



# 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

## Report of the Implementation Review Group on its eighth session, held in Vienna from 19 to 23 June 2017

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## **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. Organization of the session**

### **A. Opening of the session**

2. The Implementation Review Group of the United Nations Convention against Corruption held its eighth session in Vienna from 19 to 23 June 2017.

3. The 1st, 2nd, 4th and 5th meetings of the Implementation Review Group were chaired by Alexander Konovalov (Russian Federation). The 3rd and 6th to 10th meetings were chaired by Andrés Lamoliatte Vargas (Chile).

4. In the opening statement, a representative of the secretariat of the Conference noted that, with 156 executive summaries finalized, the Group was in a position to draw on broad and comprehensive information on the implementation of chapters III and IV of the Convention. In line with the multi-year workplan adopted by the Group at its resumed seventh session, the focus of the Group’s work during its eighth session was on chapter III (Criminalization and law enforcement) of the Convention. In that connection, various panels had been organized to facilitate the Group’s deliberations. With regard to the first review cycle, key issues for the Group’s consideration at its eighth session included information on the substantive outcome of the first cycle reviews in relation to chapter III of the Convention, information shared on good practices, experiences and relevant measures taken after the completion of the country review reports, and information on technical assistance related to the implementation of chapter III of the Convention. With regard to the second review cycle, the representative of the secretariat underscored that many States parties under review in the first year of the second cycle had already held country visits or joint meetings, and drew the Group’s attention to the preliminary outcome of the drawing of lots for the second year of the second cycle.

5. The representative of the European Union spoke on behalf of the European Union, its member States and Albania, Bosnia and Herzegovina, Georgia, Montenegro, Norway, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia and Ukraine. The speaker emphasized the severe threat posed by corruption to democracy, good governance, fair competition and the rule of law, which was recognized in Goal 16 of the 2030 Agenda for Sustainable Development and echoed in the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation of 2015. Furthermore, she welcomed the outcomes of the Anti-Corruption Summit held in London in 2016 and the Initiative to Raise Global Awareness of Foreign Bribery of the Organization for Economic Cooperation and Development (OECD). The speaker commended the ongoing work of the second review cycle and stressed the continued need for transparency, inclusiveness and cost-efficiency. She also welcomed the steps taken by the United Nations Office on Drugs and Crime (UNODC) with regard to enhancing synergies with the secretariats of other anti-corruption review mechanisms, and reiterated the European Union’s call for making optimal use of all available information and expertise. In that regard, she called for more effective involvement of civil society in the second review cycle. Furthermore, she provided

information on the measures taken by the European Union to better address identification issues of beneficial ownership and due diligence and protect whistle-blowers. In conclusion, the speaker highlighted the contributions made by the European Union and its member States to the technical assistance and capacity-building work of UNODC.

## **B. Adoption of the agenda and organization of work**

6. On 19 June, the Implementation Review Group adopted the following agenda as amended:

1. Organizational matters:
  - (a) Opening of the session;
  - (b) Adoption of the agenda and organization of work.
2. Review of implementation of the United Nations Convention against Corruption.
3. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
4. Technical assistance.
5. Financial and budgetary matters.
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.

## **C. Attendance**

7. The following States parties to the Convention were represented at the meeting of the Implementation Review Group: Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jordan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, South Sudan, Spain, Sri Lanka, State of Palestine, Sudan, Swaziland, Switzerland, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Tuvalu, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

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

9. In accordance with rule 1 of resolution 4/5, entitled “Participation of signatories, non-signatories, entities and intergovernmental organizations in the work of the Implementation Review Group”, the Conference decided that States signatories were entitled to participate in the Implementation Review Group.

10. The following State signatory to the Convention was represented: Japan.

11. In accordance with rule 2 of 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.

12. The following intergovernmental organizations were represented by observers: International Anti-Corruption Academy, League of Arab States, OECD, Organisation of Eastern Caribbean States, Regional Anti-Corruption Initiative, Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, World Customs Organization.

13. The United Nations Development Programme was represented by an observer.

14. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

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

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

15. In its resolution 6/1, the Conference requested the Group to, inter alia, 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 for the Review of Implementation of the Convention 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.

16. In accordance with Conference resolution 6/1, an intersessional meeting of the Group open to all States parties was held on Friday, 16 June 2017.

17. With regard to the first cycle of the Mechanism, lots were drawn to select the reviewing States parties for Belize, which had acceded to the United Nations Convention against Corruption after the resumed seventh session of the Implementation Review Group. Haiti and Tuvalu were drawn as reviewing States for Belize.

18. With regard to the second cycle of the Mechanism, lots were drawn for the selection of the reviewing States parties for the second year of the second cycle. Some States requested redraws in line with the terms of reference of the Mechanism. Those redraws were carried out during the eighth session of the Group. The selection of the reviewing States parties was carried out pursuant to paragraphs 19 and 20 of the terms of reference of the Mechanism. For each State party selected to be reviewed, one of the two reviewing States was selected from the same regional group and the second reviewing State was selected from a pool of all States parties (see annex II).

#### **B. Organization of work for 2018 and 2019 in line with the multi-year workplan**

19. A representative of the secretariat introduced the schedule of meetings for the period 2018-2019, based on the multi-year workplan adopted by the Group at its

resumed seventh session (see [CAC/COSP/IRG/2017/CRP.2](#)). The workplan had been prepared pursuant to Conference resolution 6/1, in which the Group was requested to consider adopting a multi-year workplan to continue its analytical work during the period 2016-2019. The information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of chapters II, III, IV and V, respectively, of the Convention would be designated as the main topic for each session or reconvened session, taking into account the provisional agendas of the Group and other subsidiary bodies established by the Conference in such a way as to avoid duplication of discussions, while respecting their mandates.

20. One speaker presented a proposal made by her delegation aimed at reducing the sessions of the Implementation Review Group to two per year and avoiding duplication of the discussions held at the meetings of other subsidiary bodies of the Conference, in order to reduce the burden on the time and financial resources of States parties (see [CAC/COSP/IRG/2017/CRP.9](#)).

21. In the ensuing discussion, speakers highlighted that the provisional agendas of the Implementation Review Group should be structured in such a way as to allow sufficient time for in-depth, substantive discussions on the outcome of reviews and make maximum use of the presence of experts at the Group's meetings. It was emphasized that the functions of the Implementation Review Group, in accordance with paragraph 44 of the terms of reference of the Mechanism, were 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. One speaker noted that equal time should be allocated to the discussion of each substantive item, while another speaker expressed concern as to whether the session of the Group scheduled to be held in the margins of the eighth session of the Conference of the States Parties would allow for sufficient time to discuss the important issues of criminalization and law enforcement.

22. A meeting of the extended Bureau of the Conference was held on 21 June 2017 in the margins of the Group's eighth session. At that meeting, it was decided that the extended Bureau was competent to discuss the schedule of meetings of the Group and the other subsidiary bodies established by the Conference. The extended Bureau further decided that it would take the matter up in a separate meeting that would be scheduled soon thereafter. The Conference would be informed of the outcome of both meetings of the extended Bureau.

### **C. Outcome of the first cycle reviews**

23. A representative of the secretariat introduced the discussion paper entitled "Developing a 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/IRG/2017/3](#)), which had been prepared pursuant to Conference resolution 6/1. The paper analysed the outcomes of the first cycle country reviews in terms of identified successes, good practices, challenges and observations with respect to the implementation of chapters III and IV of the Convention, on the basis of 149 country reviews from the first cycle that had been completed at the time of drafting. More than 5,000 individual recommendations and nearly 1,000 good practices were reviewed for purposes of the analysis, with a view to facilitating the Group's deliberations on a set of non-binding recommendations and conclusions based on lessons learned in the context of the implementation of chapters III and IV of the Convention during the first review cycle, to be submitted to the Conference at its seventh session, in accordance with paragraph 11 of the terms of reference of the Mechanism contained in Conference resolution 6/1.

24. On the basis of the analysis of the recommendations made in the country reviews, a number of priority areas were identified. Concerning chapter III, there were horizontal, cross-cutting issues, in particular with respect to the availability of statistical data and the application of national legislation to all categories of public officials, as well as issues related to simplifying anti-corruption legal frameworks and devoting adequate resources and attention to building the capacity of national authorities. On the basis of the quantitative analysis, the articles addressing bribery offences (arts. 15, 16 and 21) ranked among those with the highest number of challenges identified in the reviews, together with article 18, on trading in influence. Recommendations were also frequently made in relation to the laundering of proceeds of crime (art. 23), freezing, seizure and confiscation (art. 31), and the protection of witnesses, experts and victims (art. 32). In terms of the good practices identified in the reviews, countries exhibited a wide range of innovative and effective practices in the criminalization of corruption and law enforcement, in particular with regard to articles 36 (specialized authorities), 38 (cooperation between national authorities) and 30 (prosecution, adjudication and sanctions).

25. With regard to chapter IV, the allocation of adequate resources to strengthen international cooperation mechanisms was the one cross-cutting issue on which recommendations were made. On the basis of the quantitative analysis, the articles addressing extradition and mutual legal assistance (arts. 44 and 46) were those on which the highest number of recommendations were made. In particular, it was recommended that States ensure that all Convention offences are extraditable, fulfil the notification obligations under the Convention, simplify and streamline procedures for extradition and mutual legal assistance, strengthen informal consultations, and enhance the monitoring of international cooperation requests and gathering of statistics. As for good practices, some States provided extensive training and guidance to practitioners regarding applicable laws and procedures, actively participated in international and regional networks and platforms, and adopted flexible interpretations of dual criminality requirements.

26. To facilitate deliberations, two panels had been organized, one on articles 15 and 16 and one on article 31. A representative of the secretariat presented the main challenges in the implementation of those articles, as identified in the completed first cycle reviews, and the Chair introduced the panels, comprising representatives of States parties that had finalized their reviews and had already undertaken various measures in response to the outcomes of the reviews.

27. The panellist from Costa Rica referred to the legislative regime in place in his country that criminalizes the bribery of national public officials, in line with article 15 of the Convention, and the bribery of foreign public officials and officials of public international organizations, in line with article 16. He noted that the country's legislation on the bribery of national public officials had already been in compliance with the requirements of the Convention at the start of the review. Pursuant to the law, owing to the importance of upholding integrity in public service, the nature of the undue advantage in a bribery transaction was immaterial for recognizing acts of bribery as a criminal offence. With regard to transnational bribery, it was noted that the element of "promising" such bribes was not originally criminalized in the legislation of Costa Rica. On the basis of the recommendations of the implementation review mechanism and the monitoring under the OECD Anti-Bribery Convention, the promising of bribes was criminalized. The panellist further emphasized that the new law on transnational bribery went beyond the requirements of the Convention, criminalizing all kinds of undue actions, not only those in relation to the conduct of international business.

28. The panellist from Belgium outlined the novelties in that country's law on the fight against corruption, adopted in 1999, which was aimed at, inter alia, clarifying some basic elements of the bribery offence. An important change introduced by the law was the abolishment of the concept of "corruption pact", which had previously existed in Belgium's criminal legislation. The corruption pact concept required the proof of a definite engagement between the parties to a corrupt transaction, which

presented serious difficulties to the prosecution of bribery, as it was not always possible to obtain the necessary evidence, especially when third parties were involved in the corrupt conduct. With the introduction of the new legislation, the corruption pact concept was abolished as a necessary constitutive element of the crime of bribery, but was retained as an aggravating factor. The discretion to decide whether a corruption pact was present in a given transaction was left to the judiciary. The legal regime currently in place allowed for the effective prosecution of the promising and offering of bribes and significantly expanded the effectiveness of the fight against corruption.

29. The panellist from Azerbaijan described his country's approach to the criminalization of the active and passive bribery of public officials. He explained that all of the main elements of those offences, as required by the Convention, had been embodied in the corresponding provisions of the Criminal Code of Azerbaijan. He pointed out the specificities of the definition of "public official" under the law of Azerbaijan, which consisted of many categories of persons, including foreign public officials and officials of public international organizations, and had been clarified recently by his country's Constitutional Court. He described the mechanism that allowed for the mitigation and absolution of criminal liability for persons from whom public officials had demanded bribes and who voluntarily reported such instances to the authorities. He explained that such absolution of liability was not automatic, but was applied by the authorities only after careful examination of all the details and background of a particular case. The application of the exemption was carefully monitored and even subject to judicial review. He noted that the bribery proceeds and instrumentalities were subject to special confiscation by the State.

30. In the ensuing discussion, speakers described their countries' laws criminalizing bribery. They noted the benefits of undergoing implementation reviews, which had often triggered corresponding legal reforms. Most frequently such reforms concerned the definition of public officials, the criminalization of specific elements of the offence of bribery, such as offers, promises, undue advantages and third-party benefits, as well as the criminalization of bribery of foreign public officials and officials of public international organizations.

31. One speaker highlighted challenges in criminalizing bribery in the private sector. Another speaker described the specificities of the concept of "public official" in his country, which also included bankers, and the consequent challenges for international cooperation.

32. In response to questions raised by delegates, the panellists explained that the adoption of new legislation had generally increased the number of successful bribery prosecutions, although exact statistics were not readily available. The panellist from Costa Rica, however, noted that in his country there were no known cases of transnational bribery prosecutions, mainly because of challenges of insufficient evidence. He noted that the criminalization of illicit enrichment could be a useful tool in prosecuting corruption of domestic public officials. The panellist from Belgium also noted that the main difficulty in prosecuting bribery offences was the need to obtain corresponding evidence, which was not always easily attainable. The panellist from Azerbaijan explained that illegal decisions by public officials could also be nullified following the successful prosecution of corrupt conduct.

33. The panellists described the systems in place in their countries to ensure the independence and professionalism of prosecutors. The panellist from Belgium explained that potential judges and prosecutors underwent rigorous testing and a selection process and were subject to the supervision of the independent High Council of Justice of Belgium. The panellist from Azerbaijan noted that his country had introduced a multi-tier selection system for prosecutors that ensured their professionalism.

34. The panellist from Italy provided an overview of his country's confiscation regime. Under the Criminal Code of Italy, conviction-based confiscation was mandatorily imposed by an order of a judge for all offences and covered proceeds of

crime and instrumentalities. Confiscation applied to transformed, converted or intermingled criminal proceeds, as well as benefits derived therefrom, and could be value-based. Non-conviction-based confiscation was provided for in the so-called “anti-mafia legislation” and was targeted at persons suspected of being involved in organized criminal activities. The panellist explained that Italy had introduced a form of reversal of the burden of proof and provided for mandatory confiscation of assets that were disproportionate to the official revenues of the persons involved and where the licit origin could not be established. A system of the protection of the rights of bona fide third parties was in place. Confiscation measures were always imposed by a court, with the possibility to appeal or revoke confiscation orders. In 2010, the National Agency for the Administration and Destination of Seized and Confiscated Assets had been set up to assist judicial authorities in the management of confiscated assets. Providing the assets to local municipalities or civil society organizations for purposes of social reuse was mentioned as a way of reintegrating confiscated assets into the legal economy and making the success visible to the general public. The panellist also informed the Group that a legislative reform was pending in the Senate which would provide for, inter alia, the extension of the regime of preventive confiscation, improved asset management and stronger guarantees for defendants.

35. The panellist from Peru explained that his country applied two complementary confiscation regimes. Criminal confiscation was regulated in the Criminal Code and in Legislative Decree No. 1106 (on effective action against money-laundering and other offences related to illegal mining and organized crime), while non-conviction-based forfeiture, as contained in Legislative Decree No. 1104 (modifying the legislation on non-conviction-based forfeiture), applied to a number of corruption offences and generally to all proceeds-generating crimes, in cases in which criminal confiscation was not possible. Furthermore, assets were subject to non-conviction-based forfeiture when they were at the disposal of an organized criminal group, even if they were not proceeds or instrumentalities of crime. The speaker explained, however, that in Peru the reversal of the burden of proof was not in line with the constitutional principle of the presumption of innocence. Seized assets were managed by a dedicated programme, and the Prosecutor-General’s Office guaranteed the integrity of seized assets under the chain of custody regulated in the Criminal Procedure Code. Confiscated assets were placed at the disposal of the Ministry of Justice, which allocated them for the official purposes of the State. The rights of interested third parties were protected at the procedural and substantive levels, and those parties could be allowed to participate in the proceedings. Finally, the panellist noted that Peru was following up on the recommendations made on freezing, seizure and confiscation during the first review cycle.

36. The panellist from the United Republic of Tanzania informed the Group that, in his country, the confiscation of criminal proceeds was regulated by two national laws, namely, the Prevention and Combating of Corruption Act and the Proceeds of Crime Act. He noted that nothing in the national legislation prevented value-based confiscation and that the proceeds of crime subject to confiscation were defined broadly. He also informed the Group that the country was in the process of reforming its legislation to bring it fully in line with article 31 of the Convention. The reform would address the existing challenges in asset management and would also introduce non-conviction-based confiscation.

37. In the ensuing discussion, a number of speakers referred to the measures taken in their countries to implement article 31 of the Convention. One speaker referred to his country’s progress in implementing the non-binding recommendations and conclusions contained in document [CAC/COSP/IRG/2017/3](#). Some speakers reiterated the need to ensure that national confiscation provisions covered all Convention offences. Others emphasized that the definition of criminal proceeds and instrumentalities should be broad and include property transformed, converted and intermingled with property acquired from legitimate sources. The procedural guarantees for parties in confiscation procedures were discussed, such as the right to



a second instance, the right to restitution of property in the case of acquittal and measures to protect bona fide third parties. Asset management was noted as an area of specific interest, and some speakers reported on their efforts to establish an asset management office. Interim sales of perishable goods and the nomination of judicially appointed managers were described as practical measures in that regard. Various options for the final disposal of confiscated assets were discussed, including their use for government entities and their visible reuse for social purposes. With regard to the issue of the reversal of the burden of proof, the importance of understanding and taking into consideration the differences among various existing legal systems was noted.

38. The Chair stressed that a balance needed to be achieved by establishing efficient confiscation systems while at the same time avoiding any form of abuse and fully respecting property rights. Measures addressed in article 31 of the Convention were often to be aimed not only at the assets of persons suspected of corruption, but also at those of their associates and family members. He highlighted the relevance of exchanging information on the implementation of the Convention in practice, and suggested that the secretariat should continue to organize opportunities for information exchange.

39. Speakers welcomed the thematic discussion on successes, good practices, challenges, observations and technical assistance needs based on lessons learned in the first review cycle. Several speakers shared their countries' experiences in developing national laws and institutions in line with the requirements of the Convention and the outcomes of the reviews. Speakers also emphasized the complexity of the articles under review, as reflected in the quantitative analysis in the discussion paper and the number of recommendations made under individual articles. It was noted that the review process had highlighted nuances in implementation and in the contextual application of domestic legislation, in areas such as the elements of the bribery offences, the scope of public officials covered, third-party beneficiaries and defences or exceptions to corruption offences, including their secondary impact on international cooperation. It was noted that the discussion on the development of a set of non-binding recommendations would help States parties analyse and synthesize the outcomes of the first review cycle, with a view to the future assessment of those measures by the Conference upon the completion of the second review cycle.

40. It was also noted that the above-mentioned issues and the outcomes of the first review cycle would be the subject of a further analysis, in the updated edition of the study entitled *State of Implementation of the United Nations Convention against Corruption: Criminalization, Law Enforcement and International Cooperation*, which would be available by the seventh session of the Conference and would cover 156 countries, compared with the 68 countries included in the first edition.

41. Speakers emphasized that the set of conclusions and recommendations were non-binding in nature and were intended to be useful options for policymakers to consider, consistent with the fundamental principles of their legal systems and taking into account national priorities, when reviewing or adopting measures to strengthen the implementation of the Convention. While some speakers stated that some of the recommendations could be strengthened, others recommended differentiating conclusions according to the levels of obligation of the Convention, and still others noted that further clarifications would be required. It was noted that the discussion paper would be made available to States parties for written comments before the seventh session of the Conference and would be included in the discussions of the Working Group on Prevention of Corruption and the Working Group on Asset Recovery.

## D. Outcome of the second cycle reviews

42. In order to facilitate the Group's discussion of the outcome of the second cycle reviews of chapters II (Preventive measures) and V (Asset recovery) of the Convention, a representative of the secretariat presented an oral update on initial trends observed. He pointed out that, at present, out of the 29 countries under review in the first year of the second cycle, roughly half of the country visits scheduled for that year — in addition to one joint meeting in Vienna — had been conducted. With the exception of the Eastern European Group, the visits had involved at least one country of each regional group, with the large majority of countries belonging to the African Group. Given the small size of the sample, it was too early to come to any clear conclusions or to identify any regional trends. However, some initial trends could be identified, including those concerning both horizontal and cross-cutting issues, as well as specific articles in chapters II and V of the Convention.

43. For instance, the trend observed in the first cycle, that essentially all countries had opted for some form of direct dialogue, in particular country visits, continued in the second cycle. Likewise, the trend of including representatives of civil society and the private sector in the country visits had continued, and that had been the case in all country visits in the second cycle at the time of reporting. In particular, the representative of the secretariat encouraged all countries that had yet to fill in their self-assessment checklist, as well as reviewers, to avail themselves of the guidance produced by the Secretariat on filling in the revised draft self-assessment checklist on the implementation of chapters II (Preventive measures) and V (Asset recovery) of the United Nations Convention against Corruption (CAC/COSP/IRG/2016/CRP.1), which had proved extremely valuable in practice.

44. In order to further facilitate deliberations on the matter, a panel brought together panellists from Liechtenstein, the first State party under review in the second cycle to have adopted an executive summary, and Australia and Namibia, as the reviewing States parties.

45. The panellist from Liechtenstein recalled the principles of the Implementation Review Mechanism, as set out in its terms of reference, according to which the review should be transparent, efficient, non-intrusive, inclusive and impartial. He highlighted the fact that the review is based on a legally binding international instrument, which was one of the great strengths of the Mechanism, as it was instrumental for obtaining parliamentary approval of follow-up measures. The fact that Liechtenstein had already been reviewed under other international anti-corruption mechanisms was described as helpful, including with regard to data-gathering and the translation of legislation. The panellist also appreciated the technical nature of the discussions, which were not politicized and took into account the historical and socioeconomic particularities of his country. In order to be able to grasp the realities on the ground, it seemed indispensable to him to organize a country visit that also included civil society or the private sector. He identified as one of the challenges of the second cycle the need to ensure the participation of experts from all relevant fields, in particular with regard to chapter II, which addresses a much broader range of issues than other chapters of the Convention. The guidance note for the filling in of the self-assessment checklist had proved very helpful in meeting such challenges.

46. The panellist from Australia shared her perspective, as a reviewing expert, on relevant experiences and challenges with the review and lessons learned during the process. She highlighted the significant role played by the focal point of Liechtenstein as a "general coordinator" in ensuring the success of the review, through, for example, the effective coordination of different stakeholders and the high quality of the self-assessment checklist, which included written answers to the desk review before the country visit. The panellist also commended the secretariat on its efforts in facilitating the review process, and emphasized the importance of cooperation with the other reviewing State party, Namibia, for achieving the success

of the review. With respect to challenges, she noted that the broad scope of chapter II of the Convention required wide knowledge and internal coordination among various anti-corruption bodies in Australia. Determining the appropriate standard of review, taking into account the particularities of the country under review, was also noted as a challenge. In terms of lessons learned, she highlighted the importance of the country visit and being mindful that a “one size fits all” approach may not be appropriate.

47. The panellist from Namibia pointed out that, despite initial challenges in understanding the legal and constitutional system of Liechtenstein, the country visit and the explanations given by its authorities had greatly enhanced the evaluation. He underscored, *inter alia*, that despite the small size of the country, Liechtenstein had a well-established regulatory regime to fight money-laundering and the financing of terrorism and that it actively participated in various international anti-corruption initiatives. Moreover, concerning the implementation of chapter V of the Convention, he noted that the country had returned assets in excess of \$200 million in one case alone.

48. In the ensuing discussion, speakers sought clarification on practical details of the organization of the second cycle country visits, including the length of the on-site visit, civil society participation, the division of labour among reviewers, the number of reviewing experts and their training. Another speaker sought clarification on substantive questions, including the powers of the financial intelligence unit of the State party under review. Several speakers informed the group about their specific review experience in the second review cycle and identified challenges in the implementation of the provisions of both chapters under review, which included the collection of statistics and the participation of experts from all relevant fields relating to those chapters.

49. Several speakers emphasized that the second cycle should incorporate the lessons learned from the first cycle in order to increase its effectiveness and efficiency. It was highlighted that the second cycle should follow the guiding principles of the Mechanism set out in its terms of reference. Some speakers also emphasized the intergovernmental nature of the Mechanism as one of its fundamental principles, while others stressed the importance of civil society involvement. A number of speakers also underlined the need to keep the Mechanism transparent, inclusive and cost-efficient, avoiding unnecessary administrative burdens and duplication of work. To that end, they suggested the introduction of voluntary page limits for the answers to the self-assessment checklist, the streamlining of reports to focus on critical issues, measures to reduce the cost of interpretation, and stricter adherence to time limits provided in the terms of reference of the Mechanism.

50. Speakers welcomed the start of second cycle reviews and their focus on preventive measures and asset recovery. They underlined that preventive action, education, the freezing, confiscation and recovery of assets, as well as international cooperation were key elements of any strategy to roll back corruption. The review of implementation of the Convention played an important role in that respect, as it helped States to assess where they stood and what gaps needed to be addressed.

51. Some speakers reported that they had set up national working groups for collecting all the information needed to fully participate in the Mechanism. Speakers further informed the Group about institutional reforms and legislative action undertaken to implement chapters II and V, including the adoption of national anti-corruption strategies and education curricula; new laws on public procurement; the establishment or strengthening of financial disclosure systems; the setting up of registers for beneficial ownership information; the strengthening of the regulatory framework against money-laundering and the financing of terrorism; the strengthening of the legal framework for freezing, seizure and confiscation of assets, including through the introduction of new powers to ease or reverse the burden of proof; and the establishment of asset recovery agencies.

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

52. A representative of the secretariat of the Conference provided an update on the progress made in the country reviews of the first and second review cycles. With regard to the first review cycle, the representative highlighted that, at the time of reporting, 173 out of 179 States parties under review had submitted their responses to the self-assessment checklist, 166 direct dialogues (154 country visits and 12 joint meetings in Vienna) had taken place, and 156 executive summaries had been finalized. A further six executive summaries were in advanced stages of finalization.

53. With regard to the second review cycle, the representative informed the Group that, out of the 29 States parties under review in the first year of the second cycle, all had nominated their focal points. Furthermore, 20 States had submitted responses to the self-assessment checklist, and 14 direct dialogues (13 country visits and one joint meeting) had taken place, with several other country visits at various stages of planning. At the time of reporting, two executive summaries had been finalized and three additional executive summaries were being completed. Owing to the organization of training events at early stages of the review cycle, the majority of States parties under review in the second year of the second cycle had nominated their focal points well before the start of their reviews, and States parties had the opportunity to engage in early preparation of their self-assessment checklists.

54. A number of speakers shared their countries' experience in conducting reviews in the first and second review cycles. In that regard, some speakers informed the Group that inter-institutional task forces had been created, in particular to prepare the responses to the self-assessment checklist. Some speakers highlighted that the experience from the first cycle, both as a State party under review and as a reviewing State party, had assisted the national authorities in the conduct of the reviews in the second review cycle. With regard to the preparation for the second cycle, several speakers expressed their appreciation for the fact that training courses for focal points and governmental experts participating in the Mechanism were conducted prior to the beginning of the country reviews. One speaker highlighted as a good practice the organization of briefings for governmental institutions and other stakeholders prior to the country visit, in which the Secretariat participated by means of videoconferencing. Another speaker emphasized the importance of learning from the good practices established in the conduct of the first cycle reviews with a view to improving the efficiency of the Mechanism and streamlining the efforts of the experts involved. One speaker suggested that the Secretariat prepare a comprehensive compilation of good practices in the conduct of country reviews during the first cycle, which could guide the work during the second cycle. Several speakers also described the establishment of committees for the implementation of the recommendations emanating from the country reviews.

55. In order to facilitate discussions, the representative of the secretariat provided an oral update that built on the 51 submissions received from States in response to the calls for information on good practices, experiences and relevant measures taken by States after the completion of the country reviews, including information related to technical assistance.

56. In their submissions, all States had acknowledged both the learning value of the Mechanism and its role in promoting understanding of the existing challenges to implementing the Convention and in serving as a catalyst for domestic reforms. In all, 86 per cent of the States parties had reported on their legislative measures taken after the completion of their country reviews, and 59 per cent of the States parties had reported that undergoing the review had led to improvements in their institutional structures and cooperation at the national level. Nearly half of the States parties had noted how the Mechanism — before, during and after the review

process — had facilitated the opening up of new lines of communication among national stakeholders. Furthermore, the momentum generated by States parties' efforts to carry out their first cycle reviews had also led to a number of initiatives that would be reviewed primarily during the second review cycle.

57. Echoing the information provided by States parties in their submissions, many speakers reiterated their countries' commitment to the Mechanism. Most speakers stressed the importance of the Mechanism and its usefulness in identifying legislative and institutional gaps at the national level, as well as good practices. Many speakers also highlighted the learning value of the Mechanism and how it had been equally rewarding to serve as a reviewing governmental expert and to be part of the State party under review. The peer-learning dimension of the review process was particularly appreciated.

58. In relation to legislative amendments and reforms, most speakers outlined how new laws either had been or were in the process of being drafted and adopted as a direct result of the review process. Several speakers noted amendments to their whistle-blower protection and witness protection laws to bring them in line with the Convention. One speaker outlined an amendment that allowed for anonymous reports to be made and testimony to be provided without divulging the identity of the witness. Other areas of legislative reform included money-laundering frameworks, and in that connection, a number of speakers mentioned enhancements made to their asset declaration and conflict-of-interest disclosure systems in response to the findings of the review process. Several speakers outlined measures taken to address gaps in their countries' bribery legislation; many also reported on the international dimension of bribery. A few speakers noted their countries' efforts to address private sector corruption through new laws and successful court cases. Two States parties noted amendments to their statutes of limitation, which, in one case, only took effect as of the time of discovery of the crime rather than as of the time of its commission.

59. A number of speakers underscored the usefulness of consultations with a broad range of stakeholders during the various stages of the review process, including the completion of the self-assessment checklist and the country visit. One speaker noted that his country had gone as far as adopting a law on the participation and organization of civil society. Further examples given included the establishment of dedicated committees to coordinate the review process at the national level. One speaker highlighted how external stakeholders had also been included in a national follow-up committee.

60. Several speakers noted that the review process had triggered various institutional changes, including the establishment of new, dedicated anti-corruption bodies. Furthermore, another speaker indicated that the specialized anti-corruption prosecutors in his State, which had been established after the review process, had already started to hear cases.

61. Several initiatives that were linked to the preparation of the second cycle were also mentioned. They included the adoption of new codes of conduct for public officials, the amendment and enhancement of public procurement systems and the adoption of new financial reporting standards. A number of speakers outlined efforts made to also provide awareness-raising and anti-corruption education to children and young people, noting that the subject of anti-corruption had been included in school curricula.

62. The representative of the secretariat recalled that, on 22 and 23 September 2016, the anti-corruption secretariats of the Organization of American States (OAS), OECD, the Council of Europe and UNODC had held a joint workshop in Paris on enhancing synergies and sharing good practices in the conduct of international anti-corruption peer reviews. After the oral update on the outcome of the Paris workshop, which it had provided to the Group at its resumed seventh session, several States parties had requested the Secretariat to prepare a written report on the workshop for the consideration of the Group. That report had been included in the

documents of the eighth session (see [CAC/COSP/IRG/2017/CRP.1](#)). The representative of the secretariat also briefed the Group on some of the follow-up activities to the workshop, which included sending representatives to each other's meetings and participating in training sessions aimed at reviewers. The representative also informed the Group that a joint side-event to be held in the margins of the seventh session of the Conference of the States Parties, was envisaged, for which it would also seek the views of interested States parties.

63. Several speakers welcomed the concrete steps taken by the secretariat to enhance synergies that avoid duplication, as well as to share both relevant information collected under the respective review mechanisms and good practices in the conduct of international anti-corruption reviews with the secretariats of other multilateral mechanisms. A number of speakers encouraged the secretariat to continue those efforts, including through a joint side-event to be held in the margins of the seventh session of the Conference, and to deepen its reflection in that regard, bearing in mind the need for an efficient and cost-effective conduct of reviews that minimizes the burden on States and practitioners. One speaker mentioned in particular the cooperation with the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption of OAS, which had already evaluated its members' implementation of provisions on the prevention of corruption. Another speaker pointed out the need to ensure that the conclusions of the different review mechanisms are not contradictory.

64. The representative of OECD reported that the outcome of the workshop had been discussed at a recent meeting of the Working Group on Bribery and that, as a first result of that discussion, OECD would now publish a much broader range of documents on its website. OECD also briefed the Group on its cooperation activities with other institutions in the field of anti-corruption, including the Asian Development Bank, the African Development Bank and the International Monetary Fund. Several speakers welcomed the participation of OECD in the meeting. One speaker also noted the openness of the Group of States against Corruption (GRECO) of the Council of Europe to discussing possible synergies, and expressed regret that its participation in the meeting was not possible owing to the fact that its plenary meeting took place at same time as the meeting of the Implementation Review Group.

65. Some speakers pointed out that enhanced cooperation could have financial implications, and should not place a burden on the secretariat. The representative of the secretariat noted that reciprocal participation in the meetings of the various multilateral review mechanisms was limited by the terms of reference of each mechanism and by the requirements of confidentiality. Also, although UNODC was invited as an observer in the meetings of the OECD Working Group on Bribery and GRECO, it did not have observer status for the meetings of the Mechanism for Follow-up of OAS. Concerning joint on-site visits, the secretariat was requested to present more concrete proposals on the feasibility and effectiveness of such visits at the next meeting of the Group.

## **V. Technical assistance**

66. A representative of the secretariat provided a general overview of how the Mechanism had impacted the provision of technical assistance by defining needs and creating new opportunities for technical cooperation. The continued importance of the provision of technical assistance to support the efforts of States parties to implement the recommendations of the reviews was stressed.

67. A representative of the secretariat provided an oral update on the technical assistance needs identified in the country reviews that had been finalized since the resumed seventh session of the Group. Technical assistance needs had been identified in 15 of the 19 recently completed executive summaries. The representative also provided an analysis of the overall technical assistance needs identified in the first cycle of reviews. A total of 105 out of the 156 States parties

that had concluded their reviews identified technical assistance needs, which were categorized by article of the Convention and type of technical assistance required. There was a continuing need for resources to meet the rising demand for technical assistance globally and to address the growing technical assistance gap.

68. The representative of the secretariat also provided an overview of the technical assistance provided by UNODC at the global, regional and national levels, including through its network of regional and country-based anti-corruption advisers. The role of UNODC was underlined as both a provider of technical assistance to address the outcome of the review process and a facilitator to match the needs identified in the reviews with technical assistance providers other than UNODC, in order to maximize both the impact and sustainability of the technical assistance provided. The Stolen Asset Recovery (StAR) Initiative had developed tools to support efforts to recover stolen assets and provided country-level assistance for legislative drafting, case support, the establishment of asset recovery units and training and capacity-building on financial investigations, asset tracing and asset disclosures.

69. In order to facilitate deliberations on the matter, a discussion panel brought together panellists from States parties that had received technical assistance in support of the implementation of the Convention.

70. A panellist from El Salvador informed the Group that technical assistance addressed the priorities identified through the review process, and had been provided by UNODC and other assistance providers. Progress made included the revision and adoption of relevant legislation, strengthened cooperation between investigative and judicial bodies and the increased capacity of law enforcement to detect and investigate corruption. Progress had also been achieved through the more active oversight and review of declarations of assets by public officials, public awareness and outreach campaigns, and the adoption of measures to protect whistle-blowers, clarify extradition procedures, activate mutual legal assistance and enhance the seizure, confiscation and forfeiture of proceeds of crime. It was reported that the impact of the technical assistance provided and measures taken included a significant increase in the investigation and prosecution of corruption offences and other serious criminal activity. Additional technical assistance needs that had yet to be addressed included the conduct of financial investigations and the use of special investigative techniques in corruption cases.

71. A panellist from Viet Nam highlighted how technical assistance had been provided by UNODC and other assistance providers to strengthen implementation of the Convention in line with the needs identified through the review process. It was reported that technical assistance in Viet Nam focused on revisions to the country's penal code and its anti-corruption law, strengthening policies and measures to prevent corruption, oversight and inspection of asset declarations, and building capacities to investigate and prosecute corruption cases. In addition, it was reported that measures were taken to encourage the participation of civil society in the prevention and detection of corruption. Other measures were taken with the support of assistance providers to better monitor and report on the instances of corruption, establish internal coordination mechanisms, and strengthen the role of non-State actors in countering corruption. It was reported that additional measures to strengthen international cooperation and mutual legal assistance were planned for future implementation.

72. Speakers highlighted the importance of the Convention as the basis for anti-corruption efforts and noted that technical assistance was a vital component of the Convention and the Review Mechanism. Several speakers underlined their preparations for the second review cycle, requesting training to prepare for the upcoming reviews and technical assistance in relation to prevention and asset recovery. One speaker stated that it would be beneficial for States parties under review and reviewing States parties if UNODC could provide assistance to help governmental experts to familiarize themselves with the self-assessment checklist and associated guidance notes.

73. Speakers confirmed the need for country-led and country-based technical assistance to address the outcomes of the review process, and thanked UNODC and other assistance providers, including the StAR Initiative, for their support in the delivery of technical assistance. Several speakers highlighted current technical assistance needs in forensic accounting, financial investigations, the use of special investigative techniques, international cooperation and asset recovery, and further expressed the hope that sufficient resources would be made available to UNODC to bridge the continually increasing technical assistance gap. Some speakers raised concerns regarding the number of technical assistance requests that remained to be met from the first review cycle, and the likelihood that many new requests for technical assistance would emanate from the second review cycle.

74. Speakers recognized the importance of individual country review reports in developing prioritized and strategic national reform processes. Some speakers suggested the adoption of detailed implementation plans that would serve as references for technical assistance providers and would help to coordinate efforts, promote synergies and avoid overlap and duplication. Such implementation plans would also serve to support the monitoring and evaluation of the progress and effectiveness of technical assistance, which in turn would ensure that the measures taken would both reduce instances of corruption and support broader national strategies regarding sustainable development.

75. Speakers gave examples of their countries' reform efforts in response to the recommendations emanating from the completed reviews. Those included the development of anti-corruption strategies and action plans, the drafting and implementation of legislation, capacity-building for investigators and prosecutors, public awareness campaigns, and the use of special investigative techniques and strengthened mechanisms for asset confiscation and recovery. Several speakers noted the importance of participating in and hosting study tours for corruption experts and practitioners as a means for sharing good practices at the regional and international levels.

76. It was reported that several States parties were providing technical assistance on a bilateral and regional basis. Speakers noted the importance of sharing technical assistance needs and planned activities among all assistance providers in order to strengthen cooperation and encourage peer-to-peer learning, South-South cooperation and the sharing of good practices. The need for discussions on technical assistance to address a number of practical issues, including assistance programming cycles and processes, whether decisions on funding were made at the local or central level, and whether thematic and geographic priorities for the provision of technical assistance were based on the needs of recipient countries, was highlighted. Speakers also underlined the importance of the evaluation of the effectiveness and impact of technical assistance delivered.

77. A representative of the International Anti-Corruption Academy reported on its educational programmes and activities aimed at providing technical assistance to States parties in the implementation of the Convention.

## **VI. Financial and budgetary matters**

78. A representative of the secretariat provided information on the expenditures incurred in the operation of the first and second cycles of the Review Mechanism as at 28 February 2017, on projected expenditures for the completion of the first cycle and on projected expenditures for the operation of the first two years of the second cycle. The representative also provided details on the resources received from both the regular budget of the United Nations and voluntary contributions, and gave information about the existing cost-saving measures.

79. Expressing appreciation for the voluntary contributions and the pledges made by States to support the Mechanism, the representative drew attention to the funding gap between the voluntary contributions received and the required extrabudgetary



resources for the functioning of the Mechanism. Whereas voluntary contributions covered the expenditures already incurred and those anticipated in the first cycle of the Mechanism on the assumption that the first cycle would be completed by the end of 2017, there was a significant funding gap of \$3,167,400 in relation to the operation of the first two years of the second cycle. By taking into account the expenditures since 1 March 2017 in support of implementing the second cycle, the total second cycle expenditures amounted to \$1.26 million, resulting in a second cycle cash balance of \$1.18 million. The representative concluded that, despite the improvement of the cash balance since November 2016, the risk persisted that the funding situation would eventually put on hold the operation of the Mechanism because the implementation of the second cycle had gained significant momentum. In the current situation, the secretariat would not be in a position to finance the participation of representatives of least developed countries in the seventh session of the Conference and in the resumed eighth session of the Group.

80. Given the overall financial situation, the representative of the secretariat provided details on the cost-cutting measures that it had implemented since the related discussion at the resumed seventh session of the Group. The measures included: (a) limiting the provision of funding to only one participant per reviewing country from least developed countries, low-income and lower middle-income countries, when requested; (b) requesting all high-income and upper middle-income countries to fund their own participation in the training of governmental experts and in the country visits; (c) encouraging high-income and upper middle-income countries to directly fund travel costs and accommodation for the participation of visiting governmental experts from low-income and lower middle-income countries and least developed countries in country visits hosted by them; (d) encouraging all countries to arrange for the translation of working documents and to provide interpretation during country visits as in-kind contributions; (e) requesting all countries to limit their responses to the self-assessment checklist to the information essential for conducting the review and to avoid providing duplicative and unrelated information; and (f) encouraging all countries to make every effort to limit the languages of the review to a maximum of two per review. The secretariat expressed its hope that these measures would bring about the desired results without impacting on the quality of the Mechanism. The representative also stated that the secretariat would only be able to offer funding to least developed countries to participate in one session of the Group per year, if the current funding trend persisted.

81. The representative of the secretariat informed the Group that, as requested by the Conference in its resolution 6/1, the secretariat had taken the shortfall in support of the second cycle into account in the Office's submission of the proposed programme budget for the biennium 2018-2019, in accordance with section VII of the terms of reference of the Mechanism. Pending a decision by the competent bodies and the General Assembly on the programme budget for the coming biennium, the current estimates relating to the requirements for the second review cycle and the funding shortfall were being retained.

82. The Chair echoed the concerns expressed by the representative of the secretariat and cautioned that further cost-cutting measures could, *inter alia*, have a detrimental impact on the ability of developing countries to fully participate in the implementation review process.

83. Several speakers added their concerns with regard to the financial situation of the Mechanism, while at the same time expressing their strong support for the Mechanism. In that context, several speakers listed their countries' past, recent and forthcoming voluntary contributions to the Mechanism.

84. Speakers welcomed the secretariat's transparent and comprehensive financial reporting and expressed their support for the cost-cutting measures taken by it. Some speakers called for an open-minded review of the costs of the Mechanism and how it is operated, which should include creative ways to streamline the work carried out under the Mechanism and increase its cost-efficiency. Some speakers

highlighted the negative impact of multilingual reviews with respect to the costs and effectiveness of the Mechanism and urged States parties to limit the number of languages employed in the reviews to the degree possible and to demonstrate flexibility if requested to work in a language other than their own official language. Other speakers cautioned against any measures that would negatively impact on the quality of the country reviews and pointed out that cost-saving measures should only be voluntary. One speaker proposed to reduce the number of meetings of the Group to one per year and increase the duration of the second review cycle, so as to have more time to cope with the workload.

85. In response to a speaker's concern about the increasing costs of the Mechanism, a representative of the secretariat clarified that the increase in required resources for operating the Mechanism was to a large extent due to the increase in the number of countries that had ratified or acceded to the Convention since the launch of the Mechanism in 2010, from 144 to 181 States parties. He further recalled the detailed outline of factors that had contributed to increasing the overall workload as described in the note by the Secretariat on the projected costs for the functioning of the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption ([CAC/COSP/2015/10](#), annex I).

86. Several speakers reiterated their commitment to the mixed funding model of the Mechanism, as well as to the terms of reference of the Mechanism and the relevant decisions made by the Conference. The representative of the secretariat ensured the Group that it would continue to explore the full range of options for operating the Mechanism in an effective and cost-efficient manner, within the framework of the terms of reference.

## **VII. Other matters**

87. A representative of the secretariat reported on the outcome of the meeting of the extended Bureau of the Conference of States Parties, which had discussed issues related to the preparations for the seventh session of the Conference, including the outstanding issue of its draft agenda. With regard to the latter, the Bureau had agreed that, in line with the practice followed at the sixth session of the Conference, the incoming presidency may be best placed to take the task forward. The financial situation and constraints of the Mechanism had been discussed and the Bureau had expressed its concern about the matter and indicated its support for measures to improve the situation, as required. It had been agreed that the scheduling and format of future meetings of the Group would be discussed in a separate meeting of the Bureau. The outcomes of those meetings would be reflected in conference room papers to be presented to the Conference at its seventh session.

88. The Group was informed about the briefing for non-governmental organizations that had been held on 22 June 2017 in the margins of the Group's meeting, in line with Conference resolution 4/6. A representative of the secretariat reported that delegates attending the briefing had expressed their satisfaction with the high quality of its panel presentations and discussions. Furthermore, with reference to the financial challenges the Mechanism faced, several speakers in attendance had noted their concern regarding the implications of those challenges, such as what a funding shortfall might entail. Other speakers, while affirming the contribution of civil society to anti-corruption efforts, had recalled with appreciation Conference resolution 4/6 and had spoken of ways in which civil society could more fully contribute to the fight against corruption and meetings of the Group. As a starting point, many speakers attending the briefing had noted that there was a need to ensure greater transparency with respect to the review process. Other speakers had noted that a positive and constructive engagement with States parties could only lead to a better and stronger Mechanism. A summary of the briefing was made available to the Group in a conference room paper ([CAC/COSP/IRG/2017/CRP.7](#)).

89. Following an update by a representative of the secretariat, speakers recognized the important contribution of civil society in the fight against corruption and in supporting the work of the Conference and its subsidiary bodies. One speaker stated with concern that, during the briefing, specific reference to his country had been made by one civil society organization, which, he stated, was in violation of Conference resolution 4/6. He reserved his country's right to raise and possibly revisit, during the seventh session of the Conference, the procedure governing participation by non-governmental organizations in such briefings. Many speakers emphasized the balance achieved in Conference resolution 4/6 and the need to respect its provisions, while recognizing the important contribution of civil society to the fight against corruption. Some speakers proposed that a full day should not be devoted to the briefing, or alternatively, that the briefing should be organized during the breaks or after the meetings of the Group, in order to allow delegations that did not wish to participate and did not have any trilateral meetings scheduled to make other arrangements for their attendance at the Group's meetings. Some speakers also noted that some of the materials that had been distributed by non-governmental organizations had had limited relevance to the review process or had referred to specific countries. Other speakers emphasized the informative nature and usefulness of the briefing and expressed the view that they would not be supportive of measures to reduce the involvement of non-governmental organizations, but rather that they wished to enhance it.

90. Some speakers noted that resources available to the Group, including for simultaneous interpretation into all six official languages of the United Nations, should not be used for the briefings, while other speakers emphasized the importance of retaining interpretation services for such briefings in order to allow States parties to also benefit from the discussions, stressing the multilingual dimension of the Mechanism and the work of the Group.

91. A representative of the secretariat underlined the secretariat's unwavering commitment to Conference resolution 4/6 and to the terms of reference of the Mechanism. The representative clarified that a copy of resolution 4/6 had been attached to the invitations that were sent to non-governmental organizations and that, at the beginning of the briefing, the main parameters of the briefing had been read out, including the requirement not to make reference to country-specific situations. Regarding the use of resources for the briefing, the representative recalled that the meetings of the Group had not been suspended while the briefing was being held, but that on the day of the briefing, delegations had devoted time to trilateral and other meetings to advance the respective reviews, in the light of the drawing of lots held at each session of the Group. Even if the briefing for non-governmental organizations were to be held without interpretation services, regular budget resources allocated for such services could not be reallocated by the Group for other purposes, such as support for the Mechanism.

## **VIII. Provisional agenda for the ninth session**

92. At its 10th meeting, on 23 June 2017, the Implementation Review Group adopted the provisional agenda for its ninth session ([CAC/COSP/IRG/2017/L.2](#)).

## **IX. Adoption of the report**

93. Also at its 10th meeting, the Implementation Review Group adopted the report on its eighth session ([CAC/COSP/IRG/2017/L.1](#) and Add.1-7).

## **Annex I**

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

1. Organizational matters:
  - (a) Opening of the session;
  - (b) Adoption of the agenda and organization of work.
2. Review of implementation of the United Nations Convention against Corruption.
3. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
4. Technical assistance.
5. Financial and budgetary matters.
6. Other matters.
7. Provisional agenda for the tenth session of the Implementation Review Group.
8. Adoption of the report of the Implementation Review Group on its ninth session.

## Annex II

## Mechanism for the Review of Implementation of the United Nations Convention against Corruption: country pairings for the second year of the second review cycle

In the second year, a total of 48 reviews will be conducted.

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
<b>Group of African States (total: 11)</b>	United Republic of Tanzania	Ethiopia	Georgia
	Egypt	Lesotho	Serbia
	Zimbabwe	Cabo Verde	Angola
	Cameroon	Sierra Leone	Vanuatu
	Central African Republic	Angola	Zimbabwe
	Sudan	Tunisia	Austria
	Swaziland	Egypt	Papua New Guinea
	Mauritania	Nigeria	Philippines
	Guinea-Bissau	Comoros	Bahamas
	Kenya <sup>a</sup>	Democratic Republic of the Congo	New Zealand
	Djibouti <sup>a</sup>	Botswana	Gabon
<b>Group of Asia-Pacific States (total: 15)</b>	Nepal	Lebanon	El Salvador
	Kiribati	Cambodia	Niger
	Lao People's Democratic Republic	Cyprus	Pakistan
	Oman	Saudi Arabia	Canada
	Bahrain	Saudi Arabia	Turkmenistan
	Cook Islands	Oman	Maldives
	Nauru	Nepal	Burundi
	Tajikistan	India	Canada
	State of Palestine	Malaysia	Seychelles
	Afghanistan <sup>a</sup>	Jordan	Dominica
	Thailand <sup>a</sup>	Iran (Islamic Republic of)	Bhutan
	Viet Nam <sup>a</sup>	Indonesia	Honduras
	Kuwait <sup>a</sup>	Kyrgyzstan	Antigua and Barbuda
	Myanmar <sup>a</sup>	Iraq	Jordan
	Micronesia (Federated States of) <sup>a</sup>	Singapore	Spain

<i>Regional group</i>	<i>State party under review</i>	<i>Reviewing State party from same regional group</i>	<i>Other reviewing State party</i>
<b>Group of Eastern European States (total: 6)</b>	The former Yugoslav Republic of Macedonia	Republic of Moldova	Montenegro
	Azerbaijan	Latvia	Sudan
	Slovenia	Georgia	Mongolia
	Lithuania	Bulgaria	Albania
	Czechia	Poland	Tajikistan
	Russian Federation <sup>a</sup>	Albania	Zimbabwe
<b>Group of Latin American and Caribbean States (total: 7)</b>	Peru	Cuba	Fiji
	Dominica	Guyana	Romania
	Uruguay	Antigua and Barbuda	Bosnia and Herzegovina
	Antigua and Barbuda	Belize	Belarus
	Haiti <sup>a</sup>	Colombia	Solomon Islands
	Trinidad and Tobago <sup>a</sup>	Peru	Nicaragua
	Saint Lucia <sup>a</sup>	Venezuela (Bolivarian Republic of)	Grenada
<b>Group of Western European and other States (total: 9)</b>	France	Liechtenstein	Zambia
	Australia	Iceland	Pakistan
	Ireland	Austria	Liechtenstein
	Greece	Belgium	Mexico
	Italy	United States of America	Sierra Leone
	Portugal <sup>a</sup>	Norway	Croatia
	United Kingdom of Great Britain and Northern Ireland <sup>a</sup>	Turkey	Israel
	Germany <sup>a</sup>	Greece	Croatia
	Malta <sup>a</sup>	Switzerland	South Africa

<sup>a</sup> Deferred from the previous year of the cycle.