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English only

**Open-ended Intergovernmental Working
Group on Review of the Implementation of the
United Nations Convention against Corruption**

Vienna, 22-24 September 2008

**Review of the implementation of the United Nations
Convention against Corruption**

Working document submitted by the Group of 77 and China

**G77 and China position on the “Review of the
implementation of the United Nations
Convention against Corruption”**

1. The Conference of the States Parties (COSP) is the sole body responsible for the review of the implementation of the UNCAC. Any mechanism or body to be established will, therefore, have to be a subsidiary mechanism or body of the COSP. The final recommendations and decisions on any report on the review of the implementation of the Convention will have to be made by the COSP and not by the mechanism itself.
2. All reports must be submitted to the COSP for its consideration. Only COSP will be competent to approve and issue Implementation Review Reports.
3. The review mechanism should base its reports on the information provided only by the States Parties (and where appropriate by the Signatories) on their respective implementation status.
4. Any information provided by Member States in response to their commitments in the review of the implementation of the Convention can only be used for analytical purposes, and cannot be disclosed to any person or entity, without the prior consent of the State concerned.
5. Those reports and information should not be used for purposes other than the promotion of the effective implementation of the Convention. In particular, they should not be used for other political or economic purposes, including trade-related.



6. The review mechanism should be well focused and should be an ongoing process and that a gradual approach should be adopted to guard against overly hasty decisions, as those could lead to a mechanism that needed to be revised after a period of time.
7. Any mechanism for reviewing the implementation of the Convention should avoid bringing about political difficulties, or some kind of selectiveness between Member States.
8. It should be funded from the Regular Budget to ensure its efficient, continued and impartial functioning.
9. Recommendations by any voluntary mechanism (such as pilot project) should not be imposed on States Parties in a later stage.
10. The mechanism should be in compliance with the obligations set forth in the convention and in a manner consistent with the principle of the sovereignty of States.
11. An overly complex and resource-intensive review mechanism should be avoided and that the mechanism should be transparent and participatory.
12. All States parties should enjoy equal footing in any review mechanism or body.
13. The mechanism's objective should be the promotion of the effective implementation of the Convention (article 63, paragraph 7). A mechanism that analyses the review of implementation must also address other important issues, such as, inter alia, challenges for effective asset recovery and shortcomings between requested technical assistance and given technical assistance.
14. The mechanism must be subject to periodic evaluation by the Conference of States Parties. The Conference of States Parties will assess whether the process of review of implementation is in full respect with its terms of reference.