



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

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Implementation Review Group

Eighth session

Vienna, 19-23 June 2017

Annotated provisional agenda

Provisional agenda

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8. Adoption of the report of the Implementation Review Group on its eighth session.

Annotations

1. Organizational matters

(a) Opening of the session

The eighth session of the Implementation Review Group will be opened on Monday, 19 June 2017, at 10 a.m., in the Vienna International Centre, C-Building, Boardroom D.

(b) Adoption of the agenda and organization of work

The provisional agenda for the eighth session of the Group was prepared in accordance with resolution 3/1, entitled “Review mechanism”, adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its third session, decision 5/1, entitled “Mechanism for the Review of

* Reissued for technical reasons on 22 May 2018.



Implementation of the United Nations Convention against Corruption”, adopted by the Conference at its fifth session, and resolution 6/1, entitled “Continuation of the review of implementation of the United Nations Convention against Corruption”, adopted by the Conference at its sixth session.

The proposed organization of work (see annex) was prepared in line with the guidance provided by the Conference and by the Implementation Review Group, in particular the multi-year workplan for the analytical work of the Group, covering the period 2017-2019 (annex I of CAC/COSP/IRG/2016/9/Add.1).

2. Review of implementation of the United Nations Convention against Corruption

Drawing of lots

In its resolution 6/1, the Conference of the States Parties requested the Group to proceed, at the beginning of its seventh session, to 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 Group’s subsequent intersessional meeting or regular session.

Moreover, at its first session, the Implementation Review Group decided that States ratifying or acceding to the Convention after the drawing of lots at the first session of the Group would be reviewed starting in the fourth 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.

In accordance with Conference resolution 6/1, an intersessional meeting open to all States parties for the purpose of the drawing of lots is being convened on Friday, 16 June 2017, in the Vienna International Centre, C-Building, Conference Room C3, from 2 to 6 p.m. During the intersessional meeting, lots will be drawn for the selection of the reviewing States parties for the second year of the second review cycle, in accordance with paragraph 19 of the terms of reference of the Mechanism. In addition, lots will be drawn to select the reviewing States parties for the first cycle reviews of those States parties that have become parties to the Convention since the last drawing of lots, held at the resumed seventh session of the Implementation Review Group.¹ Lots may also be drawn to select the reviewing States parties for any States parties requesting redraws.

The intersessional meeting is being convened without prejudice to the exercise of the rights of States parties in accordance with the terms of reference of the Mechanism during the eighth session of the Group, and is aimed at enabling the Group to focus on substantive issues during its eighth session. To this end, the Group will be informed of the outcome of the intersessional meeting, and agenda item 2 (on the review of implementation of the Convention) will remain open until the last day of its eighth session.

Trilateral meetings

Under the agenda item and in line with past practice, the secretariat has made arrangements for the scheduling of trilateral meetings among States parties under review and reviewing States parties on the fourth day of the session. The scheduling of such meetings takes into account the views expressed by the Group on the usefulness of holding trilateral meetings for advancing the review of implementation in order to achieve progress and discuss outstanding issues in individual country reviews.

¹ Since the resumed seventh session of the Group, Belize has become a State party. Other States may ratify or accede to the Convention prior to the intersessional meeting to be held on 16 June 2017.

First cycle reviews

In accordance with paragraph 11 of Conference resolution 6/1, a discussion paper was prepared by the secretariat containing a proposed set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention, with a view to its submission to the Conference for its consideration and approval at its seventh session (CAC/COSP/IRG/2017/3). The paper is made available in order to facilitate the Group's analysis of the findings emanating from the country reviews of the first review cycle.

In accordance with the multi-year workplan for the analytical work of the Group, the eighth session of the Group focuses on analysing the successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of chapter III (Criminalization and law enforcement) of the Convention.

To this end and to facilitate the Group's discussion, two panels will be convened focusing on challenges, good practices and lessons learned by States parties in the implementation of chapter III of the Convention. Based on a quantitative and qualitative analysis of the findings of the country reviews in the first cycle, the following topics have been identified for more in-depth discussions during the eighth session:

(a) The implementation of articles 15 and 16 of the Convention, in particular:

- (i) The need for legislative clarity on the concepts of the promise of an undue advantage and the offer of an undue advantage;
- (ii) The frequent omission of criminalizing behaviour involving third-party beneficiaries;
- (iii) The different types of public officials covered by the offences, focusing in particular on issues relating to members of parliament and employees of public enterprises;

(b) The implementation of article 31 of the Convention, in particular:

- (i) Confiscation regimes that extend to all offences established in accordance with the Convention and the capacity required to implement the legislative powers;
- (ii) Value-based confiscation and the confiscation of instrumentalities;
- (iii) Confiscation of intermingled proceeds and transformed or converted property;
- (iv) The protection of bona fide third parties in relation to confiscation;
- (v) The reversal of the burden of proof in confiscation matters, thus requiring the offender to demonstrate the lawful origin of alleged proceeds of crime;
- (vi) Asset management offices and the use of assets for law enforcement.

Second review cycle

With regard to the second review cycle, the secretariat will provide an oral overview of the initial trends in the second cycle of reviews to facilitate the Group's discussion of chapters II (Preventive measures) and V (Asset recovery) of the Convention. In addition, in order to share lessons learned from the conduct of the second cycle reviews, one country under review from the first year of the second cycle will present its experiences, together with the reviewing States parties.

Organization of work for 2018 and 2019 in line with the multi-year workplan

At its resumed seventh session, the Group adopted the multi-year workplan, which was based on paragraph 10 of Conference resolution 6/1, in which the Conference requested the Group to consider adopting a multi-year workplan to continue its analytical work during the period 2016-2019, designating the information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of one of the four chapters II, III, IV and V of the Convention as the main topic for each session or reconvened session.

In addition, in paragraph 9 of that resolution, the Secretariat was requested, inter alia, to structure the provisional agendas of the Group and other subsidiary bodies in such a way as to avoid duplication of discussions, while respecting their mandates. In line with the request by the Group for the secretariat to analyse scheduling options and present the results to the Group at its eighth session, the secretariat has prepared a conference room paper containing the schedule of meetings for 2018 and 2019 (CAC/COSP/IRG/2017/CRP.2).

Documentation

Discussion paper prepared 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 Convention, in line with Conference resolution 6/1, paragraph 11 (CAC/COSP/IRG/2017/3)

Executive summaries of country review reports (CAC/COSP/IRG/I/2/1/Add.37)

Executive summaries of country review reports (CAC/COSP/IRG/I/3/1/Add.30-31)

Executive summaries of country review reports (CAC/COSP/IRG/I/4/1/Add.49-54)

3. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption*Progress report*

In its decision 5/1, the Conference of the States Parties decided that the Group should include a new item on the agenda of its future sessions allowing for discussion of relevant information, collected with the support of the Secretariat, in order to facilitate the assessment of the performance of the Review Mechanism and its terms of reference, in accordance with paragraph 48 of the terms of reference, following the completion of the first review cycle.

In this context, the secretariat will provide an oral update on progress made in the conduct of the reviews in the first and second review cycles. This update will focus on the responses received to the self-assessment checklist, the direct dialogues conducted, the executive summaries and country review reports that have been finalized and the country review reports that have been made available on the website of the United Nations Office on Drugs and Crime.

Good practices, experiences and relevant measures taken after the completion of country review reports

In its decision 5/1, the Conference also decided that, in the collection of such information, the Group should take into account future requirements for follow-up in accordance with paragraphs 40 and 41 of the terms of reference.

In its resolution 6/1, the Conference encouraged States parties to continue voluntarily sharing information on good practices, experiences and relevant measures taken after the completion of their country review reports, including information on technical assistance, and to consider providing such information to the Secretariat for publication on its website. Subsequently, a note verbale was sent by the Secretariat inviting States to outline steps they had taken in that regard. A compilation of the responses received was made available to

the Group at its resumed seventh session (CAC/COSP/IRG/2016/12). In addition, statements made by States parties under the agenda item at the resumed seventh session of the Group are also made available online (see www.unodc.org/unodc/en/treaties/CAC/IRG-session7-resumed.html).

Synergies with the secretariats of other relevant multilateral mechanisms

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. A report on a workshop of the secretariats of anti-corruption peer review bodies, held in Paris, from 22 to 23 September 2016, to enhance such synergies is presented to the Group (CAC/COSP/IRG/2017/CRP.1). Furthermore, secretariats of other relevant multilateral mechanisms will be invited to report on their activities.

4. Technical assistance

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.

Paragraph 44 of the terms of reference states that the functions of the Implementation Review Group are 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.

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 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.

In the same resolution, the Conference recognized the continuing and valuable role of technical assistance within the Review 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.

In its resolution 6/1, the Conference underscored the importance of addressing the technical assistance priorities identified in the country reviews, and invited technical assistance providers to consider those priorities either for new technical assistance programmes or for incorporating them into ongoing programmes.

At the eighth session of the Group, the secretariat will provide an oral update on the technical assistance needs identified through the individual country reviews that have been finalized since the resumed seventh session of the Group and on the technical assistance provided. In line with the thematic focus of the eighth session of the Group, the update will concentrate in particular on technical assistance needs and technical assistance provided in relation to the implementation of chapter III of the Convention.

To facilitate the Group's discussion of the matter, a panel on the delivery of technical assistance in relation to articles pertaining to chapter III of the Convention will be organized.

5. Financial and budgetary matters

In its resolution 3/1, the Conference underlined that the 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.

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 Review Mechanism.

In its resolution 6/1, the Conference requested the secretariat to further examine the shortfall on resource requirements for the functioning of the Review Mechanism, to determine whether it 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 accordance with section VII of the terms of reference. In accordance with this request, the secretariat examined the shortfall and concluded that the remainder of the shortfall could not be adequately addressed through further cost-efficiency and saving measures. Therefore, the secretariat took the shortfall in the support for the second cycle into account when submitting the proposed programme budget for the biennium 2018-2019, in accordance with section VII of the terms of reference and in line with Conference resolution 6/1.

At its eighth session, the Implementation Review Group will have before it a note by the Secretariat (CAC/COSP/IRG/2017/4) containing budgetary information on expenditures incurred so far for the operation of the Review Mechanism, resources received at the time of writing, both from the regular budget and from voluntary contributions, projected expenditures for the first and second cycles and the current shortfall on resource requirements for the functioning of the Mechanism.

Documentation

Note by the Secretariat on financial and budgetary matters (CAC/COSP/IRG/2017/4)

6. Other matters

In its resolution 4/6, entitled “Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, the Conference of the States Parties decided that briefings for non-governmental organizations would be convened on the margins of the sessions of the Implementation Review Group and conducted by the secretariat in cooperation with a member of the Bureau. The Group will receive a summary of the briefings, which are to be held on Thursday, 22 June 2017, on the margins of the eighth session of the Group.

7. Provisional agenda for the ninth session of the Implementation Review Group

The Implementation Review Group is to consider and approve, at its eighth session, a provisional agenda for its ninth session, which will be drafted by the secretariat in consultation with the Chair.

8. Adoption of the report of the Implementation Review Group on its eighth session

The Implementation Review Group is to adopt a report on its eighth session, the draft of which will be prepared by the secretariat.

Annex

Proposed organization of work

<i>Date and time</i>	<i>Item</i>	<i>Title or description</i>
Monday, 19 June 2017		
10 a.m.-1 p.m.	1 (a)	Opening of the session
	1 (b)	Adoption of the agenda and organization of work
3-6 p.m.	3	Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption
	3	Performance of the Mechanism for the Review of Implementation of the Convention (<i>continued</i>)
	2	Review of implementation of the United Nations Convention against Corruption
Tuesday, 20 June 2017		
10 a.m.-1 p.m.	2	Review of implementation of the Convention (<i>continued</i>)
3-6 p.m.	2	Review of implementation of the Convention (<i>continued</i>)
Wednesday, 21 June 2017		
10 a.m.-1 p.m.	2	Review of implementation of the Convention (<i>continued</i>)
3-6 p.m.	4	Technical assistance
	4	Technical assistance (<i>continued</i>)
Thursday, 22 June 2017		
10 a.m.-1 p.m.	2	Review of implementation of the Convention (<i>continued</i>)
3-6 p.m.	2	Review of implementation of the Convention (<i>continued</i>)
Friday, 23 June 2017		
10 a.m.-1 p.m.	5	Financial and budgetary matters
3-6 p.m.	6	Other matters
	7	Provisional agenda for the ninth session of the Implementation Review Group
	8	Adoption of the report of the Implementation Review Group on its eighth session