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**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

Comments of Peru on the terms of reference of the future review mechanism of the United Nations Convention against Corruption

I. On the Guiding Principles:

Basic Parameters

1. The mechanism should conform to the principles established in resolutions 1/1 y 2/1 of the Conference of the States Parties.
2. The mechanism should be constructive in two ways. On the one hand, it should encourage the national application of the Convention, assisting countries in the identification of their normative and policy gaps and in the definition of their priorities for action. On the other hand, it should stimulate political and technical cooperation – between developed and developing countries – in matters related to prevention, control and asset recovery.
3. Additionally, the mechanism should systematically gather best practices on prevention and control matters and support, with technical assistance, national policies which are realistic, strategic and gradual and are adequately integrated into the already existing and more general state reform policies and sectorial programs in each country.
4. The mechanism should endeavour to complement other existing similar processes.



II. On Methodology:

Thematic scope of review

5. Each review process of the mechanism should include the review of a limited number of articles of the Convention in order to avoid an overload of work for reviewers and the State under review. Once finished each process, the mechanism should proceed to review a new set of articles of the Convention with the same methodology, not waiting until the conclusion of the review of the totality of States parties.

6. Each review process should contain, as well, questions related both to the level of national compliance as to the level of international cooperation received or provided by each State party.

Procedure

(i) Self-assessment

7. The review process should be based on the self-assessment by each State party of its normative and policy gaps. A valuable tool for that is the checklist elaborated by UNODC, which should continue to be improved in order to perfect its technical and applicative usefulness.

8. The checklist should allow the self-assessment both of the level of national compliance as of the level of international cooperation requested or provided by each State party.

(ii) Dialogue

9. The review mechanism should be supported by an active, technical and cooperative dialogue among different regions and developed and developing countries.

(iii) Site visits

10. In the process of preparation of the country reports, the mechanism should allow the possibility of carrying out country visits to the States parties.

11. The site visits should have the purpose of not only assisting the States parties in the identification of their normative and policy gaps and the definition of their commitments for action, but also of helping in the establishment of their priorities as recipients or providers of international cooperation.

(iv) Use of experts

12. The mechanism should be composed of two instances: an instance of experts from the Secretariat and an instance of experts representing the States parties.

13. The instance of experts from the Secretariat should have as its main responsibility the first phase of review in charge of identifying the normative gaps of States parties with regard to the Convention, on the basis of the self-assessment checklist completed by each country, for the subsequent elaboration of a draft country report.

14. On its turn, the instance of experts representing the States parties, organized in sub-groups of peer review, should take in charge the second phase of review destined to identify the policy gaps, determine the priorities for international cooperation and agree with each State party under review initiatives to improve the implementation of the Convention which will be registered in the final version of the country report.

Source and use of information

15. In order to avoid duplication of efforts, the mechanism should start by requesting the conclusions and country reports elaborated by other existing regional mechanisms, in the context of official coordination with their respective Secretariats.

16. For the preparation of country reports, the mechanism should be able to use non-official sources of information with the previous authorization of the State party concerned, in order to guarantee the trustworthiness of such sources.

Reports

17. Country reports are necessary for the review of implementation of the Convention.

18. The reports should contain, in its first section, a description of the steps taken by the State party to implement the articles of the Convention and, in its second section, in agreement with the reviewing experts, a set of initiatives to improve such implementation. These initiatives could refer with precision to the elaboration or amendment of legislation or to the development of public policies, as appropriate.

19. Each report should be put into consideration of the Conference of States parties for its final approval and subsequent diffusion.

20. If a State party were not to agree a country report with the reviewing experts, the latter should register their conclusions in a country report for restricted use.

21. On the basis of the information included in the country reports, the Secretariat should prepare, for each review phase, a report on best practices which should then be promoted through regional workshops.

Follow-up

22. The mechanism should contain follow-up procedures for each approved country report.

23. The follow-up procedure should also review if the technical assistance priorities identified in the country reports have received adequate attention from the international cooperation community.

III. On the administration of the mechanism

24. The review mechanism should be a subsidiary body of the Conference of State parties.

25. The administration of the mechanism should contemplate a formal liaison with the existing regional review mechanisms in order to systematize the exchange of information and speed-up the preparation of reports. This process should be coordinated with the State party under review to verify the updating and the appropriateness of the information received. The relationship with the existing mechanisms should foster the greatest possible complementarities for the coherent and orderly implementation of the Convention. With that purpose, and to strengthen coordination, the possible participation as observers in meetings and activities of representatives from the regional mechanisms should be envisaged.

IV. On the Secretariat

26. The role of the Secretariat is central for the gathering of data and preparation of checklists; the logistics to enhance dialogue among participating countries; the establishment of deadlines for the different phases; the gathering of best practices; the information about available international technical assistance; and the effort for consistency among the different country reports.

V. On Funding

27. It is important that the review mechanism is financed with the resources of the regular budget of the United Nations and is not dependant on the volatility and political considerations of voluntary contributions.

28. Additionally, the mechanism should be complemented by a Multilateral Fund for Technical Assistance and Promotion of Best Practices lead by an Executive Committee elected by the States parties.
