



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

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## Report of the Implementation Review Group on its resumed sixth session, held in St. Petersburg, Russian Federation, on 3 and 4 November 2015

### Addendum

#### I. Introduction

1. At the first part of its sixth session, held in Vienna from 1 to 5 June 2015, the Implementation Review Group of the United Nations Convention against Corruption decided to hold a resumed session of one day's duration before the end of the year to continue its deliberations.

#### II. Organization of the meeting

##### A. Opening of the meeting

2. The Implementation Review Group held its resumed sixth session in St. Petersburg, Russian Federation, on 3 and 4 November 2015.

3. The resumed session was chaired by the Vice-Presidents of the Conference of the States Parties to the United Nations Convention against Corruption, Friedrich Däuble (Germany) and Andrés Lamoliatte Vargas (Chile).

##### B. Attendance

4. The following States parties to the Convention were represented at the resumed sixth session of the Implementation Review Group: Afghanistan, Algeria, Andorra, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Botswana, Brazil, Burundi, Cambodia, Central African Republic, Chile, China, Colombia, Cook Islands, Ecuador, Egypt, Fiji, Finland, France, Gabon, Gambia, Germany, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Kenya, Kiribati, Kuwait,



Lao People's Democratic Republic, Lebanon, Liechtenstein, Lithuania, Malaysia, Maldives, Moldova, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, Norway, Oman, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Rwanda, Sao Tome and Principe, Saudi Arabia, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, South Sudan, Spain, State of Palestine, Tajikistan, Thailand, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam and Zambia.

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

6. In Conference resolution 4/5, entitled "Participation of signatories, non-signatories, entities and intergovernmental organizations in the work of the Implementation Review Group", rule 1, the Conference decided that States signatories should be entitled to participate in the Implementation Review Group.

7. The following State signatory to the Convention was represented by an observer: Japan.

8. In resolution 4/5, rule 2, the Conference 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 could be invited to participate in the sessions of the Group.

9. The following intergovernmental organizations were represented by observers: European Union, International Anti-Corruption Academy and Regional Anti-Corruption Initiative.

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

#### **A. Drawing of lots**

10. The Group drew lots for the reviewing States for the Gambia and Tuvalu, which had become parties to the Convention after the drawing of lots conducted at the first part of the sixth session of the Group, held from 1 to 5 June 2015. Guyana and the Sudan were drawn as reviewing States for the Gambia. Grenada and Turkmenistan were drawn as reviewing States for Tuvalu. Following past practice, provisional redraws were requested and carried out. Antigua and Barbuda and Germany were drawn as the provisional reviewing States for Grenada, while Cameroon was drawn as the provisional other reviewing State for Guinea.

#### **B. Progress report**

11. The secretariat provided an oral update on the progress made in the country reviews, highlighting that, at the time of reporting, responses to the self-assessment checklist had been provided by 163 States parties under review, 148 direct dialogues

had taken place, and 121 executive summaries and 100 country review reports had been finalized. An additional 13 executive summaries were in the final stages of completion. This showed that substantial progress had been achieved in completing the first review cycle.

### **C. Outcome of reviews**

12. In reporting on national implementation efforts, the important role of the Mechanism in enhancing implementation and cooperation among States and involving different stakeholders was emphasized. It was noted that, in designing national reform measures, a number of States parties had been oriented by the good practices and lessons learned in other countries as identified through the reviews, and had specifically consulted the executive summaries as well as the publicly available country review reports. In a number of countries, national action plans had been created to follow up on review recommendations and coordinate activities. In drawing on their countries' experiences of undergoing review, several speakers noted the steps taken to effectively address the observations contained in the country review report, to strengthen their anti-corruption frameworks and to meet the technical assistance needs identified. In this respect, speakers reported on the introduction of new legislation on procurement and the establishment of dedicated anti-corruption institutions. The technical assistance provided by the United Nations Office on Drugs and Crime (UNODC) and other development partners in addressing identified needs was acknowledged, including in support for the development of whistle-blower legislation, national anti-corruption strategies and capacity-building at the national level. The important role of the Mechanism in leading to the identification of such needs was noted.

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

13. The secretariat introduced the updated note by the Secretariat on the assessment of the performance of the Mechanism (CAC/COSP/2015/6), which consolidated the information received from States parties and the outcome of the Group's discussions on the assessment. It was noted that the measurable outputs of the Mechanism went far beyond the stated goals and expectations that had led to the adoption of the terms of reference. The implementation of the Convention had been significantly strengthened through the Mechanism, and States had seen their country reviews as an opportunity to galvanize reform efforts and to advance domestic coordination. Speakers agreed that the terms of reference of the Mechanism and its guiding principles continued to provide an adequate framework for its operation. Speakers underscored their readiness to launch the second cycle of the Mechanism in accordance with paragraph 13 of the terms of reference. It was highlighted that the time required for completing the country reviews had been reduced since the early years of its operation, but that the average timeline for completing first-cycle country reviews continued to significantly exceed the indicative timelines contained in the terms of reference, thus delaying the completion of all reviews of States parties in accordance with the four years allotted for that purpose in Conference

resolution 3/1. The secretariat's efforts in supporting States parties during the review process and in expediting the reviews were noted.

14. The secretariat presented the draft revised self-assessment checklist for the review of chapters II and V of the Convention. The main differences between the version of the self-assessment checklist currently being used by States parties to assess their implementation of chapters III and IV and the revised draft for the review of chapters II and V highlighted in the presentation were: the use of a single question flow for all provisions regardless of the initial assessment of compliance with the provision under review; the introduction of optional guidance boxes providing further indications regarding the kind of information that would be relevant to the provision under review; and the combination of questions, which reduced the length of the document. In this regard, it was stressed that the questions continued to focus on three levels: first, self-assessing the compliance, partial compliance or non-compliance with the provision under review; second, soliciting information on the measures adopted by the country under review to implement the provision; and third, soliciting examples of implementation.

15. Several speakers welcomed the development of the draft revised self-assessment checklist, while others felt that further streamlining the draft would help to improve the effectiveness and cost-efficiency of the second cycle. Some speakers expressed their preference for continuing to use the version of the self-assessment checklist used during the first review cycle for the review of chapters III and IV, as its methodology and level of detail allowed States parties to truly and fully review their compliance with the Convention, and also because experts had already acquired the expertise needed to fill it out.

16. Several speakers suggested ways to reduce the volume of information provided, including by summarizing reports and studies instead of providing their full text, limiting the length of responses and including references to legislation and case law previously mentioned in the response instead of repeating the full text. In this regard, several speakers noted that the provision of more focused questions and guidance notes would lead to more concise answers to the questions in the self-assessment. Delegations continued with an exchange of views on further streamlining the checklist in order to achieve the highest level of implementation, thus leading to greater adherence to the indicative timelines for the reviews.

17. One speaker referred to the *Legislative Guide for the Implementation of the United Nations Convention against Corruption* and the *Technical Guide to the United Nations Convention against Corruption* as useful resources in completing the self-assessment.

18. Speakers also referred to the importance of synergies with other review mechanisms, as provided for in the terms of reference.

## **V. Technical assistance**

19. The secretariat provided an overview of how the review process had affected the provision of technical assistance (see CAC/COSP/2015/2). It was highlighted that the peer-learning aspect had allowed a free exchange of ideas and learning during the country visits and the subsequent engagement of the States parties at the

bilateral level. It was also noted that UNODC had addressed the technical assistance needs identified in the country reviews through a two-pronged approach: the direct engagement through the UNODC network of field-based anti-corruption advisers and the delivery of assistance through partnerships with the wider development assistance community. Furthermore, the secretariat noted that considerable assistance had also been provided in relation to chapters II and V of the Convention in preparation for the second cycle of the implementation review. The secretariat provided a general overview of technical assistance needs identified through the individual country review processes in cases where the executive summaries had been agreed and the country reports were either finalized or in the final stages by August 2015 (see CAC/COSP/2015/4). Of the 101 States whose reviews had been completed, 59 had identified a total of 2,202 individual needs for technical assistance. An overview was then presented of the articles for the implementation of which the greatest number of needs had been identified. Attention was also drawn to the need for States parties to consider how technical assistance needs could best be defined in the self-assessment checklist for the second review cycle.

20. The importance of country-led and country-based, integrated and coordinated programming and technical assistance delivery for the implementation of the Convention was noted. In this regard, it was underscored that the published country review reports constituted a useful resource to inform technical assistance providers of the needs identified.

## **VI. Financial and budgetary matters**

21. The secretariat submitted updated budgetary information on expenditures incurred to date under the first review cycle, including estimates for the second to fifth years until the end of 2015, as well as projected resources required after 2015 to fully complete the first cycle. The secretariat stressed that the post-2015 projections would change depending on the date of launch of the second cycle. The secretariat also detailed the resources received from both the regular budget of the United Nations and voluntary contributions, along with cost-saving measures it had put in place.

22. The secretariat provided an overview of projected costs for the first two years of the second cycle of the Review Mechanism that had been prepared for the Conference (see CAC/COSP/IRG/2015/CRP.6/Rev.1). With regard to the financing of the second cycle, a number of speakers underlined the importance of finding ways to continue to strengthen the review process while incorporating cost-saving measures, without compromising quality, including by streamlining the self-assessment checklist, for example by reducing the volume of information provided in the self-assessments and limiting references to national legislation already mentioned in previous responses. Several delegations also expressed support for the aim of zero nominal growth in the conduct of the second cycle. The possibility of streamlining and better organizing the meetings of the Group was noted. The secretariat noted that the available meeting entitlements for the Group during the first cycle had not been fully utilized, and several States invited the secretariat to reduce the number of entitlements for meetings. One speaker stated that the mandate of the Group should not be touched. Some speakers proposed finding ways to reduce translation costs. A new agenda item on cost-saving

measures for future sessions of the Group was proposed. Many speakers stated their support for sufficient and predictable funding that enabled the Mechanism to function in an impartial and objective manner, while several speakers expressed concerns about the cost projections for the second cycle provided by the secretariat and noted that they were not in a position to support a programme budgetary implication for the biennium 2016-2017 as a result of the launch of the second cycle. Speakers further expressed their support for the current mixed-funding model, with parts of the support for and operation of the Mechanism funded from the regular budget and other parts from voluntary contributions, in line with Conference resolution 3/1 and the terms of reference of the Mechanism. Some speakers welcomed the possibility of funding new regular-budget posts, while others expressed their preference for maintaining the current level of regular-budget funding. Several speakers questioned the logic of abolishing two extrabudgetary positions while creating three regular-budget positions and noted that such an approach was inconsistent with the mixed-funding model that had proved successful in the first review cycle. Several speakers invited the secretariat to further revise the projected costs as presented in conference room paper CAC/COSP/IRG/2015/CRP.6/Rev.1. Several speakers proposed extending the duration of the second cycle to six or seven years in order to achieve the effective review of all 177 States parties within a reasonable time, based on the experience of the first cycle, and stated that such a modification would provide the added value of helping the secretariat to achieve greater stability for positions associated with the Review Mechanism funded from the regular budget, while other speakers questioned the cost-saving value of extending the timeline for the second cycle and expressed their preference for staying with the timeline provided for in resolution 3/1. Some speakers expressed concern that reductions in the budget might diminish the ability of the secretariat to provide technical assistance and training. One speaker stressed the need for an adequate training budget for the second cycle, with a view to further enhancing the capabilities of experts from both the reviewing States and States parties under review, in order to ensure an efficient and high-quality review process.

## **VII. Adoption of the report**

23. On 4 November 2015, the Implementation Review Group adopted the report on its resumed sixth session.

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