



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

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

Contents

	<i>Page</i>
I. Resolution adopted by the Implementation Review Group .....	2
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 .....	2
II. Introduction .....	3
III. Organization of the session .....	4
A. Opening of the session .....	4
B. Adoption of the agenda and organization of work .....	6
C. Attendance .....	7
IV. Guidelines for governmental experts and the secretariat and blueprint of country review report .....	8
V. Country reviews .....	8
VI. Resource requirements for the Mechanism .....	10
VII. Agenda for the resumed first session of the Implementation Review Group .....	11
VIII. Other matters .....	11
IX. Adoption of the report of the Implementation Review Group on its first session .....	12
 Annexes	
I. Guidelines for governmental experts and the secretariat in the conduct of country reviews ..	13
II. States parties selected for review and as reviewers for the first review cycle .....	20



## 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