



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

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Item 2 of the provisional agenda\*

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

### **Activities and working methods of the Implementation Review Group**

#### **Note by the Secretariat**

#### **I. Introduction**

1. Pursuant to article 63, paragraph 5, of the United Nations Convention against Corruption, the Conference of the States Parties is to acquire the necessary knowledge of the measures taken by States parties in implementing the 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.
2. In its resolution 1/1, adopted at its first session, the Conference agreed that it was necessary to establish an appropriate mechanism to assist it in reviewing the implementation of the Convention and decided to establish an open-ended intergovernmental expert working group to make recommendations to the Conference. In the same resolution, the Conference underlined the characteristics that the review mechanism should have.
3. In its resolution 2/1, the Conference set out additional principles that the review mechanism should reflect and tasked the Open-ended Intergovernmental Working Group on Review of the Implementation of the United Nations Convention against Corruption with preparing terms of reference for a review mechanism for consideration, action and possible adoption by the Conference at its third session.
4. At its third session, the Conference adopted resolution 3/1, establishing the Mechanism for the Review of Implementation of the Convention, in accordance with article 63, paragraph 7, of the Convention. The annex to resolution 3/1 contains the terms of reference of the Mechanism, as well as the draft guidelines for governmental experts and the secretariat in the conduct of country reviews and the draft blueprint for country review reports.
5. In the same resolution, the Conference established the Implementation Review Group, the functions of which are to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance

\* [CAC/COSP/2019/1](#).



requirements in order to ensure the effective implementation of the Convention. The thematic implementation report serves as the basis for the analytical work of the Group. On the basis of its deliberations, the Group submits recommendations and conclusions to the Conference for its consideration and approval.

6. The Conference decided that each implementation review phase would be composed of two review cycles of five years each. It also decided to review the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention during the first cycle and the implementation of chapters II (Preventive measures) and V (Asset recovery) of the Convention during the second cycle.

7. In its resolution 4/1, entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, the Conference endorsed the guidelines for governmental experts and the secretariat in the conduct of country reviews and the blueprint for country review reports, which had been finalized by the Implementation Review Group at its first session.

8. In its decision 5/1, entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, the Conference decided that the Implementation Review Group should begin promptly to collect, with the support of the secretariat, and discuss relevant information in order to facilitate the assessment of performance in accordance with paragraph 48 of the terms of reference, following the completion of the first review cycle. The Conference also decided that the Group should include in its future sessions an agenda item allowing for the discussion of such information, and that it should, in the collection of that information, take into account future requirements for follow-up in accordance with paragraphs 40 and 41 of the terms of reference.

9. In its resolution 6/1, entitled “Continuation of the review of implementation of the United Nations Convention against Corruption”, the Conference launched the second cycle of the Mechanism, pursuant to paragraph 13 of the terms of reference of the Mechanism and in line with Conference resolution 3/1. It decided that one fifth of the States parties were to be reviewed in each of the five years of the second review cycle, and that States acceding to the Convention after the sixth session of the Conference should complete the review of implementation of chapters III and IV of the Convention no later than two years after the deposit of their instrument of accession and should participate in the review of implementation of chapters II and V of the Convention during the final year of the second review cycle.

10. Furthermore, during its seventh session, the Conference adopted decision 7/1, entitled “Work of the subsidiary bodies established by the Conference”. In paragraph (c) of that decision, the Conference endorsed the multi-year workplan adopted by the Implementation Review Group at its resumed seventh session and the schedule of meetings approved by the extended Bureau at its meeting on 27 August 2017.

11. The present note has been prepared with a view to informing the Conference about the Group’s activities and working methods and to assisting the Conference in its deliberations on the Group’s future activities.

## **II. Activities of the Implementation Review Group**

12. To date, the Implementation Review Group has held 10 sessions, as follows: first session from 28 June to 2 July 2010; resumed first session from 29 November to 1 December 2010; second session from 30 May to 2 June 2011; resumed second session from 7 to 9 September 2011; continued resumed second session on 25 October 2011, during the fourth session of the Conference; third session from 18 to 22 June 2012; resumed third session from 14 to 16 November 2012; fourth session from 27 to 31 May 2013; resumed fourth session on 26 and 27 November 2013, on the margins of the fifth session of the Conference; fifth session from 2 to 6 June 2014; resumed fifth session from 13 to 15 October 2014; sixth session from 1 to 5 June 2015; resumed

sixth session on 3 and 4 November 2015, on the margins of the sixth session of the Conference; seventh session from 20 to 24 June 2016; resumed seventh session from 14 to 16 November 2016; the eighth session from 19 to 23 June 2017; ninth session from 4 to 6 June 2018; first resumed ninth session from 3 to 5 September 2018; second resumed ninth session from 12 to 14 November 2018; tenth session from 27 to 29 May 2019 and first resumed tenth session from 2 to 4 September 2019.

13. The Group held joint meetings on technical assistance with the Open-ended Intergovernmental Working Group on Asset Recovery on 6 June 2018 and 29 May 2019 and with the Open-ended Intergovernmental Working Group on the Prevention of Corruption on 4 September 2019. The joint meetings were held in line with Conference resolution 6/1, in which the Secretariat was requested to structure the provisional agendas of the Implementation Review Group and other subsidiary bodies established by the Conference in such a way as to avoid the duplication of discussions, while respecting their mandates, and pursuant to the workplan agreed for 2017–2019.

14. The second resumed tenth session of the Group will be held during the eighth session of the Conference. It is expected that, at that session, the Group will assess the implementation of the multi-year workplan for the period 2018–2019 as well as focus on its future work, including synergies with other relevant multilateral mechanisms.

15. Summaries of the activities of the Implementation Review Group during the reporting period are contained in the reports on its sessions held in 2018 and 2019.<sup>1</sup>

16. Since the seventh session of the Conference, the Group has continued to discharge its functions, as mandated by the Conference, and to implement the mandates contained in the relevant resolutions adopted by the Conference.

### **Overview of the review process**

#### **(a) Drawing of lots**

17. In its resolution 6/1, the Conference requested the Implementation Review Group to proceed, at the beginning of its seventh session, with the selection of reviewed and reviewing States parties for the second review cycle by the drawing of lots in accordance with paragraphs 14 and 19 of the terms of reference of the Mechanism. The Conference also requested the Group to hold intersessional meetings open to all States parties, for the purpose of the drawing of lots in accordance with paragraph 19 of the terms of reference of the Mechanism and without prejudice to the right of a State party to request that the drawing of lots be repeated at the subsequent intersessional meeting or regular session of the Group.

18. Moreover, at its first session, the Group decided that States ratifying or acceding to the Convention after the drawing of lots would be reviewed in the fifth year of the first review cycle. In its resolution 4/1, the Conference endorsed the practice followed by the Group with regard to the procedural issues arising from the drawing of lots.

19. In accordance with Conference resolution 6/1, intersessional meetings open to all States parties for the purpose of the drawing of lots were held on 1 June 2018 and 24 May 2019, to draw lots for the selection of the reviewing States parties for the third and fourth years, respectively, of the second review cycle, in accordance with paragraph 19 of the terms of reference of the Mechanism. In addition, at the intersessional meeting held on 1 June 2018 and during the first resumed ninth session of the Group, held in September 2018, lots were drawn to select the reviewing States parties for the first cycle reviews of those States parties that had become parties to the Convention since the previous drawing of lots, held at the resumed eighth session of the Implementation Review Group. Lots were redrawn in connection with the

<sup>1</sup> See [CAC/COSP/IRG/2018/8](#), [CAC/COSP/IRG/2018/8/Add.1](#), [CAC/COSP/IRG/2018/8/Add.2](#), [CAC/COSP/IRG/2019/9](#), [CAC/COSP/IRG/2019/9/Add.1](#) and [CAC/COSP/IRG/2019/9/Add.2](#).

second review cycle during every Group session held in 2018 and 2019, with the exception of the second resumed tenth session, held in September 2019.<sup>2</sup>

**(b) Review of the implementation of the Convention and performance of the Implementation Review Mechanism**

20. During the period under review, the Group considered item 2, entitled “Review of implementation of the United Nations Convention against Corruption” and item 3, entitled “Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption” on the agendas of its ninth and tenth regular and resumed sessions.

21. At all of the aforementioned sessions, the Group was given oral updates on progress made in the conduct of the reviews in the first and second cycles, with a focus on the responses received to the self-assessment checklist, the direct dialogues conducted, the executive summaries and country review reports that had been finalized and the country review reports that had been made available on the website of the United Nations Office on Drugs and Crime (UNODC). Moreover, the Group considered information provided by the secretariat on the performance and impact of the Implementation Review Mechanism.<sup>3</sup>

22. In that context, the Group discussed at its sessions held during the reporting period the reasons for the significant delays identified in the conduct of country reviews under the second cycle, including the complexity of the review of chapter II of the Convention, delays in the submission of responses to the self-assessment checklist by States parties and delays in the nomination of focal points and governmental experts by States parties. States parties were urged to make greater efforts to adhere to the timelines set forth in the terms of reference of the Mechanism. At its second resumed ninth session, the Group considered and approved a set of revised guidelines for the nomination of governmental experts for country reviews.

23. In accordance with Conference resolution 6/1, in which the Group was requested to analyse the outcomes of the first cycle country reviews in terms of successes, good practices, challenges, observations and technical assistance needs, considering the thematic implementation reports, UNODC prepared for consideration by the Conference a set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention. The Group assessed the document positively, while bearing in mind that the recommendations and conclusions were non-binding in nature. The document was circulated again for written comments after the ninth session of the Group and was also discussed at the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, held in June 2018. The Group subsequently considered the set of non-binding recommendations and conclusions, which incorporated all the comments received from States parties at its second resumed ninth session, held in November 2018, and at its tenth session, held in May 2019.<sup>4</sup> The document as it currently stands<sup>5</sup> is based on an analysis of over 6,200 individual recommendations and nearly 1,100 good practices identified in 169 completed country reviews under the first review cycle, including two reviews that were completed since the previous version was submitted to the Group at its tenth session. The Group, inter alia, welcomed the secretariat’s focused analytical work to develop non-binding conclusions and recommendations regarding the outcomes of the first review cycle and noted that the set of non-binding recommendations and conclusions represented important results of the Group’s collective work. Speakers emphasized that States would benefit from drawing on the

<sup>2</sup> The updated country pairings for the first and second review cycles are contained in document CAC/COSP/IRG/2019/CRP.8/Rev.1, available on the website of the Implementation Review Mechanism at [www.unodc.org/unodc/en/corruption/implementation-review-mechanism.html](http://www.unodc.org/unodc/en/corruption/implementation-review-mechanism.html).

<sup>3</sup> See CAC/COSP/IRG/2018/2, CAC/COSP/IRG/2018/3 and CAC/COSP/IRG/2019/2.

<sup>4</sup> See CAC/COSP/IRG/2018/9, CAC/COSP/IRG/2019/3 and CAC/COSP/IRG/2019/6.

<sup>5</sup> See CAC/COSP/2019/3.

recommendations and conclusions, which demonstrated the positive impact of the Mechanism.

24. In reference to the outcomes of the second cycle reviews, the Group considered, at its sessions held in 2018 and 2019, initial trends observed on the basis of reviews of the implementation of chapters II (Preventive measures) and V (Asset recovery), as contained in the thematic reports prepared by the secretariat.<sup>6</sup> The Group, *inter alia*, expressed appreciation for the thematic analysis of the outcomes of the second review cycle and encouraged the secretariat to continue to update the reports as more country reviews were completed. Speakers recognized that the thematic reports helped States to prepare or benchmark reviews and to assess progress, taking into account experiences, good practices, challenges and lessons learned by other States.

25. At the tenth session of the Group, a number of speakers stressed that the eighth session of the Conference would provide the opportunity to take stock of the performance of the Mechanism, discuss the Group's work to date and consider the future of the Mechanism.

### **Enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption**

26. In its resolution 6/1, the Conference called upon the secretariat to continue exploring and, where appropriate, enhancing synergies, in coordination and cooperation with the secretariats of other relevant multilateral mechanisms in the field of anti-corruption. Subsequently, in its resolution 7/4, entitled "Enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption", the Conference requested the secretariat to continue its dialogue with States parties and with the secretariats of other relevant multilateral mechanisms.

27. The Group considered activities carried out by UNODC in furtherance of Conference resolution 7/4 and expressed appreciation and support for the efforts made by the secretariat to enhance synergies with other review mechanisms in the field of anti-corruption.

### **Technical assistance**

28. In its resolution 3/1, the Conference of the States Parties decided that the Implementation Review Group would be in charge of following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance.

29. In its resolution 4/1, the Conference took into account that, pursuant to paragraph 11 of the terms of reference, one of the goals of the Implementation Review Mechanism was to help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance.

30. In the same resolution, the Conference recognized the continuing and valuable role of technical assistance within the Mechanism, as well as the importance of country-led and country-based integrated and coordinated programming and delivery of technical assistance as an effective means of addressing technical assistance needs of States parties. Also in that resolution, the Conference requested the secretariat to continue to develop a three-tiered approach – global, regional and national – to the delivery of technical assistance in the light of the priority areas identified as a result of the review process.

31. In its resolution 6/1, the Conference underscored the importance of addressing the technical assistance priorities identified in the country reviews, and invited

<sup>6</sup> CAC/COSP/IRG/2018/5, CAC/COSP/IRG/2018/6, CAC/COSP/IRG/2019/4 and CAC/COSP/IRG/2019/10.

technical assistance providers to consider those priorities either for new technical assistance programmes or for incorporation into ongoing programmes.

32. In its resolution 7/3, the Conference, *inter alia*, encouraged UNODC to enhance dialogue, foster coordination and promote synergies with bilateral and multilateral assistance providers and donors to respond to the technical assistance needs of States parties more effectively, including the needs identified through the review process, and invited States parties, in completing the self-assessment checklist, to continue to identify technical assistance needs required for the implementation of the articles of the Convention and provide information regarding technical assistance already being provided.

33. During the period under review, the Group considered information on technical assistance needs identified through the individual country reviews finalized in the second cycle and on new trends identified in the first cycle, as well as on the technical assistance provided, including relevant documentation prepared by the secretariat.<sup>7</sup>

34. At its ninth and second resumed ninth sessions, the Group also considered, alongside the Open-ended Intergovernmental Working Group on Asset Recovery, draft non-binding guidelines on the management of frozen, seized and confiscated assets. The Group underscored the non-binding nature of those guidelines. At the ninth session of the Group, many speakers welcomed the draft guidelines and expressed the view that more time should be allocated to discussing them. Additional documentation on the draft non-binding guidelines was made available to the Group at its second resumed ninth session.<sup>8</sup>

35. In resolution 7/3, the Conference reiterated the importance of the Group's considering, on the basis of the outcome of the review process and consistent with the terms of reference of the Implementation Review Mechanism, priority areas for the provision of technical assistance. Accordingly, panel discussions on technical assistance were held in relation to chapter II (Preventive measures), chapter III (Criminalization and law enforcement), chapter IV (International cooperation) and chapter V (Asset recovery) of the Convention during joint meetings on technical assistance held by the Group with other subsidiary bodies of the Conference.

36. Panel discussions were also held under other items on the Group's agenda, on issues such as measures that may be taken to permit other States parties to initiate civil action in court in order to establish title to or ownership of property acquired through the commission of an offence established in accordance with the Convention, the use of country reviews as a basis for programme development, challenges, good practices and lessons learned, and procedures allowing the confiscation of proceeds of corruption without a criminal conviction.

### **Financial and budgetary matters**

37. In its resolution 3/1, the Conference underlined that the Implementation Review Mechanism would require a budget that ensured its efficient, continued and impartial functioning. Pursuant to that resolution, the General Assembly, in its resolution 64/237, requested the Secretary-General to ensure that the Mechanism was adequately funded.

38. In its resolution 4/1, the Conference decided that the Implementation Review Group should assist it in the fulfilment of its responsibility to consider the budget biennially by engaging with the Secretariat during the intersessional period with regard to expenditures and projected costs related to the Mechanism.

39. During the period under review, the Group considered financial and budgetary matters under the appropriate agenda item, including documentation prepared by the secretariat containing budgetary information on expenditures incurred to date in

<sup>7</sup> See CAC/COSP/IRG/2018/CRP.2 and [CAC/COSP/2019/5](#).

<sup>8</sup> See [CAC/COSP/WG.2/2018/3](#), CAC/COSP/IRG/2018/CRP.14 and CAC/COSP/IRG/2018/CRP.15.

relation to the operation of the Mechanism, resources received, both from the regular budget and from voluntary contributions, projected expenditures for the first and second cycles, the effects of cost-saving measures and the shortfall in resources required for the functioning of the Mechanism.<sup>9</sup> The Group also considered such information during its resumed sessions, as provided by the secretariat in the form of oral updates.

40. The Group expressed satisfaction with the transparency and clarity of the secretariat's financial reporting, which in its view provided a useful basis for deliberations. The Group also underscored the importance and positive impact of the Mechanism and the need to ensure both the successful completion of the second cycle and its sustainable financing, which it identified as a key condition for the smooth and effective operation of the Mechanism.

### **Working methods**

41. The Group's working methods, including its meeting schedule, were discussed at most of its sessions. During the ninth session, the secretary noted, *inter alia*, that the meeting schedule was based on the multi-year work programme, had been subject to lengthy consideration and should be discussed by the Conference.

42. During the first resumed ninth session of the Group, one country proposed a reduction in the meeting entitlements of the subsidiary bodies of the Conference and invited States parties to consider the value of holding a second resumed session, suggesting that it might not be necessary. The Secretary, while welcoming a review of the meeting schedule in preparation for the Conference's next session, noted that only the Conference could make a decision on such a matter. He further noted that reductions in the meeting entitlements of the subsidiary bodies would not result in savings that could be reallocated to the Conference and its subsidiary bodies or to the Mechanism. He also noted that the secretariat was considering whether to shorten the duration and agenda of the second resumed ninth session of the Group, without prejudice to the Group's functions and work.

43. During its tenth and first resumed tenth sessions, the Group considered a proposal by Switzerland for the inclusion of a new item and discussed the working methods of the Group more generally. At the tenth session, the Secretary noted that the working methods could be further improved and that the secretariat would be in a position to support informal consultations through the Bureau of the Conference. In reference to the comments made by Switzerland, the Secretary noted that the secretariat had followed past practice with respect to items proposed for inclusion on the Conference agenda. She also noted that in view of the wish of the Group to continue discussions on the draft provisional agenda, a revised version of the document, including the new item proposed by Switzerland, would be issued to facilitate further discussion at the first resumed tenth session.

44. At the first resumed tenth session of the Group, speakers welcomed efforts to improve its working methods, better structure its discussions and plan future joint or back-to-back sessions with other subsidiary bodies of the Conference.

45. Some speakers noted that, with a view to further increasing the efficiency of the Mechanism, the number of annual Group sessions should again be reduced to one regular and one resumed session. This would streamline efforts and make the remaining meeting entitlements available for other *ad hoc* meetings that the Conference may decide to convene, such as preparatory meetings for the special session of the General Assembly against corruption, to be held in 2021. Speakers also highlighted the importance of continuing to coordinate the sessions of the Group with the sessions of other subsidiary bodies of the Conference in order to enhance deliberations. One speaker underscored the importance of identifying and enhancing synergies between the subsidiary bodies of the Conference of the States Parties and the Conference of the Parties to the United Nations Convention against Transnational

<sup>9</sup> See [CAC/COSP/IRG/2018/4](#), [CAC/COSP/IRG/2019/8](#) and [CAC/COSP/IRG/2019/11](#).



Organized Crime in order to define topics of common interest and make full use of available resources.

46. At the same session, a number of speakers expressed support for the proposal submitted by Switzerland to include in the provisional agenda for the eleventh session of the Group a new item entitled “Voluntary exchange of information on national measures taken after the completion of country review reports”, as it would facilitate deliberations. Many speakers noted that such information was already being shared by many States, including under existing agenda items, such as agenda item 2.

47. Some speakers noted that, while more detailed information could be provided on progress made and national measures taken, the inclusion of such an agenda item should not undermine the fundamental principles of the Mechanism, including impartiality, or the implementation of the Convention as a whole. To that end, some speakers indicated that additional clarifications regarding the proposal were required, including in relation to its practical implications, given that the proposal may affect the guiding principles of the Mechanism, including the confidentiality of country review reports in line with paragraph 37 of the terms of reference of the Mechanism.

48. Since no agreement could be reached regarding the inclusion of the proposed item on the provisional agenda for the eleventh session, some speakers urged States parties to hold informal consultations on the matter in advance of the eighth session of the Conference, with the involvement of the secretariat. In that regard, several speakers emphasized that those informal consultations should address not only the proposed item but also ways of improving the working methods of all subsidiary bodies of the Conference, as well as the workplan of those bodies for the period 2020–2021.

49. The Group agreed, *inter alia*, to continue its deliberations on the provisional agenda for its eleventh session at its second resumed tenth session, to be held concurrently with the eighth session of the Conference, while also taking into account any decisions that the Conference may take on the future programme of work of the Group. In view of the limited discussion time available at the second resumed tenth session, the Chair encouraged delegations to hold informal consultations on the draft provisional agenda for its eleventh session, as well as on ways of improving the working methods of all subsidiary bodies of the Conference and on the workplan of those bodies for the period 2020–2021, prior to the eighth session of the Conference.

### **III. Working methods of the Implementation Review Group**

#### **A. Introduction**

50. Pursuant to Conference decision 7/1, on 4 June 2019, the secretariat circulated a note verbale to States parties inviting them to submit comments on the workplan of the subsidiary bodies of the Conference by 27 August 2019. The workplan, contained in document CAC/COSP/IRG/2017/CRP.1, was annexed to that note verbale.

51. In the note, Governments were also informed that the workplan had replaced the prior organization of work, according to which the Implementation Review Group held one regular and one resumed session per year, with the meetings of the Working Group on Asset Recovery and the Working Group on the Prevention of Corruption being held back-to-back in a standalone format, and with the open-ended intergovernmental expert meeting to enhance international cooperation being convened either during Conference sessions or, whenever possible, back-to-back with sessions of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime.

52. By 11 September 2019, comments had been received from Austria, Czechia, Finland, France, Germany, Iraq, Japan, Kuwait, Switzerland and the United States of America. Those comments are set out in the present document in the form in which they were received (see sect. B).



53. In addition, in order to facilitate the deliberations at the Conference on the working methods of the Implementation Review Group and other subsidiary bodies, the secretariat administered surveys that were circulated through special messages following sessions held by the subsidiary bodies in the course of 2019. The results of those surveys are contained in chapter III of the present document.

## **B. Comments received from States parties**

### **Austria**

54. Austria strongly supports the organization of work of the Implementation Review Group as it currently stands. Austria further supports the current practice to schedule sessions of the thematic working groups of the United Nations Convention against Corruption (UNCAC) back-to-back with the Implementation Review Group (IRG) sessions in order to allow for efficient use of time and resources.

### **Czechia**

55. In follow-up to the discussion held on 31 May 2019 within the eighth open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption (UNCAC), the Czech Republic has the honour to provide below its observations and proposals for the better functioning of the individual working groups established under UNCAC:

(a) Observations:

(i) The Czech Republic is of the opinion that the current system of holding three IRG meetings per year back to back with the meetings of other relevant working groups has not proved efficient. Moreover, we believe that having the meetings of three working groups (the Implementation Review Group (IRG) and the working groups on asset recovery and international cooperation) in one week is excessive – as was the case in, for example, the week of 27–31 May 2019. That experience showed that while some working groups are highly attended and discussions tend to be extensive and hardly fit within the scheduled agenda, other working groups, in particular those held at the end of the week, faced a lack of participants and a weaker “drive” of the remaining delegates to take part in the discussions;

(ii) The Czech Republic believes that two IRG meetings per year would be sufficient, as was previously the case, with one week-long IRG meeting in May/June and another one in October/November. On the other hand, if the model of three IRG meetings per year should remain, we would recommend moving the September meeting to, for example, January/February, as the time between June and September is short and not much can happen during that time (considering, in particular, the summer vacation period);

(iii) The Czech Republic is of the opinion that the drawing of lots, which currently takes place at an intersessional meeting usually held on the Friday before the Monday of the regular IRG meeting, should take place during the regular IRG meeting, as not many experts from capitals can arrive in Vienna on Friday merely for the drawing of lots and then travel back to their capitals and return to Vienna on Monday (nor can they, alternatively, stay for the weekend, which most Governments do not find economical). The drawing of lots is thus attended mostly by the employees of permanent missions, who are usually not equipped with flexible-enough instructions, and therefore the drawing of lots has to be repeated anyway during the regular IRG session;

(iv) The Czech Republic supports the proposals to streamline and combine the working outputs of the related working group with the Working Group on International Cooperation under the United Nations Convention against Transnational Organized Crime (UNTOC). At present, relevant parts of the agenda for each of the working groups overlap. In addition to this, extradition

and mutual legal assistance (MLA) cases discussed by the experts on the margins of the working groups show numerous substantive as well as procedural similarities. Therefore, the Czech Republic sees the possibility of organizing joint meetings of the UNCAC and UNTOC working groups on international cooperation from 2020, which would enable States parties to reinforce synergies and, complementarily, enhance efficiency and produce economies in terms of financial resources;

(b) Proposals:

(i) To have two one-week-long IRG sessions per year, one in May/June and another in October/November; alternatively: to have three IRG sessions per year, the first one in January/February, the second in May/June and the third in October/November;

(ii) One of the above-mentioned IRG meetings could be organized back to back with the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery, with a joint meeting held on one day and separate meetings on the other days. Another of the above-mentioned IRG meetings could be organized back to back with the meeting of the Open-ended Intergovernmental Working Group on the Prevention of Corruption, with a joint meeting held on one day and separate meetings on the other days;

(iii) The meeting of the UNCAC open-ended intergovernmental expert meeting to enhance international cooperation could be organized back to back with the meeting of the UNTOC Working Group on International Cooperation, with a joint meeting held over one or two days and separate meetings on the other day(s).

#### **Finland**

56. With regard to the workplan and organization of work, the experience of Finnish experts in the working group meetings – the IRG and the asset recovery and prevention working groups – is positive concerning the back-to-back organization and current timing of the meetings, and we support a similar work plan and organization of work in the future.

#### **France**

[Original: French]

57. With regard to the organization of meetings, the holding of the meetings of the thematic groups back to back with the sessions of the Implementation Review Group has been beneficial. This reorganization has given nuance to the sessions of the Implementation Review Group and, as a result, made it possible to better focus discussions on one of the two chapters of the Convention under review in the second cycle. This practice should be continued as a way of fully exploring the outcomes of the conclusions reached during this cycle.

58. Nevertheless, the significant increase in the number of meetings through the holding of one session of the Implementation Review Group followed by two resumed sessions rather than one, as was the case until 2017, raises a number of issues. For one, all delegates are incurring additional travel costs at a time when the Mechanism is experiencing funding problems. Besides the additional costs, delegates' workload is increased, inasmuch as the majority of States parties are involved in a number of peer review mechanisms for anti-corruption conventions (such as the Organization for Economic Cooperation and Development (OECD) and Council of Europe conventions and the Inter-American Convention). Moreover, the establishment of an additional resumed session of the Implementation Review Group may not necessarily enable progress to be made easily on the topics being examined by the Group. It has been noted that the additional resumed session could actually weaken the engagement of States parties and thereby reduce collective engagement and tangible progress.

59. In this context, it is recommended to reinstate the system that was in place prior to the establishment of the biennial workplan, with a long session of the Group constituting the main session, followed by a resumed session of two or three days later in the year. These two sessions could be followed by meetings of the thematic groups, with one day of joint meetings.

60. In addition, cooperation could be improved between the expert meeting to enhance international cooperation and its counterpart for the Palermo Convention, with the holding of a joint meeting for the two conventions.

61. Lastly, building on the suggestions made by the Swiss delegation, it might be useful to take a more structured approach to discussions during sessions of the Implementation Review Group. To that end, it would be helpful for the secretariat and/or the extended Bureau to identify, in advance and on a voluntary basis, the States wishing to give substantial presentations on the reforms they have undertaken in response to the conclusions of the evaluation reports. Such a measure would have the merit of further highlighting the Review Mechanism's impact on national legislation and enable good practices to be shared.

### **Germany**

62. Germany would like to thank the Secretariat for its note of 4 June 2019 and the opportunity to comment on the implementation of the workplan for the subsidiary bodies established by the Conference of States Parties.

63. Germany would like to support, in general, the proposals made by Switzerland in its conference room paper of 9 November 2018 on the agenda and working methods of the Implementation Review Group (CAC/COSP/IRG/2018/CRP.18). However, unlike Switzerland, Germany is not against continuing the practice of holding IRG meetings (at least partly) during a conference session. This would reduce delegations' travel costs and might allow more delegations to participate in both IRG and the Conference of the States Parties (COSP).

64. Germany can also support the Czech proposal in its paper "Better organization of work and functioning of working groups established under the United Nations Convention against Corruption" to reduce the yearly number of IRG meetings from three to two (which seems to be also included in point 6 of the Swiss paper). However, Germany is against the proposal to go back to holding the drawing of lots at the regular IRG meeting rather than at an intersessional meeting. The Czech paper points out that the drawing of lots is mostly attended by permanent missions, which are usually not equipped with flexible-enough instructions and therefore the drawing of lots has to be repeated anyway during the IRG session. While we see that point, we believe that when some more routine with the current practice has been established, the need for repeat drawings at IRG might be reduced, which might result in more time for IRG for its substantial work.

65. In addition, Germany supports the Czech proposal to streamline and combine the working outputs of the related working group with the Working Group on International Cooperation under the United Nations Convention against Transnational Organized Crime and to organize joint meetings of the UNCAC and UNTOC working groups on international cooperation from 2020.

### **Iraq**

66. In general, the impact of the workplan is appropriate and convenient, and this is manifested in two advantages:

(a) It helps to ensure the participation of more than one governmental expert in each IRG and working group meetings owing to the reduction in travel and accommodation expenses for delegations;

(b) It facilitates the circulation of information such as views, successes, challenges and good practices gained from the discussions at IRG and working group

meetings among other governmental experts and entities at the national level, which may speed up the review of such information within a shorter time frame.

### **Japan**

67. We should continue to explore the possibility of holding as many meetings as possible back to back with meetings of the other subsidiary bodies, with a view to reducing the cost of travel borne by the States parties and their experts who would travel from the capitals to attend those meetings. This could enable more experts to attend the meetings and participate in the discussions actively.

68. Considering that the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice will be held in April 2020, when deciding on the schedule of meetings of the UNCAC subsidiary bodies, it should be noted that the dates of the Crime Congress and its preparatory meetings and of those subsidiary bodies do not overlap.

69. We should continue to explore the possibility of holding some sessions of the open-ended intergovernmental expert meeting to enhance international cooperation jointly with the Working Group on International Cooperation of UNTOC, as major topics discussed in the former, including challenges in executing mutual legal assistance and extradition, as well as how to expedite them, are also of interest to the latter and discussions in the working groups overlap substantially. Our observation is that one significant difference between the provisions pertaining to issues of international cooperation in UNTOC and UNCAC is asset recovery. However, given that we already have a working group dedicated to asset recovery, the residual issues, in our view, very much overlap. For instance, during the intergovernmental expert meeting to enhance international cooperation held this May, the issues discussed included legal barriers to MLA. This issue is of great importance for practitioners working in both the field of corruption and the field of transnational organized crime. In order for experts to benefit the most as well as to create synergies between experts from different fields of interests (but nevertheless work for the common goal to strengthen international cooperation), a joint session could be useful.

### **Kuwait**

[Original: Arabic]

70. The Anti-Corruption Authority has no views from an organizational perspective on the workplan, because the Conference of the States Parties has already adopted it according to paragraph (c) of decision 7/1.

71. The Authority wishes to stress that, from a technical perspective, it would be better for the meetings of the Implementation Review Group to be organized in the same way that they were being organized before the adoption of the above-mentioned workplan, in particular with respect to the number of sessions (ordinary sessions and resumed sessions), as that would satisfy the need to reduce expenditures and conserve the resources of the Implementation Review Mechanism. Doing so is even more important, given that additional resources are needed in order to ensure that the Group is able to manage smoothly the work of the Implementation Review Mechanism, and in view of the limited resources that will be available to the Mechanism in the coming years.

72. The second resumed session of the Implementation Review Group focused on analysing information pertaining to chapters III (Criminalization and law enforcement) and IV (International cooperation). This technical analysis and review of information could be conducted on the margins of the regular and resumed sessions of the Implementation Review Group; doing so would avoid imposing an additional budgetary burden on the Implementation Review Mechanism, namely, the cost of holding another resumed second session.

## Switzerland

73. Switzerland appreciates the opportunity to provide feedback on the implementation of the multi-year workplan. It welcomes the practices adopted in recent years of scheduling back-to-back meetings of IRG with different working groups and even joint meetings on particular topics. This approach not only avoids the duplication of discussions in different subsidiary bodies of the Conference. It also draws the attention of competent national experts to the outcome of the implementation reviews, and in particular to the thematic implementation reports.

74. This supports evidence-based policymaking. IRG also benefits from the presence and participation of prevention, asset recovery and international cooperation experts, as they contribute with specialist knowledge to the analytical work of IRG. In Switzerland's view, the synergies obtained through the current schedule of meetings are significantly greater than the synergies previously obtained through back-to-back meetings of the working groups on prevention and asset recovery.

75. Switzerland therefore recommends the continuation of the current practice of scheduling meetings. The frequency of meetings (three meetings per year of IRG, one meeting per year each on asset recovery, prevention and international cooperation) is considered appropriate by Switzerland. The attractiveness of meetings for experts could be further enhanced by highlighting the particular topics for joint meetings as well as the guiding questions for discussion in the Secretariat's invitation and in the annotated agenda.

## United States of America

### (a) Number of meetings of the Implementation Review Group

76. The United States recognizes the important role of IRG in promoting the effective implementation of UNCAC. It affords States parties the opportunity to share best practices and common challenges regarding the implementation of the Convention as well as lessons learned from undergoing the first and second cycles of the Implementation Review Mechanism (IRM). This is particularly important with the second cycle, originally envisioned to conclude within five years, and as the Conference of States Parties determines the future of IRM.

77. Given the financial concerns surrounding IRM, the United States has continually advocated that COSP and UNODC, as the UNCAC Secretariat, consider cost-saving measures. The Secretariat has done a commendable job identifying and instituting these measures, which has strengthened the financial stability of the IRM. However, concerns about the IRM budget remain, and additional cost-saving measures should be instituted. One area where such measures should be considered is the number and length of IRG meetings held annually.

78. The United States recommends reducing the number of annual IRG meetings from three to two. Two meetings would still provide sufficient time to accomplish the objectives and fulfil the responsibilities of IRG. The elimination of the third meeting would also reduce the number of meeting entitlements required, thereby providing for cost savings. This cost saving would free up meeting entitlements that could instead be used for other purposes, such as ad hoc meetings dedicated to planning for the special session of the General Assembly on corruption, scheduled for 2021, should COSP decide to organize such events.

### (b) Scheduling the expert meeting on international cooperation

79. The United States supports continuing the practice of scheduling the UNCAC expert meeting on international cooperation in conjunction with the Working Group on Asset Recovery. Many of the most pressing issues related to asset recovery involve international cooperation between States parties. Scheduling these meetings together can encourage States parties to send their asset recovery and international cooperation experts to attend both meetings. This type of cross-body collaboration could be promoted even further by scheduling a joint session between the Working Group on

Asset Recovery and the expert meeting on international cooperation, similar to the joint sessions that have taken place between the Working Group Asset Recovery and IRG. The joint session could address some of the common challenges affecting effective international cooperation on asset recovery cases.

80. Where possible, the United States would also encourage greater coordination between the secretariat of UNCAC and the secretariat of the United Nations Convention against Transnational Organized Crime (UNTOC) to facilitate back-to-back organization of working groups under both conventions related to international cooperation, mutual legal assistance and extradition. While it may not be logistically possible to convene a session of the UNTOC Working Group on International Cooperation during the same week as UNCAC subsidiary bodies, it would potentially be feasible to organize UNTOC and UNCAC working groups more intentionally to encourage participation by central authorities and competent authorities. To further this aim, the United States would encourage both working groups to share their agendas and perhaps even to agree on specific focus areas for each to further enhance the professional development of participants and to avoid duplication.

**(c) Scheduling dedicated UNCAC meetings for special session planning**

81. In resolution 73/191, the General Assembly decided to convene in the first half of 2021 a special session of the General Assembly on challenges and measures to prevent and combat corruption and strengthen international cooperation. In that same resolution, the General Assembly decided that the planning for the special session, which includes negotiations on the political declaration, should take place under the auspices of UNCAC COSP. The General Assembly specifically invited COSP to lead the preparatory process for the special session by addressing all organizational and substantive matters in an open-ended manner.

82. The United States believes COSP should dedicate sufficient time and resources to planning for the special session of the General Assembly. Consequently, the United States recommends that COSP consider setting aside existing meeting entitlements to support the organization of several meetings dedicated to special session planning. The meetings should take place in Vienna and could be held back to back with already scheduled meetings of the UNCAC subsidiary bodies to help ensure experts are able to participate in the planning. One option to ensure that these meetings are conducted within existing resources is to shorten the resumed IRG meeting by half of a day and use the meeting entitlement for special session planning. Additionally, as recommended above, the second meeting of the resumed IRG could be replaced with a special session planning meeting. These meetings should begin in the second half of 2020, after the conclusion of the Crime Congress.

**C. Results of surveys circulated by UNODC to permanent missions to the United Nations (Vienna)**

83. UNODC constantly strives to improve its service delivery. In that context, in 2019 the Conference secretariat administered two surveys to assess delegations' satisfaction with the support it provided in relation to the sessions of the subsidiary bodies of the Conference.

84. The first survey was administered on 7 June 2019 in connection with the following meetings: (a) the tenth session of the Implementation Review Group, held from 27 to 29 May 2019; (b) the thirteenth session of the Working Group on Asset Recovery, held from 29 to 30 May 2019; and (c) the eighth session of the open-ended intergovernmental expert meeting to enhance international cooperation, held on 31 May 2019.

85. A total of 11 responses were received from representatives of 9 States parties, with more than 80 per cent of respondents rating the organization and servicing by the secretariat in support of the meetings as "excellent" or "very good", and 90 per

cent rating the quality and timeliness of the documentation prepared by the secretariat as “excellent” or “very good”.

86. Comments received from respondents to the first survey included the following:

(a) The agenda should be more user-friendly and detailed;

(b) Meeting efficiency should be improved through the provision of guidance to speakers with regard to time limits for statements and items under discussion, the provision of topics for consideration in advance and the commencement of panels at the beginning of sessions;

(c) Back-to-back and/or joint meetings of the bodies on international cooperation established under the Convention against Corruption and the Organized Crime Convention should be held to enhance synergies;

(d) The challenges that countries faced in implementing the Convention should be addressed.

87. The second survey was administered on 10 September 2019 in connection with the first resumed tenth session of the Implementation Review Group, held from 2 to 4 September 2019, and the Working Group on the Prevention of Corruption, held from 4 to 6 September 2019.

88. A total of 16 responses were received from representatives of 15 States parties, with nearly 95 per cent of respondents rating the organization and servicing by the secretariat in support of the meetings as “excellent” or “very good”, and close to 90 per cent rating the quality and timeliness of the documentation prepared by the secretariat as “excellent” or “very good”.

89. Comments received from respondents to the second survey related to the following: the excellent work of the secretariat; the need for increased interaction during sessions, including during panel discussions, for instance, by including guiding questions for discussion in the annotated agendas; and the need to address issues such as the issuance of badges for joint meetings and the translation into the official languages of the United Nations of explanatory memorandums submitted by delegations.

#### **IV. Recommendations**

90. The Conference may wish to consider the available information on the working methods of the Group, including the comments received from States parties, and adopt a workplan for the Implementation Review Group for 2020–2021.

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