


**PERMANENT MISSION OF AUSTRIA TO THE UNITED NATIONS
(VIENNA), IAEA, UNIDO and CTBTO (PrepCom)**

Andromeda-Tower, 11th fl., Donau-City-Str. 6, 1220 Vienna; Tel.: 263 72 91; Fax: 05 01159
e-mail: ovwien@bmeia.gv.at

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The Permanent Mission of Austria presents its compliments to the United Nations Office on Drugs and Crime and, with reference to note CU 2008/39 (A) from 29 April 2008, has the honour to submit the views of Austria on resolution 1/1 as well as resolution 2/1, adopted at its second session on "Review of Implementation".

The Permanent Mission of Austria avails itself of this opportunity to renew to the United Nations Office on Drugs and Crime the assurances of its highest consideration 

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Corruption and Economic Crime Section
Division for Treaty Affairs
United Nations Office on Drugs and Crime
Vienna International Centre
Fax: 26060/5841
Vienna

Enclosure



REPUBLIC OF AUSTRIA
FEDERAL MINISTRY OF THE INTERIOR
FEDERAL BUREAU FOR INTERNAL AFFAIRS

Establishing a review mechanism for the implementation of the United Nations Convention against Corruption

The United Nations Convention against Corruption (hereinafter: UNCAC) constitutes a comprehensive instrument at international level providing rules, tools and means to effectively prevent and combat corruption. Its potential needs to be fully exploited, particularly by means of a thorough and effective implementation.

The Conference of the States Parties (hereinafter: CoSP) agreed in its resolution 1/1 on the necessity of establishing an appropriate and effective mechanism to assist it in the review of the implementation of the Convention.

Resolutions 1/1 and 2/1 of the Conference provided that the mechanism to assist the CoSP in the review of the implementation of the Convention should have a range of characteristics and reflect a series of principles.

In its resolution 2/1 the CoSP decided that the Open-ended Intergovernmental Working Group on Review of the Implementation of the UNCAC should prepare terms of reference for a review mechanism for consideration, action and possible adoption by the Conference at its third session.

Proposal to the Working Group for the terms of reference of the review mechanism

According to resolution 2/1 par. 9 Austria would like to propose as follows:

- Establishment of focal points. The incumbent for these focal points should be appointed by the national anticorruption authorities, having a strong expertise in anti-corruption matters.
- Use a self-assessment checklist or questionnaire as an initial step for gathering information on legislation and (general) policies. All States Parties are requested to undertake a self-assessment of their compliance with the provisions (in particular the mandatory ones) of the Convention on the basis of the self-assessment checklist or questionnaire. Further initiatives to broaden the scope of the information gathering should be explored.



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- The review process will be carried out by experts only. The countries concerned ensure the availability of its experts.
- The experts may consider (additional) information related to the country under review which is the product of existing international and regional review mechanisms in order to avoid duplication of work and overlapping.
- The experts will analyze all provided information and request the country under review for clarification/additional information where appropriate. They may also take into account other open source information - in accordance with article 63, par. 6 UNCAC - e.g. from inter-governmental and non-governmental organizations.
- The experts and representatives of the countries concerned are strongly encouraged to exchange information and communicate among themselves at all stages of the process.
- The review teams shall decide among themselves on the practical organization of their work. Though, the Secretariat will offer any assistance if requested.
- In order to enhance the analysis of information available, the country under review should organize an on-site visit (supported by the Secretariat in planning and carrying out). The country under review and the experts identify issues to be discussed during the visit and whom to meet (e.g. relevant stakeholders, incl. civil society).
- The information gathered through the checklist and other means of obtaining information (e.g. country visits) should serve as basis for the assessment, identifying gaps (e.g. in their legislations and policies) and/or deficiencies in the implementation. Based on a "blueprint report" (elaborated by the Secretariat) the reviewing experts will prepare a draft report, which will be submitted to the country under review in order to include their comments on the findings of the experts. The final report shall contain recommendations and conclusions and should be made public.
- The entire process will be assisted by a well-resourced secretariat.

Austria would also like to point out that the (preliminary) results of the pilot project should be taken into account by the Working Group, particularly in respect to the expansion of the Group of the Pilot Review Programme to 25 % of the current States parties.

The global and *sui generis* nature of the Convention implicates the need of a comprehensive approach in establishing an effective and sufficient review mechanism for the implementation of the UNCAC.