



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

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**Methods for the review of the implementation of the
United Nations Convention against Corruption**

Background paper prepared by the Secretariat

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I. Introduction

1. The Conference of the States Parties to the United Nations Convention against Corruption has been established, in accordance with article 63 of the Convention, “to improve the capacity of and cooperation between States Parties to achieve the objectives set forth in this Convention and to promote and review its implementation”. In order to fulfil its mandate, as stipulated in paragraph 4 of the article, the Conference “shall acquire the necessary knowledge of the measures taken by States Parties in implementing this Convention and the difficulties encountered by them in doing so through information provided by them and through such supplemental review mechanisms as may be established by the Conference of the States Parties”.

2. The present paper informs the first session of the Conference of the States Parties of methods used to gather information from States parties and to review implementation of international instruments. It provides an overview of existing compliance mechanisms of regional, sectoral and international instruments. It summarizes the mechanisms used to review the implementation of anti-corruption instruments that are either limited in substantive scope, such as the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development (OECD), or in geographic reach, such as the Inter-American Convention against Corruption and the African Union Convention on Preventing and Combating Corruption, or in both, as is the case for the relevant instruments of the Council of Europe.

3. The paper also includes information concerning review mechanisms used for global instruments in other areas. In that connection, the paper outlines the compliance mechanisms for the human rights instruments, the instruments for the protection of the ozone layer and the international drug control conventions. The paper also contains information on the review of the implementation of the United Nations Convention against Transnational Organized Crime.

4. While the topics or geographical reach may vary, the principal obligations for States parties remain the same: when a State ratifies an international treaty, it assumes the obligation to implement its provisions at the national level. The relevant implementation bodies have been mandated to review such implementation and are using a variety of mechanisms. A review of these existing mechanisms may aid the Conference of the States Parties to the Convention against Corruption in deciding on the appropriate mechanism to discharge its related functions.

5. In view of the review mechanisms that are already operating, the Conference of the States Parties may wish to consider the issue of coordination between the work of the Conference and the work of regional and sectoral counterparts. In accordance with article 63, paragraph 4 (d), of the Convention against Corruption, the Conference may devise ways to make appropriate use of the information produced by other international and regional anti-corruption mechanisms.

II. Purpose and methods of gathering information and reviewing implementation

A. Purpose of gathering information

6. The purpose of gathering information is to provide information to the Conference of the States Parties to enable it:

- (a) To review the implementation of the Convention;
- (b) To assess needs for technical assistance and establish priorities in provision of such assistance;
- (c) To establish benchmarks and assess trends over a longer period of time.

B. Methods of gathering information and reviewing implementation

7. A variety of methods to gather information from States parties have been applied by existing implementation bodies. The following is a list of methods used in the different stages of the review.

<i>Information-gathering method</i>	<i>Advantages</i>	<i>Disadvantages</i>
Questionnaires	A good way to collect initial and first-level information on implementation.	Can be lengthy when addressing complex issues and problems can occur for Governments when inputs from various departments are needed, both of which can lead to low and inadequate response rates.
Country reports	Sense of ownership for Governments. Can be used by Governments as a tool to assess their own progress.	Lengthy documents, which are not always compatible. Time-consuming and difficult for the Secretariat to analyse. Requires good guidelines to be complete.
Self-assessments	Sense of ownership. Can be used by Governments as a tool to assess their own progress.	Problems can occur when inputs from various departments are needed. Requires good guidelines to be complete.
Open sources	Information easily available for the Secretariat.	Government prerogative to be the authentic source of information not respected. Information may be inaccurate or biased. Additional workload for the Secretariat to validate and make information complete.
Country visits (conducted by the Secretariat or peer or expert reviewers, or a combination of all three)	Most effective method for obtaining inputs from multiple sources and for in-depth analysis by reviewers. Provide better and more balanced information.	Time and resource intensive.

8. Once the information has been collected, the implementation body needs to establish a mechanism to analyse and review the information. In many cases, this review is done in plenary sessions. Some treaty bodies establish working groups and others have developed an independent body for this purpose. The various mechanisms are summarized below.

<i>Review mechanism</i>	<i>Advantages</i>	<i>Disadvantages</i>
Independent body	Provides good substantive and expert analysis.	Depending on the composition of the body, limited sense of ownership.
Peer review		
(a) Plenary review	Strong sense of peer pressure and opportunity for States to learn from each other.	Can be lengthy and difficult to remain focused. Monitoring can be weak.
(b) Expert review	Sense of ownership and peer pressure.	Potential for political difficulties in global body.

III. Overview of existing review mechanisms

A. Regional and sectoral review mechanisms

1. Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

9. The OECD Bribery Convention entered into force in 1999. Its treaty body, the Working Group on Bribery, is a plenary meeting of all 36 parties to the Convention and meets five times each year. The Working Group has developed an elaborate sequence of monitoring procedures, which is split into two phases and includes elements of self-assessment and mutual evaluation through peer review, with “on-site” visits during the second phase.

10. The principal objective of the first phase is to evaluate whether the legal texts through which participants implement the OECD Bribery Convention meet the standard set by the Convention. First, a detailed questionnaire is sent to the Government, soliciting information on implementation of the Convention. Further detailed information can be solicited by the secretariat and the lead examiners. The second phase looks into implementation issues and, in addition to a more specialized follow-up questionnaire, includes a country visit.

11. In all procedures, a draft report is prepared by the secretariat and discussed with lead examiners and with the Government. The Government is entitled to present its observations, which will, if possible, be included in the final report. The texts are presented to the Working Group on Bribery.

12. The hearings start with an informal consultation between examiners, representatives of the Government concerned and the secretariat, with the aim of clarifying misunderstandings and, if possible, reducing the amount of disagreements. The reading of the report in the plenary sessions of the Working Group allows the examiners to make their case, the Government to respond and the other members of the Working Group to give their opinion, ask questions and raise

further issues. Each meeting includes not only individual country reviews but also a *tour de table* at which Government representatives report on the steps taken to enforce the Convention.

13. The process is based on peer review and creates an opportunity for Governments to learn from the experiences and approaches of others. As designed for the OECD Convention, the process is time and resource intensive. For a global instrument, a number of amendments would be required.

2. Asian Development Bank and Organization for Economic Cooperation and Development Anti-Corruption Action Plan for Asia and the Pacific

14. The Asia and the Pacific region does not have a regional anti-corruption convention or other binding legal instrument. In the framework of the 1999 Asian Development Bank/OECD Anti-Corruption Initiative for Asia and the Pacific, 27 Governments of the region endorsed and launched, in 2001, the Anti-Corruption Action Plan for Asia and the Pacific. Monitoring of the implementation of the Action Plan has been introduced gradually at the request of endorsing Governments and comprises stocktaking of measures, institutions and legislation.

15. Monitoring is based on mutual review of information provided in self-assessment reports in steering group meetings, which are held once or twice a year. The results from the reviews are used as benchmarks to evaluate progress and developments. This assessment using tools and indicators has proved to be crucial to ensure the effectiveness of Action Plan implementation efforts and to assist Governments in evaluating their anti-corruption strategies and identifying weaknesses and gaps that future reform under the Action Plan should target. The stocktaking report on anti-corruption policies in the States serves as the key instrument for this purpose. Regularly updated on the basis of information provided by States, it evaluates progress made by endorsing countries in implementing the principles and standards of the Action Plan over time. Every Government joining the Anti-Corruption Initiative is committed to undergoing this review.

16. The voluntary nature of the programme creates a strong sense of ownership among the participating States. However, the lack of a treaty basis makes this a largely political undertaking.

3. Council of Europe anti-corruption standard-setting instruments

17. The Council of Europe, as a result of the work of the Multidisciplinary Group on Corruption, has, over the years, adopted a comprehensive Programme of Action against Corruption and issued a range of anti-corruption standard-setting instruments, as follows:

- (a) Criminal Law Convention on Corruption;
- (b) Civil Law Convention on Corruption;
- (c) Additional Protocol to the Criminal Law Convention on Corruption;
- (d) Twenty Guiding Principles for the Fight against Corruption;
- (e) Recommendation No. R(2000) 10 on codes of conduct for public officials;

(f) Recommendation No. R(2003) 4 on common rules against corruption in the funding of political parties and electoral campaigns.

18. The Group of States against Corruption (GRECO) of the Council of Europe was created as a follow-up mechanism to improve the capacity of its members to fight corruption by monitoring their compliance with the Council of Europe anti-corruption instruments through a dynamic process of mutual evaluation and peer pressure. GRECO monitoring comprises an evaluation procedure leading to recommendations and a compliance procedure designed to assess the measures taken by its members to implement the recommendations. GRECO holds between three and five plenary meetings per year. All 42 members are evaluated within one evaluation round. The themes to be covered and the provisions to be evaluated within each round are decided on by GRECO. Members are called upon to implement the recommendations made within a fixed period. GRECO evaluation procedures involve the collection of information through questionnaires, on-site country visits enabling evaluation teams to solicit further information during high-level discussions with domestic key players and drafting of evaluation reports. These reports, which are examined and adopted by GRECO, contain recommendations to the evaluated Governments in order to improve their level of compliance with the provisions under consideration. Measures taken to implement recommendations are subsequently assessed by GRECO under a separate compliance procedure.

19. In cases of non-compliance, GRECO's rules of procedure provide for a number of measures designed to assist the member in reaching the desired level of compliance. Ultimately, the Statutory Committee¹ may issue a public statement when it believes that a member remains passive or takes insufficient action in respect of the recommendations addressed to it.

20. The GRECO review is in-depth and foresees an active dialogue at all stages. With three to five plenary meeting a year, it is extremely time and resource intensive.

4. Inter-American Convention against Corruption

21. The Inter-American Convention against Corruption entered into force in 1997 and did not initially include a follow-up mechanism to monitor its implementation. The Declaration of Mar del Plata, adopted at the Fourth Summit of the Americas, noted the importance of accountability and called upon States to implement the Inter-American Convention against Corruption and participate fully in its follow-up mechanism. An agreement on the establishment of a review mechanism was reached in 2001 after lengthy negotiations.

22. Twenty-eight States members of the Organization of American States (of 34 signatories) now participate in the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (MESICIC). MESICIC tracks how States parties to the Convention are implementing its provisions and recommends concrete measures the States can take to improve

¹ GRECO's Statutory Committee is composed of the representatives on the Committee of Ministers of the member States of the Council of Europe that are also members of GRECO and of representatives specifically designated to that effect by the other members of GRECO.

compliance. It consists of self-assessment and peer review with review teams and committee discussions.

23. MESICIC is a peer review process, with the General Secretariat of the Organization of American States coordinating and providing support services for the follow-up process. The Mechanism is comprised of two bodies: the Conference of the States Parties, which is made up of representatives of all the States and has the authority and general responsibility for implementing the Mechanism; and the Committee of Experts, which is made up of experts appointed by each State party and is the body responsible for the technical analysis of how those States implement the Convention. The Committee meets twice a year.

24. The analysis of anti-corruption efforts is carried out by Government-appointed experts. The process does not impose sanctions, but is intended to increase cooperation and strengthen compliance with the Inter-American Convention against Corruption. During the review process, the experts collectively assess each State's performance on the basis of collected data and make recommendations for action.

25. The review process is divided into phases and starts with the completion of a questionnaire designed by the Committee of Experts and the submission of supporting documents by all participating States. On the basis of this information, the secretariat prepares a preliminary report and submits it to subgroups² for review prior to submitting it to the plenary of the Committee of Experts, where the country reports are approved.

26. The process is largely driven by a strong sense of regional ownership and regional peer review; it provides ample opportunity for dialogue between the evaluators and the evaluated countries.

5. African Union Convention on Preventing and Combating Corruption and African Peer Review Mechanism of the New Economic Partnership for Africa's Development

27. The African Union Convention on Preventing and Combating Corruption was adopted in July 2003 and entered into force on 4 August 2006. The monitoring and implementation process of the Convention is regulated in article 22. The follow-up mechanism calls for an Advisory Board of 11 members elected by the African Union Executive Council, serving for a period of two years, renewable once.

28. The Advisory Board has broad responsibilities for promoting anti-corruption work, collecting information on corruption and on the behaviour of multinational corporations operating in Africa, developing methodologies, advising Governments, preparing codes of conduct for public officials and building partnerships. In addition, it is required to report to the Executive Council of the African Union on a regular basis on the progress made by each State party in complying with the provisions of the Convention. At the same time, States parties are required to report to the Board on their progress in implementing the Convention within a year after the entry into force of the instrument and thereafter on an annual basis through

² The States that comprise the review subgroup for each State under review are selected using an impartial methodology. Within each subgroup there must be at least one State that shares the same legal tradition as the State under review.

reports by national anti-corruption authorities to the Board. The review process has not yet commenced.

29. The African Union has also set in motion another governance review process under its New Economic Partnership for Africa's Development (NEPAD), the African Peer Review Mechanism. This process has been designed to develop an integrated socio-economic development framework for Africa to address the current challenges it faces. After consultation with key stakeholders, each of the 23 States completes a self-assessment questionnaire and prepares a draft national action plan, which ultimately results in a background document identifying the major governance challenges facing that State. This is followed by country review visits, the compilation of a country report containing analysis and recommendations for improving governance to be reviewed by the African Peer Review Panel, which in turn makes recommendations to the African Peer Review Forum. The Forum will discuss among fellow heads of State the action plan that has been recommended.

30. Since the Convention has only recently entered into force, the review process has not yet started. The process foreseen suggests the use of peer pressure. With regard to the NEPAD African Peer Review Mechanism, the strengths are the use of peer pressure at the highest political level, a forum of heads of State. This, however, will not be replicable for the Convention against Corruption.

B. Reviewing global treaties

1. United Nations international drug control conventions

31. The International Narcotics Control Board is the independent and quasi-judicial monitoring body for the implementation of the United Nations international drug control conventions: the Single Convention on Narcotic Drugs of 1961 (180 parties); the Convention on Psychotropic Substances of 1971 (179 parties); and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (180 parties). The Board was established in 1968 in accordance with the Single Convention on Narcotic Drugs.

32. The International Narcotics Control Board endeavours, in cooperation with Governments, to ensure that adequate supplies of narcotic drugs and psychotropic substances are available for medical and scientific uses and that the diversion of such substances from licit sources does not occur. The Board also monitors control exercised by Governments over chemicals used in the illicit manufacture of drugs and assists them in preventing the diversion of those chemicals for illicit purposes. The Board is also responsible for assessing chemicals used in the illicit manufacture of drugs, in order to determine whether they should be placed under international control. Pursuant to its mandate under the international drug control treaties, the Board reviews on a regular basis the drug control situation in various countries and evaluates measures taken by Governments and progress in their treaty compliance. As part of its ongoing dialogue with Governments, the Board also conducts an annual evaluation of the implementation of its recommendations pursuant to its country missions.

33. The Board maintains a permanent dialogue with Governments to assist them in complying with their obligations under the international drug control treaties and, to

that end, recommends, where appropriate, technical or legal assistance to be provided.

34. The Board consists of 13 members who are elected by the Economic and Social Council and serve in their personal capacity. The Board holds three sessions per year. It analyses information provided by Governments, United Nations bodies and specialized agencies or other competent international organizations, on the basis of questionnaires, with a view to ensuring that the provisions of the international drug control treaties are adequately carried out by Governments, and recommends remedial measures.

35. The Board publishes a report on the implementation of article 12 of the 1988 Convention and technical reports on narcotic drugs and psychotropic substances to the Economic and Social Council.

36. The Board receives a high rate of responses to its questionnaires compared to other international treaty bodies. The permanent dialogue and the occasional country visits may be partly responsible for this high rate of compliance. At the same time, the information sought by the Board is mostly statistical and is often centrally available in Governments. The review mechanism requires considerable financial and human resources.

2. Instruments for the protection of the ozone layer: the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer

37. While the Vienna Convention for the Protection of the Ozone Layer is a framework convention setting down general principles, the Montreal Protocol on Substances that Deplete the Ozone Layer and its amendments specify very detailed obligations. Compliance is verified largely through a reporting procedure. The Conference of the Parties to the Vienna Convention and the Meeting of the Parties to the Montreal Protocol were established under the respective instruments as decision-making bodies. The meetings of these two bodies are usually held biannually, in conjunction with each other at the same time and place. A trust fund finances attendance by developing countries at the meetings.

38. Article 5 of the Montreal Protocol created a mechanism to encourage developing countries to join the treaty regime. An amendment to the Montreal Protocol expanded this mechanism by establishing, in 1990, the Multilateral Fund for the Implementation of the Montreal Protocol to provide financial and technical assistance to developing country parties for the purpose of enabling their eventual compliance with the Protocol. There are over 140 parties to the Protocol. The Fund provides grants or concessions for incremental costs and finances clearing-house functions to assist in identifying needs for cooperation, to facilitate technical cooperation to meet those needs, to distribute information and relevant materials and to hold workshops, training sessions and other related activities. The Fund is financed by developed countries, that is countries not operating under article 5 of the Montreal Protocol. An Executive Committee of seven developed and seven developing countries, chosen by the parties on an annual basis and in accordance with a balanced geographical representation, develops and monitors the implementation of operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives

of the Fund. The Committee meets three times a year. Each party wishing to receive support must develop a country programme and proposals for individual projects to be submitted to the Executive Committee. Compliance by individual parties is monitored in a peer review process by an Implementation Committee, consisting of 10 parties to the Montreal Protocol selected on the basis of equitable geographical distribution. The party under review participates in the relevant meeting of the Implementation Committee. The Executive Committee reviews the report of the Implementation Committee.

39. In addition, a range of international organizations supports the implementation of the Montreal Protocol through technical assistance to developing countries to comply with treaty obligations. These include the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank. The Global Environment Facility was originally established as a three-year “pilot facility” to provide grants for technical assistance and research. It has now become a permanent institution with the World Bank as its implementing agency.

40. The strengths of these mechanisms lie in the operational link between technical assistance and compliance with the obligations of States parties. The availability of funding is a key component and a strong incentive for the uninterrupted and consistent provision of required information.

3. United Nations human rights treaty system

41. Seven core United Nations human rights treaties have been adopted so far. Each of these treaties established a “treaty body”, a committee of experts, to monitor their implementation. The committees are composed of independent experts (ranging in number from 10 to 23) who are of recognized competence in the field of human rights and are nominated or elected by States parties. All the committees are supported by the Office of the United Nations High Commissioner for Human Rights in Geneva, except for the Committee on the Elimination of Discrimination against Women. The committees are:

(a) The Committee on the Elimination of Racial Discrimination, the first treaty body to be established, has monitored implementation of the International Convention on the Elimination of All Forms of Racial Discrimination since 1969;

(b) The Human Rights Committee was created in 1976 to monitor implementation of the International Covenant on Civil and Political Rights;

(c) The Committee on the Elimination of Discrimination against Women has monitored the implementation of the Convention on the Elimination of All Forms of Discrimination against Women by its States parties since 1982;

(d) The Committee on Economic, Social and Cultural Rights was created in 1987 to carry out the monitoring mandate of the Economic and Social Council under the International Covenant on Economic, Social and Cultural Rights;

(e) The Committee against Torture, created in 1987, monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(f) The Committee on the Rights of the Child has monitored the implementation of the Convention on the Rights of the Child by its States parties, as well as two Optional Protocols to the Convention, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, since 1990;

(g) The Committee on the Protection of the Rights of All Migrant Workers and Their Families held its first session in March 2004 and monitors the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families.³

42. Each treaty body is mandated to consider the reports that States parties are obliged to submit periodically on steps that they have taken to implement the provisions of the relevant treaty. Five of the treaty bodies are entitled to consider individual communications where States parties have accepted this procedure, and two may conduct inquiries into alleged violations of the terms of the respective treaties. All committees have adopted guidelines on the form and content of the reports to assist States parties with the preparation of the reports.

43. While more than two thirds of States parties to the seven instruments have submitted at least one report to a treaty body, only a minority are in full compliance with all their reporting obligations. The percentage of States parties with no overdue reports ranges from over 50 per cent in the case of the Convention on the Rights of the Child to less than 20 per cent in the case of the International Covenant on Civil and Political Rights and the relatively new International Convention on the Protection of the Rights of All Migrant Workers and Their Families.

44. Given the vital role the treaty bodies play in evaluating national policies and practices, concerns have been raised with regard to the ability of the system to process reports but also with regard to the failure of many Governments to submit reports. The Secretary-General in his report entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1), proposed that the treaty bodies "should craft a more coordinated approach to their activities and standardize their varied reporting requirements". In his report entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005), he also called for the finalization and implementation of harmonized guidelines on reporting to all treaty bodies so that those bodies could function as a unified system. In an effort to streamline the reporting process, the treaty bodies approved harmonized guidelines on reporting for all seven of the human rights treaties. Governments will be requested to provide general information for inclusion in a "core document" relevant to all or several of the treaty bodies, which would be supplemented by more targeted treaty-specific reports.

45. To meet their reporting obligations, States must submit an initial report, usually one year after joining the treaty, and then periodically in accordance with the provisions of the treaty (usually every four to five years). In addition to the Government report, the treaty bodies may receive information on a country's human rights situation from other sources, including non-governmental organizations,

³ See "The United Nations human rights treaty system: an introduction to the core human rights treaties and the treaty bodies" (Office of the United Nations High Commissioner for Refugees, Fact Sheet No. 30), part II.

United Nations agencies, other intergovernmental organizations, academic institutions and the press. In the light of all the information available, the committee concerned examines the report together with the Government representatives. Based on this “constructive dialogue”, the committee publishes its concerns and recommendations, referred to as “concluding observations”.

46. States parties are encouraged to regard the process of preparing their reports for the treaty bodies not only as the fulfilment of an international obligation, but also as an opportunity to take stock of the state of human rights protection within their jurisdiction for the purpose of policy planning and implementation. Seen in this way, the reporting system is an important tool for a State in assessing what has been achieved and what needs to be further accomplished.

47. The country reports serve as an assessment tool for the State concerned and thus establish benchmarks against which the State can measure progress. At the same time, the preparation of these reports can be a time-consuming process for the States concerned. The possibility of receiving information from other sources and the constructive dialogue foreseen are a good basis for balanced reports. However, if lengthy country reports are not in the same format it becomes difficult and time consuming for the Secretariat to provide a comparative analysis and this may have an impact on the ability of the system to process reports.

4. United Nations Convention against Transnational Organized Crime and the Protocols thereto

48. The implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto is reviewed by a Conference of the Parties. Its mandate is similar in principle and approach to the mandate of the Conference of the States Parties to the Convention against Corruption, but less detailed and somewhat more limited in scope.

49. The Conference of the Parties to the Organized Crime Convention was convened for the first time in June 2004. It decided to begin a “horizontal” review of actions taken by Governments to implement the Convention by way of collecting information on legislation adopted to comply with the Convention and its Protocols through questionnaires. Less than half of the States parties responded to the questionnaires on time. The Secretariat drew attention to this problem and invited the Conference to address it. The second session of the Conference took place in October 2005. The Conference reminded States parties of their legal obligation to provide the necessary information and directed the Secretariat to approach the States concerned individually, proposing steps to redress the problem. Most importantly, it started looking into the question of technical assistance and began creating a mechanism for the provision of technical assistance while further consolidating and strengthening the link between technical assistance and implementation. The Conference also approved a fresh set of questionnaires on the implementation of more provisions of the Convention and the Protocols.

50. However, the rate of responses to these questionnaires dropped to roughly one third of States parties and the strong call by the Conference to States to respond to the first set of questionnaires failed to bring the overall rate of responses much above the 50 per cent mark. In addition, less than half of the States addressed individually with requests for clarification responded.

51. At its third session, in October 2006, these issues were discussed in detail and the Conference began taking concrete action. It issued a strong call to States parties to complete the first two reporting cycles by June 2007 and requested the Secretariat to prepare final consolidated analytical reports on those two cycles and to highlight issues of non-compliance in the reports. At the same time, the Conference requested the Secretariat to develop a sample format to assist parties in undertaking, on a voluntary basis, a detailed evaluation of their compliance.

52. At its third session, the Conference began examining solutions to the problem of lack of information, which hampered its ability to perform its functions. It started taking a new approach to review of implementation. The low response rate may be due in part, but not exclusively, to a need to assist countries in collecting and processing the required information.

IV. Towards an effective review mechanism for the United Nations Convention against Corruption

53. With corruption high on the political agenda, the effective implementation of the Convention against Corruption is a priority for all States. Expectations have been raised that the Conference will already at its first session take the key political decisions necessary to establish itself as an effective implementation review body.

54. In this respect, States parties may wish to draw from the experiences of existing review mechanisms and design a mechanism that will be in a position to discharge fully and efficiently the mandates of the Conference, in particular with respect to taking stock of States' efforts to implement the Convention.

55. To achieve this goal, the Conference must strike the optimal balance between information gathering and implementation review mechanisms on the one hand and the required financial and human resources on the other. The analysis is in fact essential to determine compliance with the Convention and to tailor the provision of technical assistance to support implementation.

56. The Conference will need to create an efficient mechanism to support parties in undertaking the review of the implementation of the Convention. This mechanism needs to possess, or have ready access to, the necessary expertise and be vested with legitimacy, objectivity and impartiality. Under the authority of the Conference, this mechanism would advise States on progress in the implementation of the Convention, drawing upon the knowledge base built by the Conference.

57. The initial phase could have States parties undertake a comprehensive self-assessment of their compliance with the Convention. To facilitate this process, the Secretariat would produce a checklist of issues to be considered and a set of guidelines. The guidelines would be prepared in a way that raises issues to be covered, information required and suggestions for analysis and authorities to be involved. Assistance would be made available to States upon request to help them in undertaking the comprehensive self-assessment.

58. On the basis of the self-assessment, States parties would be in a position to identify vulnerabilities, weaknesses and gaps in implementation of the Convention. These would then form the basis of concrete action plans setting out specific time frames and establishing clear priorities. Thus, States would be in a position to use

the self-assessment and the action plans as ways of establishing benchmarks and measuring progress in their domestic efforts to implement the Convention and curb corruption. At the same time, parties would determine which actions could be undertaken using the resources available to the Government and for which actions the Government would require technical assistance. This package could be reviewed from time to time by the Government as it proceeds with its work on implementation.

59. A group of experts would be established to review the self-assessments and the action plans. After individual consultations with the States parties, the group of experts would prepare findings on the status of implementation by the State concerned and recommendations for enhancing implementation. The findings and recommendations would be brought to the attention of the Conference of the States Parties at its regular sessions.

60. The Conference may think it would be necessary to allow this mechanism to be fully tested. A way to achieve this would be to put in place a limited voluntary programme that would help fine-tune this course of action and put to the test the means to realize it. The group of States participating would be donor and developing countries alike. The commitment from donors would not only be to contribute the funds necessary to cover the costs of running the programme and for the provision of technical assistance required by the participating developing countries that volunteer to participate, but also to submit their own Governments to a full assessment process. The programme would run for up to three years and conclude at a time that would allow a comprehensive report on its performance to be submitted to the Conference no later than at its third session.

61. A group of experts to oversee the voluntary implementation programme would carry out the reviews and evaluate the programme in its entirety. The Group would also be charged with designing a proposal for a full-fledged review mechanism, building on the experience gained by the voluntary programme, for submission to the Conference of the States Parties. The programme would be limited in scope and time. Only some of the provisions of the Convention would form its backbone. This approach would help focus efforts, making it easier to draw useful conclusions on feasibility and effectiveness.