This had also been recognized by the Working Group on Technical Assistance through its mandate to technical assistance providers to impart knowledge to the staff of providers of technical assistance on the ground.

24. Speakers agreed that a workshop, similar to the one held in Montevideo in 2007, would provide insight into what measures bilateral and multilateral donors and other technical assistance providers were carrying out with respect to implementing the Convention and, more generally, combating corruption. Some

speakers also highlighted the need to incorporate civil society and academia in the technical assistance process.

25. The Implementation Review Group and the Conference of the States Parties had the mandate and the responsibility to ensure the best possible implementation of the Convention's relevant provisions, in accordance with chapter VI of the Convention, specifically, articles 60 and 62. The delegation of Argentina submitted a proposal outlining issues for the Group's consideration of its role with regard to technical assistance in the context of the Mechanism. On the basis of the proposal and subsequent discussions, the Group adopted the recommendations below.

### **Recommendations**

26. The Implementation Review Group recalled resolution 3/1 of the Conference of the State Parties to the United Nations Convention against Corruption, in which the Conference decided that the Group would be in charge of following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance. It took into account that, pursuant to paragraph 11 of the Terms of Reference, one of the goals of the Mechanism for the Review of Implementation of the Convention was to help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance.

27. The Group had in mind the functions assigned to it in paragraph 44 of the terms of reference, according to which the Group would have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention.

28. The Group recognized the continuing and valuable role of technical assistance provided by bilateral and multilateral donors at different levels and the importance of effectively addressing technical assistance within the Mechanism. The Group also recognized the importance of country-led and country-based, integrated and coordinated programming and delivery of technical assistance as an effective means of addressing technical assistance needs of States parties under review.

29. In this light, the Group recommended that all States parties, where applicable, in their responses to the comprehensive self-assessment checklists and in the country reports, identify technical assistance requirements, preferably prioritized and related to the implementation of the provisions of the Convention examined during a given review cycle.

30. The Group recommended that all States parties, where applicable, provide information on ongoing technical assistance projects related to the implementation of the Convention.

31. The Group decided, on the basis of the outcome of the review process and consistent with the terms of reference of the Mechanism, to consider priority areas for the provision of technical assistance, as well as consolidated information on trends in technical assistance required and provided.

32. The Group recommended that the Secretariat take into account in the thematic and regional programmes the priority areas referred to in paragraph 31 above, as well as when developing technical assistance tools.

33. The Group recommended that the Secretariat provide it with information on the gaps in securing funding for UNODC projects that are being implemented in accordance with the priorities set out.
34. The Group further recommended that, under its supervision, the Secretariat:
- (a) Promote with other bilateral and multilateral partners the use of the Convention and its Review Mechanism as tools for anti-corruption assistance programming;
  - (b) Establish partnerships with bilateral and multilateral partners to ensure effective and coordinated provision of technical assistance related to the implementation of the Convention;
  - (c) Develop information on experiences and lessons learned in the provision of technical assistance in anti-corruption efforts;
  - (d) Include information on technical assistance aspects in the periodic training courses organized pursuant to paragraph 32 of the terms of reference of the Mechanism.
35. Consistent with the terms of reference, the Group reaffirmed the request contained in resolution 3/4 of the Conference of the States Parties for UNODC to continue to provide technical assistance for the implementation of the Convention, including by providing direct expertise on policy or capacity-building through the UNODC thematic programme on action against corruption and economic crime and, where appropriate, regional programmes, using its range of technical assistance tools (legal library, Knowledge Management Consortium, roster of anti-corruption experts, national or regional workshops, etc.).
36. Finally, the Group recommended that the Secretariat prepare a report on the implementation of the recommendations above, for its consideration at each session.

## **V. Resource requirements for the Mechanism**

37. During the Group's consideration of agenda item 4, on the resource requirements for the functioning of the Review Mechanism, the Secretary provided information on the resources and expenditures for the functioning of the Mechanism, making reference to CAC/COSP/IRG/2010/CRP.11. He recalled General Assembly resolution 64/237 and provided the Group with an update on the budgetary process for 2012-2013. He further provided the Group with an update on the regular budget and on voluntary contributions received for the biennium 2010-2011, and with information on the estimated expenditures for the first months of the review cycle. He also stated that more detailed information on expenditures would be provided to the Implementation Review Group at its second session, in May 2011.
38. Speakers referred to several factors to be considered for the calculation of the resource requirements for the Mechanism for the biennium 2012-2013, such as the variable number of States parties under review in a given year, the variation in the number of pages to be translated, the different language combinations and the need to upgrade the self-assessment checklist software to correct technical problems encountered by its users. The Group was informed that cost estimates and,

consequently, requirements for the biennium 2012-2013 were likely to be revised upward if the current patterns of expenditures were confirmed. It was highlighted that the mobilization of funds for technical assistance to meet the needs identified by countries through the Review Mechanism needed to be addressed as a separate issue from the resource requirements for the functioning of the Mechanism.

## **VI. Provisional agenda for the second session of the Implementation Review Group**

39. At its 6th meeting, on 1 December 2010, the Implementation Review Group adopted the provisional agenda for its second session (see annex).

## **VII. Other matters**

40. Delegations reasserted their positions expressed at the first part of the first session of the Group on the issue of the participation of observers (see CAC/COSP/IRG/2010/7, paras. 53, 55 and 56). Some speakers welcomed the legal opinion from the Office of Legal Affairs (see CAC/COSP/IRG/2010/9). Others noted that the legal opinion did not address the issue of the application of paragraph 42 of the terms of reference, as had been requested.

41. The Group agreed that the final decision on the question of participation of observers in the Group had to be reached by the Conference. Speakers expressed views on the basic elements of such a decision, emphasizing the need to ensure that there would be no departure from the rules of procedure of the Conference and the agreement reached in Doha on the terms of reference of the Mechanism. The issue of the participation of the European Union in the Group was to be discussed by the Conference. In the interim, the Group agreed that the secretariat would extend invitations to its second session as follows: (a) for the items on review of implementation, and other matters, to States parties; (b) for the item on financial and budgetary matters, to States parties and signatories; and (c) for the item on technical assistance, to States parties, signatories, intergovernmental organizations and United Nations entities. It was the understanding of the Group that this decision would not set a precedent and that every effort would be made before and during the second session of the Group to explore appropriate and practical solutions for submission to and consideration by the Conference at its fourth session.

## **VIII. Adoption of the report of the Implementation Review Group on its resumed first session**

42. On 1 December 2010, the Implementation Review Group adopted the report on its resumed first session.

## Annex

### **Provisional agenda for the second session of the Implementation Review Group**

1. Organizational matters:
    - (a) Opening of the session;
    - (b) Adoption of the agenda and organization of work.
  2. Review of implementation of the United Nations Convention against Corruption.
  3. Technical assistance.
  4. Financial and budgetary matters.
  5. Other matters.
  6. Provisional agenda for the third session of the Implementation Review Group.
  7. Adoption of the report of the Implementation Review Group on its second session.
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**Conference of the States Parties  
to the United Nations  
Convention against Corruption**

Distr.: General  
14 June 2011

Original: English

**Report of the Implementation Review Group on its second  
session, held in Vienna from 30 May to 2 June 2011**

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## **I. Introduction**

1. In its resolutions 1/1, 2/1 and 3/1, the Conference of the States Parties to the United Nations Convention against Corruption recalled article 63 of the Convention, in particular paragraph 7, according to which the Conference would establish, if it deemed it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.

2. In its resolution 3/1, the Conference adopted the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (contained in the annex to that resolution), as well as the draft guidelines for governmental experts and the secretariat in the conduct of country reviews and the draft blueprint for country review reports (contained in the appendix to the annex to resolution 3/1), which were finalized by the Implementation Review Group at its first session, held in Vienna from 28 June to 2 July 2010.

3. Pursuant to paragraph 42 of the terms of reference of the Review Mechanism, the Implementation Review Group was established as an open-ended intergovernmental group of States parties, operating under the authority of and reporting to the Conference. Pursuant to paragraph 44 of the terms of reference, the functions of the Group are to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention. Pursuant to paragraph 43 of the terms of reference, the Group shall hold meetings at least once a year in Vienna.

4. Also in its resolution 3/1, the Conference decided that the Implementation Review Group should be in charge of following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance.

5. In its resolution 3/4, entitled “Technical assistance to implement the United Nations Convention against Corruption”, the Conference took note of the recommendations of the Open-ended Intergovernmental Working Group on Technical Assistance contained in the report of the Secretariat on the work of that Working Group (CAC/COSP/2009/8).

## **II. Organization of the session**

### **A. Opening of the session**

6. The Implementation Review Group held its second session in Vienna from 30 May to 2 June 2011.

7. The 1st to 6th meetings of the session were chaired by John Brandolino (United States of America), and the 7th to 8th meetings were chaired by Eugenio Curia (Argentina). In his introductory remarks, the Chair recalled the achievements of the Group’s first session, held from 28 June to 2 July 2010, at which the Group finalized the guidelines for governmental experts and the secretariat, adopted its resolution 1/1, on resource requirements for the functioning

of the Review Mechanism for the biennium 2012-2013, and proceeded with the drawing of lots to select States parties under review for the first cycle and reviewing States parties for the first year of the cycle. He also recalled that at the resumed first session, held from 29 November to 1 December 2010, the Group continued to discuss issues concerning the review process and adopted recommendations on technical assistance.

8. At the invitation of the Chair, the Executive Director of the United Nations Office on Drugs and Crime made a statement in which he highlighted the growing commitment of States to fight corruption and the Office's work to support them in their efforts and stressed the innovative nature of the Review Mechanism. He thanked States parties involved in the country reviews conducted in the first year of the cycle for their work and urged States to continue to strongly support the Mechanism and to work towards the full implementation of the Convention. He considered that the upcoming fourth session of the Conference, to be held in Marrakech from 24 to 28 October 2011, would provide a key opportunity to take stock of global progress in preventing and combating corruption in relation to the achievement of the Millennium Development Goals.

9. The representative of Egypt made a statement in the context of the recent events in the country leading up to and since 25 January 2011. He reported on the efforts made by his country in the field of asset recovery and referred to the cooperation that investigative and prosecutorial teams had received from other States. He stressed that such efforts were not easy and required more cooperation and understanding among States, including between judicial authorities, in order to fully implement the Convention against Corruption and enable countries to make full use of the Convention's provisions.

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

10. On 30 May, the Implementation Review Group adopted the following agenda:
  1. Organizational matters:
    - (a) Opening of the session;
    - (b) Adoption of the agenda and organization of work.
  2. Review of implementation of the United Nations Convention against Corruption.
  3. Technical assistance.
  4. Financial and budgetary matters.
  5. Other matters.
  6. Provisional agenda for the resumed second session of the Implementation Review Group.
  7. Adoption of the report of the Implementation Review Group on its second session.

### C. Attendance

11. The session was attended by representatives of the following States parties to the Convention: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Greece, Guatemala, Guinea-Bissau, Haiti, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Montenegro, Morocco, Mozambique, Namibia, Netherlands, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

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

13. At its resumed first session, the Implementation Review Group decided that signatories and observer States would be invited to attend the deliberations on the agenda items on technical assistance and on financial and budgetary matters, scheduled for 1 June and 2 June 2011, respectively.

14. The following States signatories to the Convention were represented by observers: Côte d'Ivoire, Czech Republic, Germany, Ireland, Japan and Syrian Arab Republic.

15. The following State was also represented by an observer: Oman.

16. Palestine, an entity maintaining a permanent observer mission to the United Nations, was also represented by an observer.

17. At its resumed first session, the Implementation Review Group had decided that intergovernmental organizations, Secretariat units, United Nations bodies, 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 would be invited to attend the deliberations on the agenda item on technical assistance, scheduled for 1 June and the morning of 2 June 2011.

18. The following Secretariat units, United Nations bodies, 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 had been invited by the secretariat to attend the session with observer status: International Narcotics Control Board, United Nations

Development Programme (UNDP), United Nations Commission on International Trade Law, United Nations Relief and Works Agency for Palestine Refugees in the Near East, World Bank and Basel Institute on Governance.

19. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, International Anti-Corruption Academy, International Criminal Police Organization (INTERPOL) and the Organization for Security and Cooperation in Europe.

20. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented at the session by an observer.

### **III. Review of implementation of the United Nations Convention against Corruption**

#### **A. Drawing of lots to select States under review and reviewing States**

21. Under the item on the review of implementation of the United Nations Convention against Corruption, the Chair provided an overview of the procedure of the drawing of lots in accordance with paragraphs 14 and 19 of the terms of reference. He reported that the lots bearing the names of States parties had been placed in the appropriate boxes in the presence of the Bureau in order to save time during the meeting. The Chair recalled that each State party must have performed a minimum of one review and a maximum of three reviews by the end of each review cycle. He also recalled that States parties selected for review in the second year could make use of their right to defer serving as a reviewing State party that same year.

22. With a view to establishing a consistent practice for the drawing of lots at future sessions, the Group agreed that the name of a State party drawn as a reviewing State would be put back in the box to be drawn again only if the State party expressly requested it. The Group further agreed that a State party whose name was drawn to perform more than one review in the same year would be asked whether it was in a position to do so before considering the result of the draw to be final. Furthermore, the Group agreed that if a State party was selected as a reviewer for more than one review, it had the possibility of opting out of the second or subsequent selections as a reviewer.

23. While conducting the drawing of lots for the reviewing States parties in the second year, each State party under review was first asked whether it wished to exercise its right to defer its review to the following year. States parties selected to undergo review were also reminded that they could request that the drawing of lots be repeated a maximum of two times, with no justification required. It was agreed that for each redraw, States parties undergoing review had the possibility of drawing lots again to reselect either one or both of their reviewing States.

24. In the case that a State to undergo review in the second year chose to defer that review, a State in the same regional group scheduled to undergo review in the third year could volunteer to take its place.

25. It was also foreseen that the Group could conduct a second drawing of lots at its 6th meeting of the session, on Wednesday, 1 June, and a third drawing on the last day of the session, in order to give States under review sufficient time for consultations on whether they were ready to confirm their readiness to undergo the review or on whether they wished to request a redrawing of lots to select their reviewing States.

26. Three States parties that had exercised their right to defer their review in the first year of the review cycle had requested further deferrals. Those States parties subsequently withdrew those requests.

27. The Executive Director of the United Nations Office on Drugs and Crime (UNODC) drew the lots to select the first set of reviewers. Representatives of the regional groups and the secretariat drew the lots to select the rest of the reviewing States parties. The Group agreed to a request by the Russian Federation to mix the boxes containing the lots of the Group of Asian States and the Group of Eastern European States in drawing its reviewing State party from the same geographical region.

## **B. Lessons learned**

28. In its consideration of agenda item 2, on the review of implementation of the United Nations Convention against Corruption, the Group had before it a note by the secretariat entitled “Country reviews: lessons learned from the first year of the current review cycle” (CAC/COSP/IRG/2011/2), and a note on average time required for country reviews conducted in the first year of the current cycle of the Review Mechanism (CAC/COSP/IRG/2011/CRP.3). The Secretary of the Conference provided an update on process issues related to the first year of the work of the Mechanism. He reported that of the initially selected 34 States parties under review, after deferrals and voluntary moving forward of other country reviews within regional groups, 26 States parties had confirmed their readiness to undergo review in the first year, 25 States parties had submitted their self-assessment checklist by the date of the review, and 46 reviewing States parties had submitted the outcome of their desk review to the secretariat for transmission to the State party under review. Twenty States parties under review had indicated that they would request or consider requesting further means of direct dialogue. Thirteen country visits and one joint meeting in Vienna had been held. In seven cases, dates were being finalized for the holding of a country visit after the second session of the Implementation Review Group. The Secretary highlighted that the indicative timelines contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews had been frequently extended. States parties under review submitted complete responses to the self-assessment checklist in an average of 4.5 months (and not 2 months), and their desk reviews in an average of 1.5 months (and not 1 month).

29. Representatives of States parties involved in the work of the Mechanism in its first year applauded the constructive cooperation among States parties in the country reviews. It was noted that while there was room for improvement, the work of the Review Mechanism had gotten off to a good start. The need for flexibility in adhering to the indicative timelines contained in the guidelines for country

reviews, in particular with respect to translation requirements, was noted. Noting that one State party selected in the first year had not yet communicated its readiness to undergo review, despite the repeated efforts from the President of the Conference and the secretariat to obtain such communication, speakers underlined the importance of responsiveness and cooperation and expressed the hope that such cases would be avoided in future. Speakers also called upon the States parties that had not yet done so to submit their lists of governmental experts.

30. Speakers underscored the crucial role, at the initial stages of the review process, of the focal points to be appointed pursuant to paragraph 17 of the terms of reference in order to coordinate the review process, both in terms of preparation of responses to the self-assessment checklist and for communications with the experts and the secretariat. Representatives of reviewing States reported that their countries had set up teams with a broad range of expertise to comment on the review. Some speakers regretted that not all experts could participate in the review process because financial constraints in covering the costs of the participation of countries in the country visits and training had obliged the Secretariat to limit relevant support to two participants per country. A proposal was made to increase that number and finance the participation of four participants per country. Speakers welcomed the assistance provided by the secretariat throughout the review process, starting with the training opportunities provided to focal points and reviewing experts, which were viewed as crucial to their work in the reviews.

31. A representative of the Secretariat presented the updated version of the self-assessment checklist software, which sought to address the challenges faced by States under review in the first year by enhancing the technological user-friendliness of the software and by streamlining questions, while preserving the substantive content of the tool as endorsed by the Conference. Speakers noted the usefulness of the self-assessment checklist as an information-gathering tool and advocated for its wide use and dissemination, especially for the analysis of technical assistance needs. Speakers referred to their experiences in completing or analysing the responses to the self-assessment checklist and reported on areas for both technical and substantive improvement. While noting that the wealth of information provided could pose a challenge, speakers also highlighted the need to maintain a certain level of detail allowing for a substantive review. Where translation was required, speakers emphasized the need to ensure high quality throughout the process. Some speakers reported on their efforts to involve relevant stakeholders by posting or circulating the responses online. Speakers called upon the States under review in subsequent years to initiate preparations for completing the self-assessment checklist at an early stage. Early completion of the self-assessment checklist was deemed generally advisable, including for the purposes of identifying technical assistance needs.

32. Speakers highlighted the importance of working to achieve the outcome of the desk review, including with a view to preparing country visits or joint meetings in Vienna, where requested. The organization of teleconferences and videoconferences and e-mail exchanges at that stage was seen as valuable. Technical challenges were noted, in particular the issue of clarity of communication in some conference calls.

33. Positive experiences were also reported with regard to the dialogue phase, including the exchange of views by telephone or videoconference and further means of direct dialogue. Several speakers reported that country visits had shown great

potential for deepening understanding of the submitted information and allowing for the development of accurate and comprehensive country reports. Some speakers reported on the involvement of relevant national stakeholders, such as civil society organizations, the private sector and academia, in the dialogue phase and the drafting of the report. Some speakers mentioned that the review process might have financial implications for reviewing countries. Speakers noted the need to prepare well in advance of country visits or joint meetings in Vienna in order to maximize their usefulness for elaborating the country review report. Sending questions or comments from reviewers to the stakeholders before they met was seen as useful as it allowed the stakeholders to prepare. It was also highlighted that country visits provided an opportunity to engage in the meaningful exchange of experience and discussion of good practices with the reviewers. Speakers also highlighted the usefulness of debriefings during the country visits, both among the reviewing experts and with the focal points of the States under review, in order to take full advantage of the opportunities of direct dialogue. Noting that a country visit provided an excellent opportunity not only to engage with the country under review but also for the reviewing States parties to agree on findings and observations, one speaker proposed extending country visits beyond the current length of two or three days. One speaker reported on the positive experience of a joint meeting held in Vienna as part of one of the country reviews and noted that it was important to engage a wider spectrum of national stakeholders, as was possible during a country visit.

34. Several speakers recalled that, under the terms of reference, country visits were voluntary, and one speaker expressed the view that the requests of the State party under review with respect to conducting a country visit should be explicitly expressed and conveyed to the secretariat and the reviewing States parties in advance, through diplomatic channels.

35. Some speakers specifically mentioned that before the country visit was conducted, the State party under review, the reviewing States parties and the secretariat should reach a common understanding of the goals, tasks and programme of the country visit.

36. One delegation stressed that a clear distinction should be made between the identification, in the course of a country review, of the needs of the State party under review in terms of anti-corruption technical assistance and the provision of technical assistance, and expressed the view that the issue of the content and amount of technical assistance provided and its funding should be considered subsequent to the country review.

37. One speaker sought information from the secretariat on the legal arrangements made for country visits, in particular the exchanges of letters between the State party under review and the United Nations. The Secretary provided the information requested and noted that the legal arrangements put in place for organizing country visits were still being reviewed and that the secretariat was inclined to discontinue the practice of exchanges of letters for future visits.

38. It was reported that language barriers had posed challenges in some reviews. The importance of flexibility, cooperation and sufficient funding for translation and interpretation was highlighted. The importance of ensuring quality translation and interpretation services throughout the review process was noted, and speakers

welcomed the efforts of the secretariat to provide accurate and timely translations of written materials. One proposed solution was to include a standard set of relevant domestic laws in the UNODC legal library, thus ensuring their availability during the reviews.

39. With regard to the outcome of the reviews, some speakers referred to the observations made in the country review reports or during the dialogue phase and reported that some of those observations had since been addressed within the domestic systems of their countries. Speakers stressed that the review process would enable them to enhance the implementation of the Convention. One speaker raised the question of how country review reports should, apart from mandatory provisions of the Convention, also take non-mandatory provisions and evolving good practices as reference points for recommendations. While it was recognized that the reports were agreed between the country under review and the reviewing States, some speakers noted the importance of ensuring consistency among the executive summaries, as they were public documents. One speaker stressed that while the self-assessment checklist provided for a certain level of detail that could be useful in the analysis and full understanding of the information, there was a need to summarize information in the course of the review in order to develop readable reports. Several speakers informed the Group of the intention of their country to publish their final country review reports.

#### **IV. Technical assistance**

40. The Chair invited the Implementation Review Group to reflect on the lessons learned with regard to technical assistance from the first year of operation of the Review Mechanism. The Secretary welcomed the participation of signatories and intergovernmental organizations in the consideration of the agenda item on technical assistance and recalled the recommendations made by the Group at its resumed first session and Conference resolution 3/1, in which the Conference charged the Group with the work previously undertaken by the Open-ended Intergovernmental Working Group on Technical Assistance. In that resolution, the Conference had identified the review process as a means to help States parties identify and substantiate specific needs for technical assistance, and to promote and facilitate the provision of technical assistance. In its resolution 3/4, the Conference urged States parties and signatories to the Convention to exchange expertise, experiences and lessons learned with respect to providing technical assistance in the area of combating and preventing corruption. In that regard, the Secretary commended the recent initiative by Kenya of organizing and hosting the South-South Anti-Corruption Conference held in Mombasa in May 2011. The Group was also encouraged to make full use of the UNODC database of anti-corruption expertise for the delivery of technical assistance.

41. The Group had before it for its consideration of the item a note by the Secretariat on integrating technical assistance in the review process (CAC/COSP/IRG/2011/3), containing the identified technical assistance needs of 16 States parties under review that had submitted their responses to the self-assessment checklist prior to March 2011. That information was preliminary, and it was hoped that the ongoing review process would provide a sharper and more complete picture of technical assistance needs. The analysis contained in the note



was organized thematically and geographically. Certain priority areas had already emerged, for example, the protection of witnesses and persons reporting cases of corruption and their cooperation with law enforcement authorities, as well as mutual legal assistance. The most frequent types of requests were for a summary of good practices and lessons learned and models of how to implement the provisions under review, supported through the guidance of an anti-corruption expert and legal advice, as well as an action plan for implementation. Speakers appreciated the preliminary analysis provided and acknowledged that the Group, at its resumed second session, would have a more accurate picture of the needs being identified through the review process. Further detailed analysis of technical assistance needs identified through the review process was essential to enable the Group to make concrete recommendations to the Conference on policy and operational issues related to technical assistance. That would allow for common needs to be addressed collectively in an effective manner, including in a broader, programmatic context.

42. The Group reaffirmed the role of technical assistance as an important goal of the Review Mechanism. In its resolution 3/4, the Conference endorsed country-led and country-based, integrated and coordinated technical assistance delivery. Speakers stressed that such delivery should not preclude complementary technical assistance initiatives at the regional and global levels. With respect to the specific area of international cooperation and asset recovery, it was emphasized that regional and interregional programmes were required to ensure effectiveness. Some speakers mentioned in that regard regional activities that had brought States and relevant stakeholders together to facilitate the implementation of the Convention and other regional instruments. Regional-level technical assistance delivery could also be useful in addressing common needs, while at the same time allowing for the establishment of regional networks, facilitating cooperation by ensuring a better understanding of different legal systems and the sharing of experiences. Several speakers noted that technical assistance for the implementation of the Convention should be considered in the broader context of governance and development assistance frameworks.

43. Speakers shared their experiences as providers and recipients of technical assistance, including challenges and lessons learned. Recipient States expressed their appreciation for the assistance that had been provided to them and highlighted other areas where additional assistance was required. In that regard, several speakers noted their need for assistance with regard to data collection and asset recovery. Specifically, in the area of mutual legal assistance, some speakers noted the usefulness of cooperation in addition to the formal channels, including the possibility of forming joint investigative teams.

44. Several speakers highlighted the ongoing efforts to strengthen legal and institutional frameworks in the light of the country reviews and comprehensive self-assessments. An important type of support requested was assistance in assessing the effectiveness of existing anti-corruption frameworks and measures and in gathering and generating statistics to measure the impact of corruption.

45. While speakers agreed that the Group should focus on prioritizing and ensuring responses to the needs identified through the Mechanism, needs for technical assistance in areas outside the current review cycle, such as asset recovery, should continue to be addressed, including in the context of existing regional and international initiatives.

46. Several speakers highlighted the important role played by signatories and intergovernmental organizations in supporting the provision of technical assistance and in furthering the implementation of the Convention. It was emphasized that, in order to effectively address the needs identified, cooperation among technical assistance providers in delivering such assistance was important. Speakers welcomed joint activities carried out by UNODC and UNDP and through other partnerships. The efforts of the secretariat to develop tools, such as the anti-corruption expert database, were appreciated.

47. The observer for UNDP stated that country-based programmes were the primary modality for its programme delivery, with anti-corruption initiatives being integrated into the overall development agenda, for example, in the context of the United Nations Development Assistance Framework. Those initiatives could be complemented by initiatives at the regional level, facilitating networking through, inter alia, South-South or East-East coordination. At the global level, technical assistance can be integrated into the overall development agenda, including the achievement of the Millennium Development Goals. The speaker stated that UNODC and UNDP cooperate closely in programme delivery in the context of the memorandum of understanding concluded between the organizations. A representative of the secretariat of the joint World Bank/UNODC Stolen Asset Recovery (StAR) Initiative stated that global programming should inform the country-level programming. The sharing of experiences, including through regional practitioners' networks, such as the recently established StAR/INTERPOL Asset Recovery Focal Points network, was important. The observer for the International Anti-Corruption Academy reported on the membership and training activities of that organization.

48. In that context, speakers noted that it would be important for the Group to have information allowing it to consider assistance that had already been provided, so as to avoid duplication or overlap of existing efforts. Further analytical work could include an assessment of progress made, including through ongoing evaluations. Strategic programme development, undertaken in cooperation with domestic and international partners, should take into account the recipient country's own resources and give consideration to the programme's duration, sustainability and impact, as well as quality, efficiency, accuracy and consistency of technical assistance, including through multi-year commitments of resources.

49. The Group reaffirmed the decisions on technical assistance taken at its resumed first session. The need to develop the necessary tools and resources in areas identified as priorities, such as witness protection and mutual legal assistance, was highlighted. Emphasis was given to further exploring and forging partnerships, synergies and joint programming with other multilateral and bilateral technical assistance providers.

50. Bilateral and multilateral technical assistance providers were requested to share, at the resumed second session, information on technical assistance that had already been provided, in order for the Group to begin to have an overall picture of the type of assistance delivered.

51. Some speakers stressed the usefulness of States parties making their review reports public so that targeted and tailored technical assistance programmes to respond to the needs identified in the country reviews could be developed.

## V. Financial and budgetary matters

52. For its consideration of agenda item 4, on financial and budgetary matters, the Group was provided with preliminary information on actual expenditures incurred as at the end of April 2011 for the first year of the functioning of the Review Mechanism (taking into consideration that most of the country reviews of the first year had not yet been finalized) and indications with respect to estimated costs for the biennium 2012-2013 (CAC/COSP/IRG/2011/CRP.1).

53. The Secretary recalled Conference resolution 3/1, in which the Conference underlined that the Review Mechanism would require a budget that ensured its efficient, continued and impartial functioning. He also recalled General Assembly resolution 64/237, through which the staffing requirements and costs of the meetings of the Implementation Review Group were included in the programme budget for the biennium 2010-2011. He also expressed appreciation for the voluntary contributions made by States to support the Implementation Review Mechanism.

54. The Secretary provided more detailed information on expenditures made to date, in particular with regard to the participation of least developed countries in the meetings of the Implementation Review Group, the training of governmental experts, translation of documentation during the review process, country visits and other means of active dialogue, as well as videoconference and telephone conference costs. The Secretary also provided explanations for differences between initial estimates and the actual expenditures with regard to particular items. Such variations were the result of, in particular, additional requests to fund the participation of governmental experts in training sessions and country reviews as well as an increased number of countries requesting a country visit. In addition, a greater number of documents had to be translated throughout the review process in order to fully support the active dialogue. However, measures had been implemented by the Secretariat to keep translation costs within the limits of available voluntary contributions.

55. The speaker highlighted that, in the light of the initial lessons learned, additional funding would be needed for the biennium 2012-2013, for staffing in particular, and to cover the increased costs of training of governmental experts, country visits and joint meetings, as well as for the different tools supporting the Review Mechanism, in line with the mandates received from the Conference.

56. The Secretary informed the Group that detailed expenditures for the complete first year of the Review Mechanism, as well as more accurate estimates for the biennium 2012-2013, would be provided at the resumed second session of the Implementation Review Group, in September 2011, and at the fourth session of the Conference, in October 2011.

57. Speakers expressed their satisfaction for the work of the secretariat and suggested that a more reader-friendly presentation of the various figures would facilitate the discussions at future meetings. The Secretary welcomed that suggestion and confirmed that, in accordance with article 72 of the rules of procedure of the Conference, a comprehensive document on expenditures for the first year of the Review Mechanism and additional requirements for the

biennium 2012-2013 would be provided to States parties at least 60 days before the fourth session of the Conference.

58. Speakers asked for clarification on the process leading to the establishment of the regular budget of the United Nations for the biennium 2012-2013, including the procedures through which the requirements for the Implementation Review Mechanism would be addressed in the new budget, and recommended a more active involvement of the States parties to the Convention against Corruption in such a process. Clarifications in that respect were provided by the Chief of the Financial Resources Management Service of the United Nations Office at Vienna.

59. Speakers also expressed their views on the role of the Implementation Review Group and that of the Conference in taking decisions on the budgetary aspects of the Review Mechanism, and some recommended that consideration be given to the possibility of delegating to the Implementation Review Group parts of the decision-making role of the Conference with regard to budgetary matters.

60. With regard to the balance between regular budget and voluntary contributions, the Secretary reiterated that if insufficient resources were made available from the regular budget of the United Nations, and if the additional requirements of the Review Mechanism and its secretariat for the biennium 2012-2013 were to be funded through voluntary contributions, there could be no guarantee that a sufficient level of voluntary contributions would be received to ensure that the requirements of the Review Mechanism were met. As experience to date in trying to raise funds for the Review Mechanism had demonstrated, voluntary contributions were unpredictable, and if a minimum level of funding were not provided, it might not be possible to ensure successful reviews.

61. The mobilization of funds for technical assistance to meet the needs identified by countries through the Review Mechanism was then addressed and confirmed by speakers, who affirmed that it was an issue separate from that of the resource requirements for the functioning of the Mechanism, although several speakers highlighted that the identification of technical assistance requirements was an important part of the Mechanism.

62. Speakers expressed their understanding of the need to ensure that the growing demands of States parties under review were met and that a broad set of technical assistance responses and activities would be made available to those States parties requesting them.

63. In order to facilitate a more strategic alignment of donor activities and assistance requests, the Chair proposed that that donors and international organizations share information with the Implementation Review Group regarding ongoing technical assistance projects implemented by relevant donors in areas related to the prevention of and fight against corruption.

## **VI. Other matters**

64. The Minister Delegate to the Prime Minister, in charge of modernization of the public sector, of Morocco commended the Group on the constructive exchange of views, at its second session, on how best to implement the Convention and move forward with the review process. He informed the Group that the fourth session of

the Conference, to be held in Marrakech from 24 to 28 October 2011, would be organized under the high patronage of His Majesty Mohammed VI, King of Morocco. Morocco was honoured to have been entrusted with hosting the fourth session of the Conference, which had further encouraged various national initiatives to counter corruption, ranging from the inclusion of a broad range of stakeholders at the national level to hosting international conferences in the run-up to the fourth session. He welcomed the review of Morocco in the first year of operation of the Review Mechanism as an opportunity to further enhance implementation of the Convention.

65. In relation to the participation of observers, the Group recalled that at its first session, it agreed that the Conference had to reach the final decision on the question of participation of observers in the Group's sessions and that in the interim, invitations to attend its second session would be extended as set out in the provisional agenda and annotations (CAC/COSP/IRG/2011/1), under the item on organizational matters. It was the understanding of the Implementation Review Group that that decision would not set a precedent, and at its second session the Group noted that efforts had been made before and during the second session to explore appropriate and practical solutions in that respect, to be submitted to the Conference at its fourth session for its consideration. Because the Group had not reached a consensus on all matters relating to that issue, the matter would be considered again at the Group's resumed second session so that an understanding could be reached on an appropriate proposal to be submitted to the Conference for its consideration. Furthermore, in the interim period before the Group's resumed second session, every effort would be made to continue to address the issue through informal consultations in order to come up with practical solutions. The Group also decided that invitations to the resumed session would be extended in the manner set out in the provisional agenda and annotations under organizational matters, as indicated above. Moreover, it was agreed that an explanatory note would be included under the agenda item on other matters to indicate that consideration of the item on other matters would include deliberations on the issue of participation of observers.

66. The Group also considered the issue of one State party selected for review in the first year of the Mechanism that had not yet informed the Secretariat whether it was ready to undergo the review or to defer review to the second year. It was noted that, as decided by the Group at its resumed first session, a letter signed by the President of the Conference and the other members of the Bureau had been hand-delivered to the unresponsive State via its Permanent Mission to the United Nations in New York and copied to the chair of the regional group. The letter expressed the Group's concern, but also its confidence as to the State's readiness to fulfil the procedural requirements of the review process, and outlined those requirements. Speakers expressed concern over the lack of responsiveness, noting that a failure to respond should not become a way for States to circumvent reviews. It was decided that the Group had the responsibility to report on the matter to the Conference, identifying the State party concerned and seeking guidance on this matter and, more generally, on the issue of unresponsive States being selected as reviewing States.

## **VII. Provisional agenda for the resumed second session of the Implementation Review Group**

67. At its 8th meeting, on 2 June 2011, the Implementation Review Group adopted the provisional agenda for its resumed second session (CAC/COSP/IRG/2011/L.2).

## **VIII. Adoption of the report of the Implementation Review Group on its second session**

68. On 2 June 2011, the Implementation Review Group adopted the report on its second session (CAC/COSP/IRG/2011/L.1 and Add.1-3).

## **Annex I**

### **Provisional agenda for the resumed second session of the Implementation Review Group**

1. Organizational matters:
  - (a) Opening of the session;
  - (b) Adoption of the agenda and organization of work.
2. Review of implementation of the United Nations Convention against Corruption.
3. Technical assistance.
4. Financial and budgetary matters.
5. Other matters.
6. Provisional agenda for the third session of the Implementation Review Group.
7. Adoption of the report of the Implementation Review Group on its resumed second session.

## Annex II

### States parties selected for review and as reviewers for the second review cycle

The tables below reflect the country pairings of States to be reviewed and reviewing States as selected for the second review cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (see tables 1-4).

Table 1  
Selection of States under review and reviewing States: year one

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
Group of African States	Zambia	Zimbabwe	Italy
	Uganda	Ghana	Romania
	Togo	United Republic of Tanzania	Uganda
	Morocco	South Africa	Slovakia
	Sao Tome and Principe	Ethiopia	Mongolia
	Rwanda	Senegal	Lebanon
	Niger	Mauritius	Russian Federation
	Burundi	Egypt	Bolivarian Republic of Venezuela
Group of Asian States	Jordan	Maldives	Nigeria
	Bangladesh	Islamic Republic of Iran	Paraguay
	Mongolia	Yemen	Kenya
	Fiji	Bangladesh	United States
	Papua New Guinea	Tajikistan	Malawi
	Indonesia	Uzbekistan	United Kingdom
Group of Eastern European States	Lithuania	Russian Federation	Egypt
	Croatia	Montenegro	Lao People's Democratic Republic
	Bulgaria	Albania	Sweden
	Ukraine	Slovenia	Poland



<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
Group of Latin American and Caribbean States	Chile	El Salvador	Ukraine
	Brazil	Mexico	Haiti
	Dominican Republic	Nicaragua	Uruguay
	Argentina	Panama	Singapore
	Peru	Plurinational State of Bolivia	Ecuador
Group of Western European and Other States	United States	Sweden	The former Yugoslav Republic of Macedonia
	Finland	Greece	Tunisia
	Spain	Belgium	Lithuania
	France	Denmark	Cape Verde

**Table 2**  
**Selection of States under review and reviewing States: year two**

	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
Group of African States	Seychelles	Democratic Republic of the Congo	Sao Tome and Principe
	Mauritius	Guinea Bissau	Lesotho
	Benin	Zimbabwe	Finland
	Mozambique	Burkina Faso	Dominican Republic
	Congo	Morocco	Serbia
	Cape Verde	Malawi	Costa Rica
	Central African Republic	Tunisia	Ghana
	Sierra Leone	Benin	Thailand
	South Africa	Senegal	Mali
	Zimbabwe <sup>a</sup>	Madagascar	Malawi
	Cameroon <sup>a</sup>	Angola	The former Yugoslav Republic of Macedonia
Group of Asian States	Brunei Darussalam	Yemen	Liechtenstein
	Iraq	Malaysia	Jordan
	Lao People's Democratic Republic	Mongolia	Luxembourg
	Kazakhstan	Pakistan	Qatar
	Philippines	Bangladesh	Egypt
	Viet Nam	Lebanon	Italy

	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
	Timor Leste <sup>a</sup>	Fiji	Namibia
	United Arab Emirates <sup>a</sup>	Maldives	Portugal
	Islamic Republic of Iran <sup>a</sup>	Indonesia	Belarus
	Kuwait <sup>a</sup>	Sri Lanka	Ethiopia
Group of Eastern European States	Slovakia	Poland	Malta
	Serbia	Romania	Ukraine
	Montenegro	Armenia	United Kingdom
	Estonia	Albania	Burundi
	Azerbaijan	Bosnia and Herzegovina	Gabon
	Russian Federation	Ukraine	Ecuador
	Georgia <sup>a</sup>	Hungary	Cyprus
Group of Latin American and Caribbean States	Cuba	Brazil	Guatemala
	Uruguay	Antigua and Barbuda	Brazil
	El Salvador	Plurinational State of Bolivia	Singapore
	Nicaragua	Cuba	Nepal
	Colombia	Nicaragua	Slovenia
	Panama	Bahamas	Estonia
	Dominica <sup>a</sup>	Chile	Paraguay
	Jamaica <sup>a</sup>	Trinidad and Tobago	Netherlands
Group of Western European and Other States	Australia	United States	Turkey
	Norway	Sweden	Kuwait
	United Kingdom	Israel	Greece
	Portugal	Spain	Morocco
	Switzerland <sup>a</sup>	Finland	Algeria

<sup>a</sup> Deferred from previous year of the cycle.

Table 3  
**Selection of States under review and reviewing States: year three**

	<i>State party under review</i>
Group of African States	Egypt
	Mali
	Lesotho
	Djibouti
	Algeria
	Ghana
	United Republic of Tanzania
	Burkina Faso
	Tunisia
	Guinea-Bissau
	Angola
	Mauritania <sup>a</sup>
	Group of Asian States
Yemen	
Cyprus	
Cambodia	
Malaysia	
Pakistan	
Qatar	
Afghanistan	
Sri Lanka <sup>a</sup>	
Group of Eastern European States	Hungary
	Slovenia
	Latvia
	Romania
	The former Yugoslav Republic of Macedonia
	Armenia
Group of Latin American and Caribbean States	Mexico
	Paraguay
	Plurinational State of Bolivia
	Trinidad and Tobago

<i>State party under review</i>	
	Guyana
	Bolivarian Republic of Venezuela
Group of Western European and Other States	Sweden
	Canada
	Luxembourg
	Italy
	Netherlands
	Austria
	Malta <sup>a</sup>

<sup>a</sup> Deferred from previous year of the cycle.

**Table 4**  
**Selection of States under review and reviewing States: year four**

<i>State party under review</i>	
Group of African States	Senegal
	Liberia
	Kenya
	Nigeria
	Gabon
	Malawi
	Libyan Arab Jamahiriya
	Madagascar
	Namibia
	Ethiopia
	Democratic Republic of Congo <sup>b</sup>
Group of Asian States	Kyrgyzstan
	Maldives
	Lebanon
	Uzbekistan
	Palau
	Turkmenistan
	Singapore
	China
	Tajikistan

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	<i>State party under review</i>
	Bahrain <sup>b</sup>
	Thailand <sup>b</sup>
	India <sup>b</sup>
	Nepal <sup>b</sup>
Group of Eastern European States	Poland
	Belarus
	Bosnia and Herzegovina
	Albania
	Republic of Moldova
Group of Latin American and Caribbean States	Ecuador
	Haiti
	Costa Rica
	Honduras
	Guatemala
	Antigua and Barbuda
	Bahamas
Group of Western European and Other States	Turkey
	Greece
	Belgium
	Denmark
	Israel
	Liechtenstein <sup>b</sup>
	Iceland <sup>b</sup>

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<sup>b</sup> States party that ratified or acceded to United Nations Convention against Corruption after the drawing of lots at the first session of the Implementation Review Group.



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

Distr.: General  
9 September 2011

Original: English

## Report of the Implementation Review Group on its resumed second session, held in Vienna from 7 to 9 September 2011

### I. Introduction

1. At its second session, which was held in Vienna from 30 May to 2 June 2011, the Implementation Review Group decided to hold a resumed second session of three days' duration to continue its deliberations on the following agenda items: item 2, "Review of implementation of the United Nations Convention against Corruption"; item 3, "Technical assistance"; item 4, "Financial and budgetary matters"; and item 5, "Other matters".

### II. Organizational matters

#### A. Opening of the session

2. The Group held its resumed second session in Vienna from 7 to 9 September 2011.

3. The resumed second session of the Group was chaired by John Brandolino (United States of America). The Chair recalled that the Group had held the first part of its second session from 30 May to 2 June and had started the second year of reviews by drawing lots for the reviewing States parties for countries under review in the second year. The Chair noted that the provisional agenda and proposed organization of work were contained in document CAC/COSP/IRG/2011/1/Add.1. The provisional agenda had been adopted by the Group at its second session and the proposed organization of work had been prepared by the secretariat in line with the guidance provided by the Group.

4. The Director of the Division for Treaty Affairs welcomed participants to the resumed second session of the Group. Member States had taken firm and decisive steps down the path of ratification and implementation of the Convention. He noted that, as the first lessons emerged from the country review process, the secretariat was compiling the information, good practices, challenges and technical assistance needs that had been identified. The Director urged States parties to continue sharing



their experience of the review process and their efforts to implement the Convention.

## **B. Attendance**

5. The resumed second session was attended by representatives of the following States parties to the Convention: Afghanistan, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Croatia, Cuba, Cyprus, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Greece, Guatemala, Guinea-Bissau, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jordan, Kazakhstan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Namibia, Netherlands, Nicaragua, Niger, Nigeria, Norway, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

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

7. At its resumed first session, the Group had decided that, at the second session, signatories and observer States would be invited to attend the deliberations on the agenda items on technical assistance and on financial and budgetary matters, scheduled for 1 June and 2 June 2011, respectively. At the conclusion of the first part of its second session, the Group had agreed that, pending a decision by the Conference of the States Parties on the participation of observers, invitations to the resumed second session would be extended in the same manner for signatories and observer States as for the second session.

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

9. Oman, an observer State, was also represented.

10. Palestine, an entity maintaining a permanent observer mission to the United Nations, was also represented by an observer.

11. At its resumed first session, the Group had decided that, at its second session, intergovernmental organizations, Secretariat units, United Nations bodies, 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 would be invited to attend the deliberations on the agenda item on technical assistance, scheduled for 1 June and the morning of 2 June 2011. At the conclusion of the first part of its second session, the Group had agreed that,

pending a decision by the Conference on the participation of observers, invitations for such organizations to the resumed second session would be extended in the same manner as for the first part of the second session.

12. The following Secretariat units, United Nations programmes and institutes of the United Nations crime prevention and criminal justice programme network were represented by observers: Office of Internal Oversight Services, United Nations Commission on International Trade Law and United Nations Office on Drugs and Crime.

13. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, International Anti-Corruption Academy and International Criminal Police Organization.

14. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

### **III. Review of implementation of the United Nations Convention against Corruption**

15. The Secretary of the Conference welcomed participants to the resumed second session and noted with appreciation that many delegations included the focal points from States under review and the governmental experts from the States that were carrying out the reviews in the first and second years of the current review cycle. He expressed gratitude for their active participation, commitment and hard work in the review process, which was beginning to show results. He also welcomed the new States parties that had ratified or acceded to the Convention, bringing the total number of parties to 154.

16. On process issues, the Secretary provided updates to a note by the secretariat entitled "Country reviews: lessons learned from the first year of the current review cycle" (CAC/COSP/IRG/2011/2), and introduced a conference room paper updating information on the average time required for country reviews conducted in the first year of the current review cycle (CAC/COSP/IRG/2011/CRP.3/Rev.1). The Secretary urged all States parties that had not yet submitted lists of governmental experts to comply with that requirement.

17. With regard to the progress of reviews in the first year, 24 States parties under review had submitted complete responses to the self-assessment checklist as of April 2011. Of the 49 reviewing States parties, 44 had submitted their outcome of the desk review to the secretariat for transmission to the State party under review; 15 of them had been submitted within the one-month deadline foreseen by the guidelines. Twenty country visits and one joint meeting in Vienna had been held and two further country visits were planned. Four executive summaries had been finalized and another 12 were expected to be finalized by the time of the fourth session of the Conference.

18. Concerning the timeline for reviews in the first year, the Secretary briefed the Group on the length of time it took, on average, to complete the various steps of the review process prior to finalization of the country reports and executive summaries. For the second year of reviews, he provided statistics on the number of countries that had appointed governmental experts and focal points for the 41 reviews and



highlighted that, in several cases, the nominations had still not been received, which delayed the start of the review process. He also provided the Group with an update on the training courses for governmental experts participating in the second year of the current review cycle.

19. The Secretary explained that the thematic implementation reports (CAC/COSP/IRG/2011/CRP.5 and 6) were structured according to theme and that they contained examples of good practices, as noted in the country reviews. The reports would be submitted to the Conference at its fourth session in all official languages. The Secretary noted that the reports, despite the relatively limited sample of country reviews, highlighted patterns and nuances of implementation that were worth careful consideration, and that the information that was emerging from the country review processes provided a sound basis for analytical work.

20. Speakers shared their experiences from the first and second years of reviews and noted that the Mechanism for the Review of Implementation of the United Nations Convention against Corruption had already produced tangible and useful results. They reinforced their commitment to the Review Mechanism and considered it a fundamental pillar of the implementation of the Convention. They highlighted that strong commitment to the Review Mechanism was part of States parties' commitment to the Convention, and that the Review Mechanism had significantly raised the profile of the Convention and had supported countries in their efforts to implement it.

21. A number of speakers made reference to the documentation provided by the secretariat on lessons learned from the first year of the first review cycle. They noted with concern that in most country reviews the indicative timelines contained in the guidelines for governmental experts and the secretariat on the conduct of country reviews had not been complied with. Speakers urged States parties to redouble their efforts to comply with the timelines for the country reviews. This was also considered important in order to ensure that all reviews on chapters III and IV could be finalized within the cycle. In that regard, States that had not yet done so were urged to fulfil their basic obligations under the Review Mechanism, namely to submit their lists of governmental experts and to designate their focal points in a timely manner.

22. Speakers discussed ways and means of conducting country reviews within the indicative timelines in the future. It was highlighted, in particular, that the drawing of lots for States parties under review was carried out for all four years, with a view to allowing States parties to plan ahead. Speakers encouraged States to start the completion of the self-assessment checklist early. Governmental experts were urged to comply with agreed timelines when commenting on the documentation submitted. The secretariat should continue to receive all possible support, including for the translation of documents. While acknowledging and reaffirming the importance of formal communication channels, a number of speakers stressed that direct communication between focal points and governmental experts, in conformity with the terms of reference, could greatly expedite and facilitate country review procedures.

23. The Chair informed the Group that the following States parties had either not complied or had not fully complied with paragraph 21 of the terms of reference, which required each State party to appoint governmental experts for the purpose of

the review process and provide the secretariat with information on their professional background, their current positions, relevant offices held and activities carried out, and their areas of expertise: Antigua and Barbuda, Bahrain, Botswana, Congo, Dominica, Gabon, Georgia, Guyana, Honduras, Iceland, India, Kyrgyzstan, Liberia, Mauritania, Mozambique, Papua New Guinea, Seychelles, Timor-Leste, United Arab Emirates and Vanuatu.

24. Some speakers expressed the view that the timelines were ambitious. However, it was noted by a number of speakers that, as the Review Mechanism advanced and those participating in it gained experience, timelines would be complied with more easily. While recognizing the need to ensure the timely preparation of responses to the self-assessment checklist, the quality of the self-assessment reports was mentioned as a decisive factor for the success of a country review. The need to provide case law and further evidence of implementation of domestic legislation as part of the response to the self-assessment was noted.

25. With regard to the final outcome of the reviews, the issue of homogeneity of executive summaries was raised, with some speakers welcoming a degree of diversity of the summaries. One speaker stressed that follow-up to potential recommendations should be ensured.

26. One speaker drew attention to the need to pursue discussions within the Group on the issue of optimizing practices for country visits and organizing them in line with the terms of reference of the Review Mechanism.

27. The Group conducted a drawing of lots, as requested by four States parties under review where the review process could not start because one of their reviewing States parties had not yet provided a list of governmental experts or the contact details of those experts. The Group proceeded, in conformity with past practice, to conduct a provisional redraw on the understanding that if the originally drawn reviewing States had not complied with the requirements within two weeks of the end of the resumed session of the Group, the provisionally drawn reviewing States would take their places. Redraws were conducted as follows: Honduras was drawn as a provisional reviewing State party for Colombia; Mauritania for Kazakhstan; Argentina for Uruguay; and Guatemala for Azerbaijan.

28. The Group discussed the possibility of meeting during the upcoming fourth session of the Conference in order to consider the thematic implementation reports in all official languages and possibly make recommendations to the Conference. Speakers made reference to the thematic reports on implementation of chapters III and IV. While recognizing that those documents were based on a relatively small number of reports, speakers highlighted that they provided an interesting picture of implementation efforts. Several speakers suggested additional aspects to add to the thematic reports, including an analysis of technical assistance needs and regional addenda. The Secretary pointed out that extensive changes to the reports were not anticipated by the time of final submission to the Conference, owing to document submission deadlines. He further indicated that regional addenda and an analysis of technical assistance needs could not be included at that stage as the country reports on which the thematic reports were based provided no critical mass of countries per region to prepare such analysis. Speakers noted that the reports would be ongoing analyses destined to grow and evolve as reviews were

finalized and more information became available. Some speakers shared their views on the structure and content of the reports, for instance, welcoming the text boxes containing good practices and asking that they be further developed. Further suggestions were the inclusion of statistics, where the information was more of a quantitative than of a qualitative nature, and case law.

29. The Group decided that it would hold a continued resumed second session on the thematic reports and any other outstanding issues at the fourth session of the Conference. For that purpose, the Group would seek to avail itself of the resources available to the Conference for parallel sessions with interpretation in the six official languages. The Group recommended that the Bureau of the Conference be requested to amend the programme of work of the Conference accordingly.

#### **IV. Technical assistance**

30. The Chair invited the Group to consider the issue of the provision of technical assistance in support of the implementation of the Convention, in response to needs identified through the Review Mechanism. The Secretary commended the deliberations of the Group regarding technical assistance and recalled the proposal of Argentina outlining issues for the Group's consideration of its role with respect to technical assistance in the context of the Review Mechanism.

31. The Group had before it for its consideration a conference room paper on technical assistance in support of the implementation of the Convention (CAC/COSP/IRG/2011/CRP.7), which contained a description of activities that had been carried out, covering legislative and capacity-building activities at the national level, as well as substantive tools and knowledge products that facilitated the delivery of technical assistance. A further paper had been provided to the Group for its consideration, on possible technical assistance activities to respond to the needs identified by States parties during the first year of the Review Mechanism (CAC/COSP/IRG/2011/CRP.8). That conference room paper set out a range of technical assistance initiatives envisaged to meet the current needs identified through the Review Mechanism. The final paper introduced was a note on communications received by the secretariat from six States parties in response to a note verbale of 4 August 2011 related to the provision of technical assistance for chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention.

32. Speakers welcomed the documents prepared by the secretariat as a basis on which an initial discussion on the provision of technical assistance could be held. Given that such documentation was not exhaustive and that it was based on the responses of States parties under review in the first year of the Review Mechanism, the Group would welcome any future analysis that would draw on completed country review reports. In particular, speakers appreciated the three-tier approaches — global, regional and national — to technical assistance delivery outlined by the secretariat. Several speakers recognized the Group as the appropriate forum in which to discuss the global approach. At the regional level, several speakers noted that the activities of other regional or subregional bodies or initiatives might also be relevant to the discussion. Concerning the national approach, the Group recalled resolution 3/4, in which the Conference had endorsed country-led and country-

based, integrated and coordinated technical assistance programme delivery. Several speakers shared their experiences as providers of technical assistance with regard to the implementation of the Convention and of, inter alia, South-South cooperation. In particular, it was noted that such assistance encompassed activities at the normative level, capacity-building, and sector-specific support.

33. The Group reiterated that technical assistance is an integral component of the Review Mechanism and reaffirmed that the guiding principles and characteristics of the Review Mechanism, mainly its being transparent, efficient, non-intrusive, inclusive and impartial and not producing any form of ranking, also applied to the delivery of technical assistance. Several speakers emphasized the important role that signatories could play in technical assistance delivery, and the need for relevant information to be provided.

34. The Group noted the evolving nature of the technical assistance needs that were emerging from the review process or through other means, using the comprehensive self-assessment checklist as a basis. One speaker emphasized the need for flexibility with regard to how technical assistance needs are identified. The Group recognized the importance of coordination among donors, other technical assistance providers and recipient countries in order to leverage resources, increase efficiency, avoid duplication of effort and meet the technical assistance needs of recipient countries. It was further noted that the comprehensive self-assessment checklist allows for the identification of past or existing technical assistance programmes. Tools and Resources for Anti-Corruption Knowledge (TRACK) can also facilitate the dissemination of information on technical assistance needs and delivery. One speaker noted that the International Anti-Corruption Academy could also be an important resource for the delivery of training. The joint initiatives of the United Nations Office on Drugs and Crime and the United Nations Development Programme to deliver anti-corruption technical assistance in various contexts were also noted.

35. Several speakers mentioned the difficulties encountered in distinguishing technical assistance on anti-corruption from broader assistance activities and initiatives in areas such as good governance and public financial management. It was observed that classification discrepancies could have an impact on the provision of relevant information to the Group.

36. Without prejudice to the importance of the outcome of the review process and the identification of priority areas relating to technical assistance, the Group supported a proposal that the secretariat carry out a mapping exercise on the provision of technical assistance, including available expertise and existing programmes. The Group encouraged States parties to include information on evaluation and impact of technical assistance programmes in that exercise. The mapping would facilitate deliberations on efforts to match demand with supply of technical assistance. The Secretary expressed the secretariat's readiness to conduct such an exercise, noting that results would depend on the quality and timeliness of the information provided by States parties, signatories and other technical assistance providers.

## V. Financial and budgetary matters

37. For its consideration of agenda item 4, on financial and budgetary matters, the Group was provided with information on resources received for the biennium 2010-2011, both from the regular budget and from voluntary contributions; expenditures incurred and expected to be incurred on the basis of the experience of the first year of operation of the Review Mechanism; and projected resource requirements for the biennium 2012-2013.

38. Several speakers underlined the need to ensure sufficient funding of the Review Mechanism through the regular budget of the United Nations to guarantee its efficient, continued and impartial functioning, recalling resolution 64/237 of the General Assembly; resolution 3/1 of the Conference, entitled "Review mechanism"; and resolution 1/1 of the Implementation Review Group, entitled "Resource requirements for the functioning of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption for the biennium 2012-2013".

39. That notwithstanding, some speakers expressed the view that additional resource requirements related to posts and translation of official documentation of the Group that had not been included in the proposed programme budget for the biennium 2012-2013 should be funded by voluntary contributions.

40. Other speakers noted that the recommendations for funding of the overall requirements of the Review Mechanism should not depart from the principles already agreed upon in the above-mentioned resolutions, in which the items to be financed by regular budget resources were listed, including translation of documentation to be made available to the Group in the six official languages of the United Nations.

41. At the request of one speaker, the secretariat clarified that, following its fourth session, should the Conference present a draft resolution to the General Assembly on resorting to the regular budget to cover additional resources requirements for the Review Mechanism, the request would be considered together with the proposed programme budget for the biennium 2012-2013, as part of the normal budgetary procedure.

## VI. Other matters

42. The Chair noted that informal consultations had been held in the margins of the Group to discuss the issue of participation of observers in the meetings of the Group. He said that progress had been made on finding a solution that could lead to consensus at the Conference.

## **VII. Amendments to the agenda for the continued resumed second session of the Implementation Review Group**

43. At its 6th meeting, on 9 September 2011, the Group decided to amend the agenda it had adopted at the first part of the second session (CAC/COSP/IRG/2011/1), as follows:

(a) The title of item 2 was amended to read “Review of implementation of the United Nations Convention against Corruption: follow-up to the first part of the second session with emphasis on discussion of the thematic reports on chapters III and IV of the Convention”.

(b) A new item 8 was added, entitled “Conclusions and recommendations”.

44. Those two items would be addressed at the continued resumed second session (see CAC/COSP/IRG/2011/1/Add.2) to permit the Group to give full consideration to the results of its work for appropriate transmission, in accordance with its mandate, to the Conference at its meeting in Marrakech, Morocco, on 25 October 2011.

## **VIII. Adoption of the report**

45. On 9 September 2011, the Group adopted the report on its resumed second session (CAC/COSP/IRG/2011/L.1/Add.4-6).

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