



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

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## Implementation Review Group

### Second resumed tenth session

Abu Dhabi, 17 and 18 December 2019

## Report of the Implementation Review Group on its second resumed tenth session, held in Abu Dhabi on 17 and 18 December 2019

### I. Introduction

1. The Implementation Review Group was established by the Conference of the States Parties to the United Nations Convention against Corruption in its resolution 3/1, entitled “Review mechanism”, as an open-ended intergovernmental group of States parties to operate under its authority and report to it. The Group is to have an overview of the review process in order to identify challenges and good practices, and to consider technical assistance requirements in order to ensure effective implementation of the Convention.

### II. Organizational matters

#### A. Opening of the session

2. The Implementation Review Group held its second resumed tenth session in Abu Dhabi on 17 December and 18 December 2019.
3. The Implementation Review Group held two meetings, which were chaired by Vivian N. R. Okeke (Nigeria) and Germán Andrés Calderón Velásquez (Colombia).

#### B. Attendance

4. The following States parties to the Convention were represented at the session: Angola, Austria, Bangladesh, Belgium, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Cameroon, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Egypt, El Salvador, Fiji, Finland, France, Germany, Ghana, Hungary, Iceland, India, Italy, Kuwait, Kyrgyzstan, Malta, Mozambique, Myanmar, Namibia, Nauru, Nigeria, Norway, Pakistan, Poland, Republic of Korea, Republic of Moldova, Russian Federation, Rwanda, Saudi Arabia, South Africa, Sweden, Switzerland, Turkmenistan, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam, Yemen and Zimbabwe.

5. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the session.



6. The following observer State was also represented: Tonga.
7. In accordance with rule 2 of its resolution 4/5, the Conference decided that intergovernmental organizations, Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, specialized agencies and other organizations of the United Nations system may be invited to participate in the sessions of the Implementation Review Group.
8. The following intergovernmental organizations were represented by observers: Asian Development Bank, Council of Europe and Organization for Economic Cooperation and Development (OECD).

### **III. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption**

#### **A. Drawing of lots**

9. No new States had acceded to or ratified the Convention since the previous drawing of lots, carried out at the tenth session of the Implementation Review Group, held in Vienna from 27 to 29 May 2019. Similarly, no States parties had requested a redraw of their reviewing States. Consequently, no drawing of lots to select reviewing States parties was conducted.

#### **B. Progress report**

10. A representative of the secretariat provided an update on progress made in the country reviews conducted under the first and second cycles. So far, 182 of the 184 States parties under review in the first cycle had submitted their responses to the self-assessment checklist, 175 direct dialogues (comprising 161 country visits and 14 joint meetings) had taken place and 169 executive summaries had been finalized.

11. In reference to the progress made with regard to the second cycle, the representative noted that 96 of the 184 States parties under review in that cycle had submitted their responses to the self-assessment checklist, 67 direct dialogues (comprising 62 country visits and five joint meetings) had taken place and 34 executive summaries and 14 country review reports had been finalized. The finalization of several other executive summaries for both cycles was imminent.

12. The representative also drew the attention of the Group to some of the practical challenges encountered in the conduct and completion of the country reviews, such as significant delays in the submission of responses to the self-assessment checklist, delays in the submission of nominations of focal points and governmental experts, and the number of languages used for some reviews. She also recalled the revised procedures regarding the nomination of governmental experts.

13. The representative summarized the findings contained in the note by the Secretariat on the performance of the mechanism ([CAC/COSP/2019/12](#)) and presented an analysis of its performance, in particular regarding the possibility of the conclusion of the second cycle within five years of its commencement in June 2016. She explained that while the terms of reference foresaw a duration of six months per review, in practice, the median duration of each review was more than two years. She noted that 90 per cent of the States under review in years three or four of the second cycle acted as reviewing States in parallel, which increased workload and capacity. Given that the completion of the second cycle by mid-2021 was no longer realistic, and to ensure the completion of at least the majority of reviews prior to the launch of the next phase of the mechanism, an extension was warranted.

14. The representative presented several options for an extension on the basis of projected trends for the reviews under the second cycle, namely, an extension until the end of 2023 or mid-2024. She noted that in addition to an extension, immediate and significant efforts to address the delays were needed.

15. She further informed the Group that the Financial Resources Management Service in Vienna and the Programme Planning and Budget Division in New York had confirmed that an extension of the second cycle of the mechanism would have no budgetary implications.

16. Several States reaffirmed their commitment to the Implementation Review Mechanism and noted that the Mechanism continued to play a crucial role in promoting the effective implementation of the Convention.

17. Several States referred to the progress made by their Governments in the context of their reviews under the Mechanism and called on all States to be fully involved in the review process in order to avoid delays and expedite the finalization of country reviews. Reference was made to the need for clearer time frames and deadlines for the review process. It was also noted that consideration should be given to the second phase of the Mechanism as early as possible.

18. Reference was made to the continued need for financial resources to support the Implementation Review Mechanism, which contributed to its efficient and effective implementation, and States parties were called upon to provide voluntary contributions towards its operation. The United Nations Office on Drugs and Crime (UNODC) was requested to continue to provide updates on progress made, in particular with regard to the second cycle, and on projected costs for the Mechanism.

19. Many speakers expressed appreciation to the secretariat for having provided comprehensive information on the delays faced in the reviews under the second cycle of the Mechanism and supported the finding that an extension of the second review cycle was necessary. One speaker suggested that the Group present a draft decision to the Conference on an extension of the second review cycle by three years, with the option of the early launch of the next phase of the Mechanism by the Conference at its tenth session. Several speakers expressed support for the proposal to extend the second review cycle.

20. Speakers referred to the need to continue improving the implementation of the Convention, and, in this regard, the importance of enhancing the efficiency of the exchange of information, including through the Implementation Review Group, was emphasized.

21. In response to a question, the Secretary clarified that a detailed analysis of the workload in connection with the Mechanism had been carried out at the start of the second cycle, but that delays had, over time, resulted in a cumulative increase in the number of country reviews that required finalization. At the same time, the Secretary clarified that the secretariat would not request additional resources.

### **C. Synergies with the secretariats of other relevant multilateral mechanisms**

22. To facilitate States parties' discussions about the performance of the Mechanism, the secretariat invited the secretariats of other anti-corruption peer review mechanisms to share their experiences in ensuring that timelines were adhered to, addressing delays in review cycles and individual reviews and moving from an initial evaluation to a follow-up phase, in line with paragraph 1 of Conference resolution 7/4 on enhancing synergies between relevant multilateral organizations responsible for review mechanisms in the field of anti-corruption.

23. With regard to the design of a follow-up phase, a panellist from the OECD Working Group on Bribery informed the Group that the periodic renewal of political

commitment to the peer review process was necessary, including through a ministerial meeting prior to the launch of a new phase.

24. With respect to avoiding and addressing delays in ongoing review phases, the panellist explained that the thematically narrower focus of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, tailor-made country reviews and detailed guidance for all participants and each phase were helpful in avoiding significant delays. However, he noted that during the 20 years that the Working Group on Bribery had been in existence and the four phases of peer review, the reviews had also suffered occasional setbacks and delays.

25. A panellist from the Group of States against Corruption of the Council of Europe noted that short, 15-page questionnaires and a narrow thematic focus helped States adhere to timelines. In addition, timelines were strictly defined and reminders were sent to States before an evaluation commenced. Experts taking part in an evaluation must participate in the plenary of the Group of States against Corruption, and the respective head of delegation was responsible for avoiding delays. All reports were subject to a follow-up mechanism with rigorous timelines, which were fixed in the initial report.

26. Both panellists noted that in their respective bodies, any request for postponement or extension must be approved by the Bureau and endorsed by the plenary, and would be approved only under exceptional circumstances.

27. In the ensuing discussion, speakers highlighted the importance of continuing to enhance synergies between peer review mechanisms, including by harnessing lessons learned from experiences with other mechanisms and their secretariats and by pooling available information and resources. Speakers also suggested that experiences with other mechanisms should continue to be used when designing the next phase of the review mechanism, especially when designing questionnaires. One speaker expressed his appreciation for the hyperlinks to the websites of the other mechanisms that the secretariat had added to the country profiles on the UNODC website.

#### **IV. Financial and budgetary matters**

28. A representative of the secretariat provided information on the expenditures incurred for the operation of the first and second cycles of the Implementation Review Mechanism as at 31 July 2019. She also provided details of the resources received from both the regular budget of the United Nations and voluntary contributions.

29. With regard to the regular budget resources for the Implementation Review Mechanism for the biennium 2018–2019, the representative referred to the information contained in table 1 of the note by the Secretariat on resources and expenditures for the functioning of the Mechanism ([CAC/COSP/2019/15](#)).

30. With respect to the first cycle of the Mechanism, the representative informed the Group that the extrabudgetary resources that had been made available to the secretariat fully covered the resource requirements for completing the ongoing and additional country reviews for new States parties. With regard to the second cycle of the Mechanism, the representative informed the Group that information on the projected resource requirements for the operation of the second cycle had been made available to the Group at its tenth session (see [CAC/COSP/IRG/2019/8](#)). She noted that there continued to be a significant shortfall with regard to the fourth and fifth years of the second cycle. The representative also referred to cost-saving measures that continued to be pursued.

31. Speakers expressed their support for the Implementation Review Mechanism, including by providing voluntary contributions. Some speakers also expressed their continued support for the compromise reached in 2009 regarding the funding modalities for the Mechanism, including the mixed funding model. Some speakers noted that continued transparent and regular financial reporting by UNODC would

ensure that the funding model would remain effective. Some speakers expressed appreciation for the cost-saving measures, including reduced translation costs. In this context, one speaker noted that the Group should hold only two annual sessions, with the exception of 2020, during which preparations for the special session of the General Assembly against corruption would justify three sessions. Several speakers encouraged donors to provide additional voluntary funding in order to ensure that sufficient financial resources were available to UNODC for the implementation of the mandates and the smooth operation of the Mechanism. One speaker emphasized the importance of multilingualism within the United Nations and the Mechanism.

## V. Review of Implementation of the United Nations Convention against Corruption

### Set of non-binding recommendations

32. A representative of the secretariat referred to the note by the secretariat on the set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the United Nations Convention against Corruption ([CAC/COSP/2019/3](#)). The document had been prepared in accordance with Conference resolution 6/1, in which the Conference requested the Group to analyse the outcomes of the first cycle country reviews in terms of identified successes, good practices, challenges, observations and technical assistance needs, considering the thematic implementation reports, and to submit a set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention to the Conference for its consideration and approval. In its decision 7/1, the Conference took note of the set of non-binding recommendations and conclusions, as reviewed by the Implementation Review Group at its resumed eighth session. The updated set of non-binding recommendations and conclusions was subsequently made available to the Group at its second resumed ninth and tenth sessions.

33. The set of non-binding recommendations and conclusions, as contained in document [CAC/COSP/2019/3](#), is based on an analysis of more than 6,200 individual recommendations and nearly 1,100 good practices identified in 169 completed country reviews under the first review cycle and reflects submissions received from 27 States parties. It has been made available to the Conference for further action, as appropriate, in line with Conference resolution 6/1 and paragraph 44 of the terms of reference of the Mechanism.

34. The representative also referred to the explanatory note by the secretariat on good practices in relation to the set of non-binding recommendations and conclusions ([CAC/COSP/IRG/2019/6](#)). The note had been prepared pursuant to a request made to the secretariat during the second resumed ninth session of the Group and contained additional information on the good practices identified in the country reviews of the first cycle that had been summarized in the set of non-binding recommendations and conclusions.

35. One speaker commended the secretariat on the set of non-binding recommendations and conclusions, as contained in document [CAC/COSP/2019/3](#). He noted that the document contained information on a range of measures, supported by a variety of findings from country reviews, that could be useful for States parties to implement in the context of national anti-corruption efforts.

## VI. Other matters

36. No issues were raised under “Other matters”.

## **VII. Provisional agenda for the eleventh session**

37. At its second meeting, on 18 December 2019, the Implementation Review Group adopted the provisional agenda for the eleventh session of the Implementation Review Group (see annex).

## **VIII. Adoption of the report**

38. On 18 December 2019, the Implementation Review Group adopted the report on its second resumed tenth session.<sup>1</sup>

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<sup>1</sup> CAC/COSP/IRG/2019/L.1/Add.12, CAC/COSP/IRG/2019/L.1/Add.13, CAC/COSP/IRG/2019/L.1/Add.14 and CAC/COSP/IRG/2019/L.1/Add.15.

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## Annex

### **Provisional agenda for the eleventh session of the Implementation Review Group**

1. Organizational matters:
    - (a) Opening of the session;
    - (b) Adoption of the agenda and organization of work.
  2. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
  3. Financial and budgetary matters.
  4. State of implementation of the United Nations Convention against Corruption:
    - (a) Exchange of information, practices and experiences gained in the implementation of the Convention;
    - (b) Thematic discussion.
  5. Technical assistance.
  6. Other matters.
  7. Provisional agenda for the twelfth session of the Implementation Review Group.
  8. Adoption of the report of the Implementation Review Group on its eleventh session.
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