



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

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

**Performance of the Mechanism for the Review of
Implementation of the United Nations Convention against
Corruption, in particular its second review cycle and the
measures required for its completion**

Note by the Secretariat

Summary

The present document provides a general overview of the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, in particular of its second cycle. It contains recommendations on measures required for the completion of the second cycle, with due regard to related procedural and budgetary implications.

* CAC/COSP/2019/1.



I. Introduction

1. In its resolution 3/1, the Conference of the States Parties to the United Nations Convention against Corruption decided that each review phase of the Mechanism for the Review of Implementation of the Convention would be composed of two review cycles of five years each. Paragraph 13 of the terms of reference for the Implementation Review Mechanism, annexed to resolution 3/1 of the Conference of the States Parties, stipulates that the review of all States that are parties at the start of a review cycle should be completed before a new review cycle begins.
2. Four years after the launch of the second review cycle, the first cycle is nearly complete, with 169 out of 184 executive summaries adopted. The second cycle, however, faces substantial delays in all stages of the reviews, with a current median duration of first-year reviews of over 31 months and only 27 out of 113 reviews for the first to third years of the second cycle having been completed to date. With the final year of the second cycle ending in June 2021, an analysis of the performance of the Mechanism is warranted, with special emphasis on measures necessary for the completion of the second cycle.
3. The present document thus provides an overview of the performance of the Mechanism, in particular of the progress made during the second cycle as it currently stands, and sets out a number of recommendations on measures required for completing the country reviews under the second cycle, including the possibility of an extension of the second cycle of the first phase, as well as related procedural and budgetary implications.

II. Statistical overview of the first and second review cycles

4. The data provided in figures I and II show the progress achieved as at October 2019 in the conduct of the country reviews during the first cycle of the Implementation Review Mechanism and during the first four years of the second cycle, respectively.

Figure I
Overall progress achieved in the first cycle

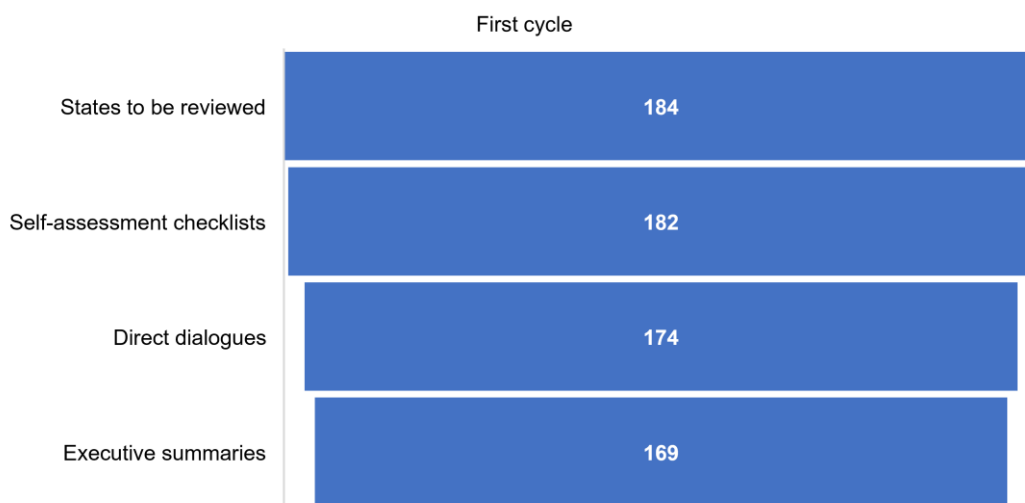
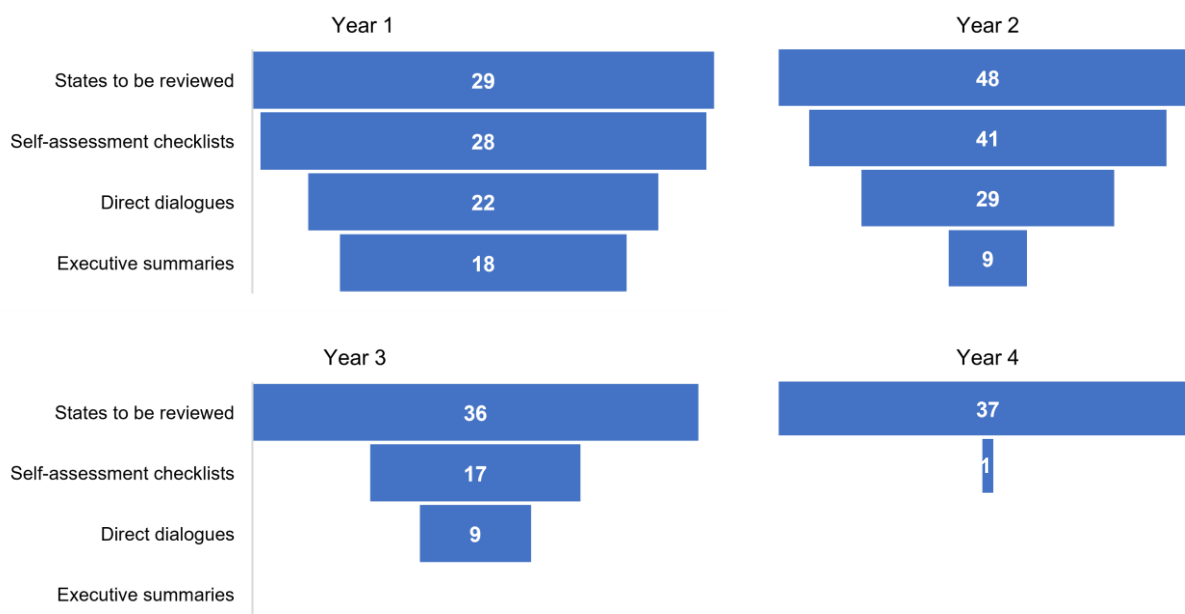


Figure II
Progress achieved in the first to fourth years of the second cycle



III. Analysis of the time frames associated with the critical stages of the review process

5. The delays in the completion of the country reviews under the Mechanism and the resulting backlog were analysed for the purpose of determining whether the second review cycle could be completed by June 2021, as foreseen.

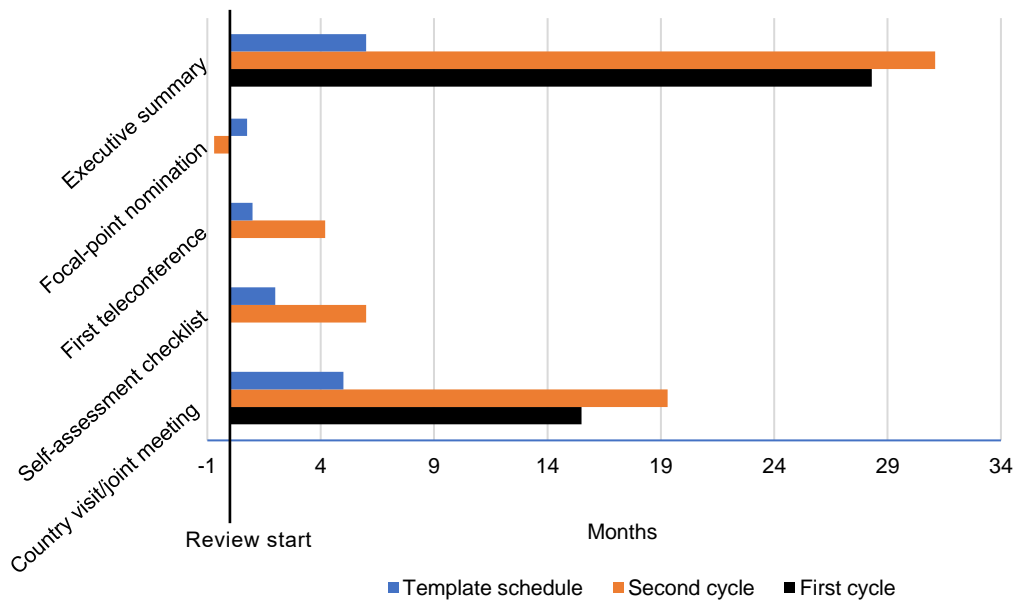
6. To this end, the reference timelines established in the terms of reference of the Review Mechanism and the guidelines for governmental experts and the secretariat¹ were compared to the actual timeline of reviews in both cycles. To best represent the typical review duration, the median (or middle) values were calculated. Unlike mean values, commonly referred to as averages, median values are less influenced by single outliers that otherwise would skew the overall values of the data.²

7. Figure III illustrates the overall comparison of progress in first-cycle and second-cycle reviews from the start of the country reviews; the individual stages analysed will be elaborated on below.

¹ Shown in the “Model schedule for country reviews based on the terms of reference of the Review Mechanism and the guidelines for governmental experts and the secretariat” (www.unodc.org/documents/treaties/UNCAC/Review-Mechanism/IRG_model_country_review_schedule.pdf).

² For the different review steps considered in the present document, the mean values are higher than the corresponding median values, given that the former are sensitive to extreme outliers. For instance, some reviews in the first cycle have had durations that are considerably longer than those of the majority, by 60, 80, 100 or even more months. While the median of all first-cycle reviews is 28.3 months and is already determined (even though some reviews are yet to be finalized), the mean at present is nearly 32 months and will increase further as remaining reviews are finalized. All median values that at the time of writing had already been determined are represented in the analysis; for others, not enough data were available at that time.

Figure III
Median duration of country reviews: target timeline versus reality

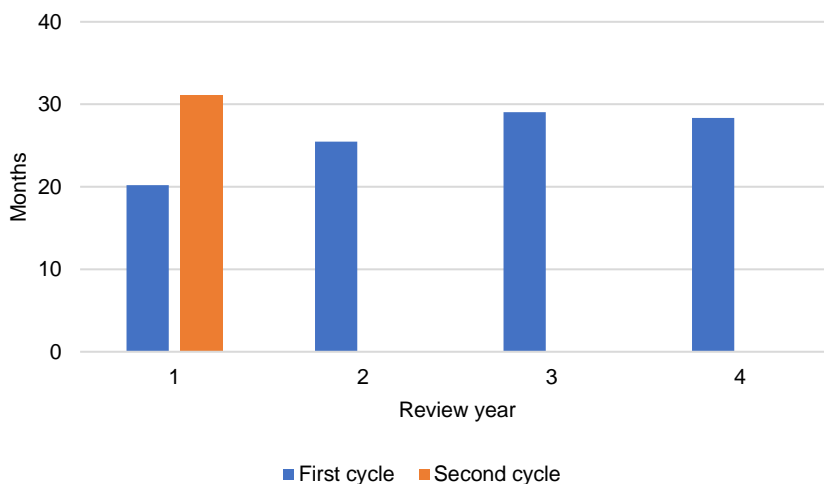


1. Analysis of individual review steps

(a) Review start date to executive summary

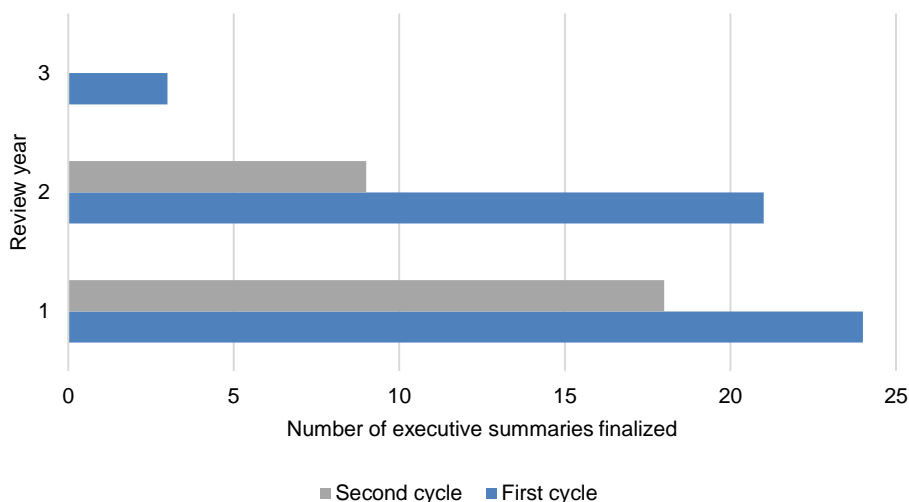
8. A complete country review, according to the terms of reference, is foreseen to have a duration of six months. For the purposes of the present analysis, the completion of the executive summary was considered the end of the country review, while the date of completion of the country review report, which usually takes place at a later stage, was not taken into account. The 184 reviews of the first cycle (completed and ongoing) show a median duration of more than 28 months, i.e. more than four times the reference time frame. This includes more than 90 per cent of reviews with completed executive summaries and 15 reviews for which the executive summary has yet to be completed. A continuing increase can be observed over the first three review years, and then it remains at a high level for the fourth year. Furthermore, the continuation of this slowdown can be observed for the second cycle, in which first-year reviews have a median duration of more than 31 months, longer than any of the median values experienced during the four review years of the first cycle.

Figure IV
Median time from review start to completion of executive summary



9. The delays experienced during the second cycle are more substantial than those that occurred in the first cycle: for the first three years of the second cycle, executive summaries have been finalized for fewer than one fourth of reviews (27 of 113). At the comparable time in the first cycle (mid-September 2013), executive summaries had been finalized for nearly twice this percentage (47, per cent or 48 of the 103 reviews for the first three years).

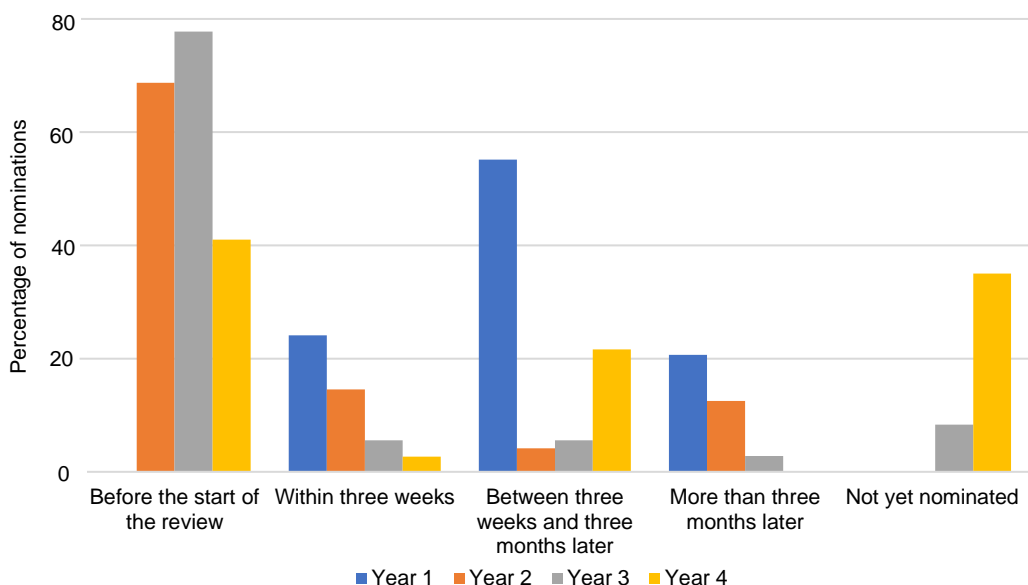
Figure V
Median number of executive summaries finalized as at September 2013 (first cycle) and September 2019 (second cycle)



(b) Review start date to focal-point nomination

10. At the time of writing, more than 140 of the 184 focal points for the second cycle had been nominated. Nearly three fourths of nominations were submitted within the reference time frame of three weeks after the review start date, or even prior to that date. However, despite this overall positive picture, for more than 10 per cent of reviews in the third year and more than one third of reviews in the fourth year, nominations have either not yet been received or took longer than three months, thus delaying reviews already at this initial step.

Figure VI
Second review cycle: time from start of review to nomination of focal points

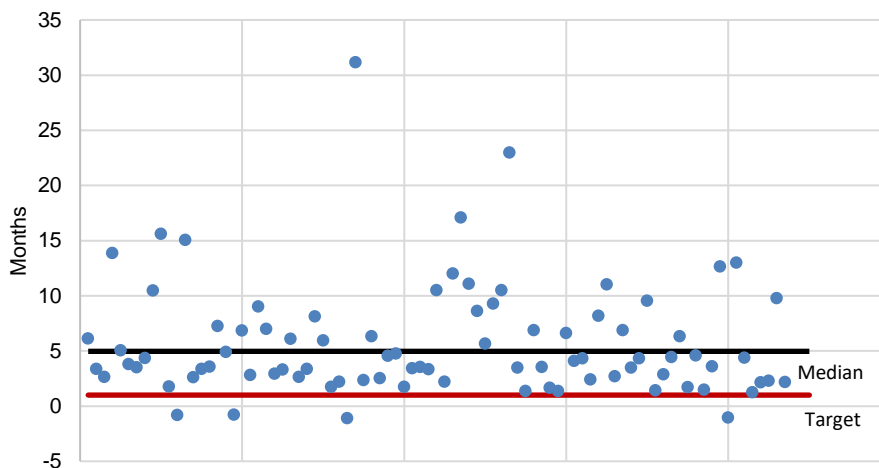


(c) Review start date to first teleconference or videoconference

11. While the terms of reference foresee that the first teleconference or videoconference should take place within one month of the start of the review, the median value for the first three years of second-cycle reviews is five months (including the nearly one fifth of first teleconferences or videoconferences that are yet to be conducted).

Figure VII

Second review cycle: time from review start to first teleconference

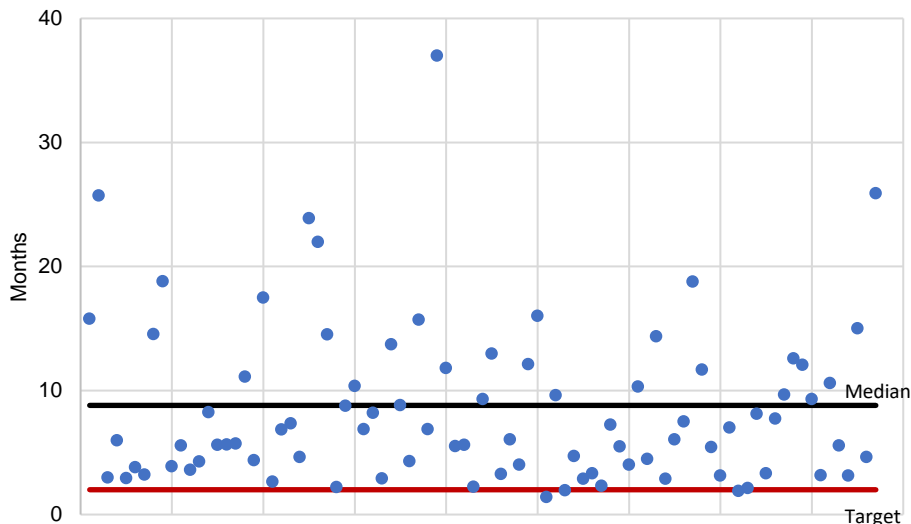


(d) Review start date to the submission of self-assessment checklist

12. The reference timeline foresees the submission of the self-assessment checklist occur within two months after the review start date. The median for the first three years of second cycle reviews is more than 8.5 months (including the nearly one fourth of self-assessment checklists that are yet to be submitted).

Figure VIII

Second review cycle: time from review start to submission of self-assessment checklist



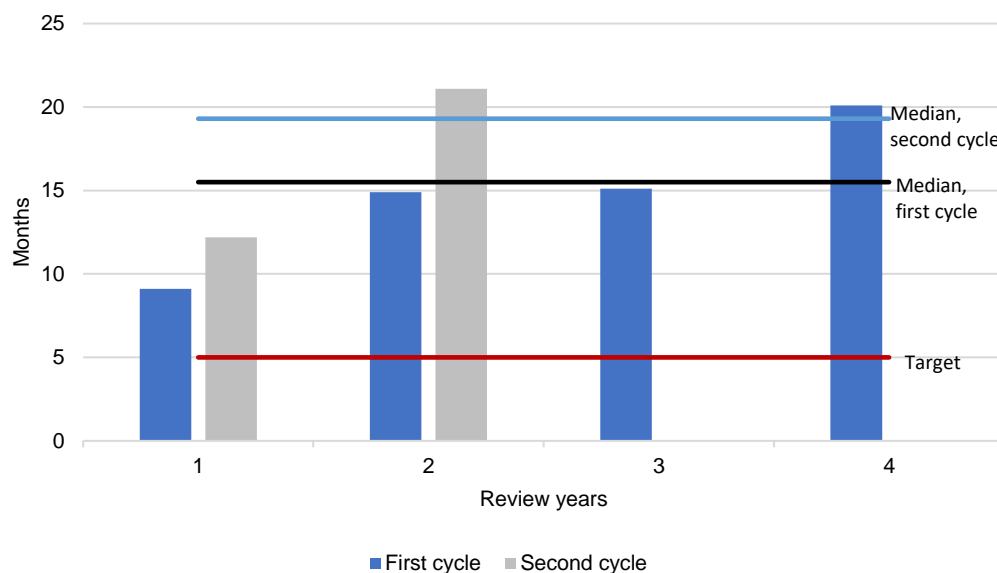
(e) Review start date to country visit or joint meeting

13. The terms of reference foresee two months of direct dialogue, followed by the preparation of the draft country review report within approximately five months of the start of the review. First-cycle reviews show a median value of more than

15 months until the conduct of the country visit or joint meeting (including reviews for which the country visit or joint meeting is yet to be conducted), with a continuously increasing tendency over the review years. Second-cycle reviews (first and second year) show a similar pattern, with an overall median of more than 19 months, and the median values for individual review years being several months higher than those in the first and second year of the first cycle.

Figure IX

Median time from review start date to country visit or joint meeting



2. Reasons for and consequences of delays in the completion of country reviews

14. A number of reasons for delays in the completion of country reviews have been identified in documentation prepared previously by the secretariat, with the significant delays in the submission by States parties of their responses to self-assessment checklists and the finalization of executive summaries and country review reports emerging as the two most critical stages. Other reasons for the overall delay are: (a) significant delays in the nomination by some States under review of their focal points; (b) significant delays in the nominations of experts by reviewing States parties; (c) the number of languages used for some reviews, as additional time is required for the processing of the working documentation in those cases; and (d) the time required to reach consensus on the executive summaries and country review reports among all the parties involved. Moreover, many States parties indicated that the complexity of chapter II and the wide stakeholder consultations required were at the root of most of the delays.

15. In addition to the information provided in the previous sections, it is noted that at the time of the formal completion of the first review cycle, the Convention had only 144 parties, which had a corresponding impact on the workload of the secretariat. In the second cycle, the majority of States under review in the third or fourth years also act as reviewing States for ongoing reviews of the same or previous years, causing an increased workload for all involved. More concretely, more than 90 per cent of States parties that have come under review in the fourth year are also acting as reviewing States parties in delayed reviews of previous years or ongoing reviews of the same review year. This is also the case for more than 80 per cent of those States under review in the third year. Owing to these delays, each secretariat staff member working on country reviews is currently responsible for an average of 18.3 reviews. The need to carry out both the delayed reviews and the subsequent year's reviews at the same time thus has a negative impact on the reviewing capacity of States, as well as of the secretariat. In addition, the delays and frequent unresponsiveness of States parties cause an increased workload for the secretariat in terms of follow-up, and make scheduling and planning difficult.

3. Findings and projections

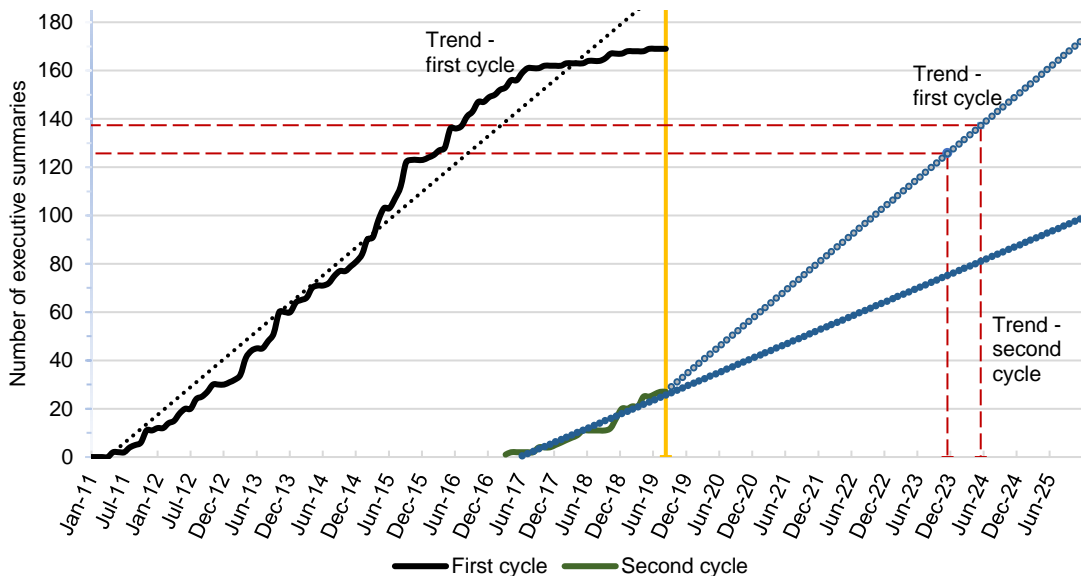
16. The analysis has shown that delays accumulate throughout the review process as well as throughout the review years, with a median value for the duration of a country review of more than 31 months for reviews in the first year of the second cycle. Assuming that reviews will continue at the current pace, fewer than half of the reviews conducted in the fourth and fifth years of the second cycle will have been completed by the foreseen end date of the cycle, in June 2021. With the current median duration, a completion of the second cycle by the end of the fifth year thus not realistic.

17. To ensure the completion of at least the majority of reviews prior to the beginning of the next phase while also maintaining the quality of the country reviews, an extension of the second cycle is warranted. In line with the Conference’s decision in resolution 6/1 to launch the second cycle of the first phase despite not all the reviews of the first cycle having been completed, although the majority had been, the second phase could be launched once the majority of the second-cycle reviews have been finalized. Possible options include, inter alia, an extension to the end of 2023 or a full three-year extension, taking into account the following scenarios:

(a) As seen in figure X, if the first cycle trend for the timeline of completion of reviews is projected onto the second cycle, 68.5 per cent of second-cycle reviews (126 out of 184) would be finalized by the end of 2023;

(b) As shown in the analysis of timelines in figure X, the second-cycle reviews not only show more significant delays than those of the first cycle at comparable times, but a slowdown process over the review years can also be observed (see figure II). Should this slow-down trend continue, a mere 40.7 per cent of reviews would be finalized by the end of 2023, and 44 per cent by June 2024. Thus, significant efforts will need to be undertaken by States parties and the secretariat to reverse the observed slowdown process in order to reach a completion number higher than that.

Figure X
Projection of cumulative number of executive summaries finalized



IV. Possibility of an extension of the second cycle and procedural aspects

18. No explicit decision has been made by the Conference regarding the exact timeline of a review cycle, with guidance being provided by Conference resolutions 3/1 and 6/1 and paragraphs 13, 40 and 47 of the terms of reference.

Paragraph 3 of resolution 3/1 defines the length of each review cycle as five years, and resolution 6/1, in paragraphs 6 and 7, sets the fifth year of the second cycle as the final year of that cycle. At the same time, in paragraph 13 of the terms of reference of the Review Mechanism, the Conference decided that the review of all States that are parties at the start of a review cycle should be completed before a new review cycle begins, and paragraph 47 of the terms of reference stipulates that a review phase will be finalized upon the review of the status of implementation of all articles of the Convention in all States parties. For exceptional cases, paragraph 13 of the terms of reference allows for an early launch of a new cycle before the completion of all reviews of the previous cycle.

19. The Conference thus limited the cycles to five years in the expectation that all reviews would be completed by the end of a cycle. While it foresaw the possibility of an early launch of a new cycle under exceptional circumstances, without all reviews being completed, it remains silent on the present scenario of the five years expiring without all or the majority of the reviews being completed.

20. Paragraph 13 of the terms of reference, read in conjunction with Conference resolutions 3/1 and 6/1, thus supports two interpretations. On the one hand, the provisions could be read as suggesting that a new cycle does not begin before all reviews are completed unless the Conference decides on an early launch of the next cycle. On the other hand, a cycle could begin automatically, with the expectation being placed on States parties and the secretariat to have completed all reviews in a timely manner within the five-year time frame. The first interpretation would mean no explicit extension is necessary, as a new cycle would have to be launched, while the second interpretation would lead to the necessity of an explicit extension, as otherwise the new cycle would start automatically following the conclusion of the five years of the current cycle.

21. Little guidance can be drawn from the launching of the second cycle in Conference resolution 6/1, as the Conference explicitly acknowledged that a high number of States that were parties at the beginning of the first cycle had completed their reviews, that several others were in advanced stages of the process (fourth preambular paragraph) and that new parties had already concluded their reviews (fifth preambular paragraph). It is thus unclear whether the Conference chose the scenario of an early launch because many reviews were completed, or whether it assumed that, following the expiration of the five-year cycle, the new cycle was to begin automatically.

22. When deciding on the way forward, the Conference could support the theory that a cycle does not expire until all reviews are completed, but that an early launch in exceptional cases is possible. In this case, the bar for completion of the first cycle would have been set high by the Conference, as in the fourth and fifth preambular paragraphs of resolution 6/1, a “high number” of completed reviews is made the baseline for the completion of the first cycle. With 27 out of 113 reviews from the first three years of the second cycle complete, exceptional circumstances for a launch would not apply, meaning no explicit extension was needed until a higher number of reviews were completed.

23. More arguments support the theory that each cycle is set to five calendar years and, while States parties and the secretariat are expected to have completed all reviews within those five years, the new phase begins automatically, with the possibility of an even earlier launch by the Conference. This would mean an explicit extension of the first phase would be needed, through either a decision or a resolution.

24. With a realistic completion rate of under 70 per cent of reviews by the tenth session of the Conference, at the end of 2023, options for such a decision to extend include, inter alia, the following:

(a) The option of an explicit extension until December 2023. If projecting the first-cycle trends onto the second cycle and thus assuming a completion rate of almost 70 per cent by December 2023, the Conference could decide on an extension of

2.5 years, until the end of 2023. Subject to the achievement of this completion rate, which could be analysed and projected again ahead of the ninth session of the Conference, in 2021, the Conference could launch the next phase at its tenth session, in 2023;

(b) The option of an extension until June 2024. If assuming that more time is needed for the achievement of a satisfactory completion rate, the Conference could decide on a full three-year extension, until June 2024. Should the trend be more positive than currently projected, the Conference could agree on an early launch of the next phase at its tenth session.

V. Budgetary implications

25. When launching the second cycle of the Mechanism, in paragraph 17 of its resolution 6/1, the Conference of the States Parties requested the Secretariat to determine whether the resource shortfall could be addressed through cost efficiencies or voluntary contributions and to take that shortfall into account when submitting the proposed programme budget for the biennium 2018–2019. In line with that request, the secretariat had examined the shortfall in resource requirements for the functioning of the first two years of the second cycle of the Mechanism and had concluded that, outside a minimal absorption of 10 workweeks through efficiency arrangements, the overall staffing shortfall could not be addressed through cost efficiencies. While efforts were being made to raise additional voluntary contributions to cover the operational costs of the Implementation Review Mechanism, the overall shortfall in voluntary contributions precluded the use of extrabudgetary funding to cover the cost of the required additional posts, namely one P-4 and two P-3 Crime Prevention and Criminal Justice Officers and their related computer-maintenance and communication requirements for the biennium 2018–2019.

26. At the time of its adoption of resolution [71/208](#), entitled “Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption”, the General Assembly was informed that the budget requirements to cover the costs of the three new posts and related non-post resources would be considered in the context of the proposed programme budget for the biennium 2018–2019.

27. The proposed programme budget for the biennium 2018–2019 ([A/72/6 \(Sect. 16\)](#)) included an increase of \$454,300 to provide for the proposed establishment of three new posts of Crime Prevention and Criminal Justice Officer (1 P-4 and 2 P-3) and the related standard common service requirements to support the work of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption. The new posts were requested in order to enable the Secretariat to implement the mandate received from the Conference of the States Parties, in particular through its resolutions 3/1 and 6/1, and General Assembly resolution [64/237](#), to effectively conduct country reviews in a timely manner and to ensure the maintenance of the highest levels of quality of the review process, in keeping with General Assembly resolution [71/208](#).

28. In its resolution [72/261](#) of 24 December 2017, entitled “Questions relating to the proposed programme budget for the biennium 2018–2019”, the General Assembly decided to approve the establishment of three posts of Crime Prevention and Criminal Justice Officer (1 P-4 and 2 P-3) to support the work of the Mechanism.

29. The financial impact of extending the duration of the second cycle until the end of 2023 will have a minimal impact on extrabudgetary funding for the Mechanism. With respect to the regular budget, the extension of the second cycle until the end of 2023 would not have any budgetary implications, as the related three regular budget posts (1 P-4 and 2 P-3) and general operating costs would continue for the duration of the review mechanism.

VI. Recommendations

30. In view of the information provided in the present document, it appears necessary that the duration of the second cycle be extended in order to allow for the finalization of both the ongoing and forthcoming reviews, including of those States that have recently acceded or are not yet party to the Convention, and to ensure the quality of the reviews. An extension would also allow for appropriate preparations for the next review phase, which will follow the completion of the second review cycle.

31. The Conference of the States Parties to the United Nations Convention against Corruption may wish to consider the recent example of the guiding principles and characteristics of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, established by the Conference of the Parties to that Convention, whereby “the advancement to the next review phase is conditional upon the completion of 70 per cent of the reviews foreseen at the beginning of the previous phase, unless the Conference decides otherwise.”³

32. The Conference of the States Parties may therefore wish to consider extending the duration of the second review cycle of the Implementation Review Mechanism until the end of 2023 or until June 2024, in order to allow for the completion of the majority of country reviews in the second cycle.

³ Conference resolution 9/1, annex, para. 10.