

8 October 2019

English only

**Implementation Review Group of the
United Nations Convention against
Corruption****First resumed tenth session**

Vienna, 2–4 September 2019

Working methods of the Implementation Review Group**A. Introduction**

1. Pursuant to Conference decision 7/1, on 4 June 2019, the secretariat circulated a note verbale to States parties inviting them to submit comments, if any, on the workplan, by 27 August 2019. The workplan referenced in Conference decision 7/1, as contained in the conference room paper entitled “Implementation of Resolution 6/1, paragraph 10 of the Conference of the States Parties to the United Nations Convention against Corruption: Structuring the provisional agendas of the Implementation Review Group and of other subsidiary bodies established by the Conference in such a way as to avoid the duplication of discussions” was annexed to that note verbale.
2. In that note, Governments were also informed that the workplan of the subsidiary bodies of the Conference contained in the aforementioned conference room paper, had replaced the prior organization of work, according to which the Implementation Review Group held one regular and one resumed session per year, with the Working Groups on Asset Recovery and Prevention being held back to back in a stand-alone format, and with the Expert Meetings on International Cooperation being convened either during the sessions of the Conference or, to the degree possible, back to back with sessions of the Conference of the Parties of the United Nations Convention against Transnational Organized Crime.
3. By 8 October 2019, comments were received from Austria, Czechia, Finland, France, Germany, Iraq, Israel, Japan, Kuwait, Switzerland and United States of America. Those comments are contained in the present conference room paper in the form in which they have been received.¹
4. Moreover, in order to facilitate the deliberations by the Conference on the working methods of the Implementation Review Group and of other subsidiary bodies of the Conference, the secretariat administered surveys, which were circulated through special messages, following sessions held by the subsidiary bodies in the

¹ The information contained in the present conference room paper (with the exception of the contribution received from Israel, due to late submission) will be included in the note by the Secretariat entitled “Activities and working methods of the Implementation Review Group” (CAC/COSP/2019/4), which will be before the eighth session of the Conference in all the official languages of the United Nations.



course of 2019. The results of those surveys are contained in chapter C of the present document.

B. Comments received from States parties

Austria

5. Austria strongly supports the organization of work of the Implementation Review Group as it currently stands. Austria further supports the current practice to schedule sessions of the thematic working groups of UNCAC back to back with the IRG sessions in order to allow for efficient use of time and resources.

Czechia

6. In a follow-up to the discussion held on 31 May 2019 within the 8th Open-ended Intergovernmental Expert Meeting to Enhance International Cooperation under the United Nations Convention against Corruption (UNCAC), Czechia has the honour to provide below its observations and proposals to a better functioning of the individual working groups established under the UNCAC.

(a) Observations:

(i) Czechia is of an opinion that the current system of holding three IRG meetings per year back to back with the meetings of other relevant working groups has not proven as efficient. Moreover, we believe that having the meetings of three working groups (IRG, Asset Recovery, and International Cooperation) in one week is excessive – as it was the case e.g. in the week of 27–31 May 2019. The last week’s experience has shown that while some working groups are highly attended and discussions tend to be extensive, hardly to be fit within the scheduled agenda, other working groups, in particular those held at the end of the week, face a lack of participants and a weaker “drive” of the remaining delegates to take part in the discussions;

(ii) Czechia believes that two IRG meetings per year would be sufficient, as it was previously the case, with one week-long IRG meeting in May/June and another one in October/November. On the other hand, if the model of three IRG meetings per year should remain, we would recommend moving the September meeting to e.g. January/February, as between June and September only a short period of time passes and not much could have happened during that time (considering moreover the summer vacation period);

(iii) Czechia is of an opinion that the drawing of lots, which currently takes place at an intersessional meeting usually on Friday before the Monday of the regular IRG meeting, should take place during a regular IRG session, as not many experts from capitals can arrive to Vienna on Friday merely for the drawing of lots and then come back to their capitals and return to Vienna on Monday (neither they can, alternatively, stay for the weekend which most governments do not find economical). The drawing of lots is thus attended mostly by the employees of Permanent Missions who are usually not equipped with flexible-enough instructions and therefore the drawing of lots has to be repeated anyway during the regular IRG session;

(iv) Czechia supports the proposals to streamline and combine the working outputs of the related working group with the Working Group on International Cooperation under the United Nations Convention against Transnational Organized Crime. At present, relevant parts of the agenda for each of the working groups overlap. In addition to this, extradition and MLA cases discussed by the experts on the margins of the working groups show numerous substantive as well as procedural similarities. Therefore, Czechia sees the possibility to organize joint meetings of the UNCAC and UNTOC working groups on international cooperation from 2020 which would enable States

parties to reinforce synergies and, complementarily, enhance efficiency and produce economies of financial resources;

(b) Proposals:

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

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

(iii) The meeting of the UNCAC Working Group on International Cooperation can be organized back to back with the meeting of the UNTOC Working Group on International Cooperation, with having one or two days as a joint meeting and other day(s) separately.

Finland

7. With regard to the aforementioned workplan and organization of work, the experience of Finnish experts in these working group meetings – the IRG and the Asset Recovery and Prevention working groups – is positive concerning the back-to-back organization and current timing of the meetings and we support a similar workplan and organization of work in the future.

France

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

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

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

11. In addition, cooperation could be improved between the Expert Meeting on International Cooperation and its counterpart for the Palermo Convention, with the holding of a joint meeting for the two Conventions.

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

Germany

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

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

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

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

Iraq

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

(a) It helps to ensure the participation of more than one governmental expert in each IRG and Working Groups meetings due to the reductions of travel expenses and accommodations for the delegations;

(b) It facilitates the circulating of information such as views, successes, challenges and good practices gained from the discussions of IRG and WGs meetings among other governmental experts and entities on the national level, this may result in speed up reviewing such information within a less time frame.

Israel

IRG workplan

18. Israel welcomes the efforts of the Secretariat and of States parties to collect information on the implementation of the workplan of the IRG in advance of the next workplan. With reference to the Secretariat's request for comments regarding the workplan, the State of Israel would like to provide the following comments.

19. As many States parties have stated following the experience of the past years, there is no need for three IRG meetings every year. It has been demonstrated that at this stage of the process there is little or no benefit from conducting a resumed session in September, just three months following the previous meeting. Effective sessions could only take place if there is a gap of about six months between sessions, in order to allow the Secretariat to analyse the data collected and to prepare documents for discussion, and for States parties to report on developments if they wish to do so.

20. Israel would suggest that in years where there is no COSP, the IRG will meet twice, in or around June and November, and in COSP years there would be only one IRG session in June. Should it be deemed that there is a real need for a resumed session during such year, it could take place on the margins of the COSP.

21. Other than the issues of the number of yearly IRG meetings and the convening of a resumed session during the COSP, Israel would like to express its support of the ideas raised by Switzerland in its conference room paper marked CAC/COSP/IRG/2018/CRP.18 ("Agenda and working methods of the Implementation Review Group").

22. If a resumed session is scheduled and the Secretariat realizes that no thematic report or substantive documents for discussion would be prepared by that time, the Secretariat should be able to cancel or postpone the session and notify States parties of the cancellation or postponement of the meeting at least one month in advance of the original date.

23. The IRG should consider reducing its annual requirement for meeting days in order to save resources; for example, six meeting days could be sufficient, given that there would be only one or two annual meetings.

24. The scheduling of IRG meetings back to back with other working groups has been mostly successful, since the IRG currently deals with the review of implementation of the chapters on prevention and asset recovery. We suggest that specific decisions or documents will be discussed at the joint meetings themselves rather than focusing on panel discussions which in some cases come at the expense of important dialogue and exchange of ideas between the working groups. We also support scheduling the Expert Meeting on International Cooperation in conjunction with the Asset Recovery Working Group.

25. The drawing of lots should remain intersessional and take place before the regular IRG meeting. There is no need for participation of experts from capitals in the drawing of lots, and the time before the beginning of the IRG session is well used for consultations with the capital.

26. As additional cost-saving measures, IRG sessions could be made more efficient. For example, meeting days could begin at an earlier time, such as 9.30, or end later, like 18.30. The discussions would also become more efficient if oral statements on national experiences are structured and there is a recommended time limit of five minutes per statement. States would be invited to submit their voluntary statements in writing, and these could be made available online. This could free up time for the IRG to focus on the thematic reports and on fulfilling its other important tasks (as reflected in article 44 of the Terms of reference).

27. Instead of the current practice of discussing the report at length at the end of each session, the Chairperson could issue a brief aide-memoire reflecting the main points discussed, and this summary would be presented to the IRG for comments and suggestions at the end of the meeting. This suggestion is based on the practice at the

Hague Conference on Private International Law (HCCH), and we believe that it could further save resources.

Japan

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

29. Considering that the 14th United Nations Congress on Crime Prevention and Criminal Justice will be held in April, 2020, when deciding the schedule of meetings of the UNCAC subsidiary bodies, it should be well noted that dates of the Crime Congress and its preparatory meetings and of those subsidiary bodies do not overlap.

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

Kuwait

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

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

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

Switzerland

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

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

36. Switzerland therefore recommends to continue the current practice of scheduling meetings. The frequency of meetings (three meetings per year of the IRG, one meeting per year each on Asset Recovery, Prevention and International Cooperation) is considered appropriate by Switzerland. The attractiveness of meetings for experts could be further enhanced by highlighting the particular topics for joint meetings as well as the guiding questions for discussion in the Secretariat's invitation and in the annotated agenda.

United States of America

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

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

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

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

(b) Scheduling the Expert Meeting on International Cooperation

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

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

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

(c) Scheduling dedicated UNCAC meetings for UNGASS planning

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

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

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

44. UNODC constantly strives to improve its service delivery and, in this context, during 2019, the secretariat to the Conference of the States Parties to the United Nations Convention against Corruption administered two surveys to assess the satisfaction of delegations with the support provided by the secretariat in connection with the sessions of the subsidiary bodies of the Conference.

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

46. Eleven responses from representatives of nine States parties were received to the first survey, with more than 80 per cent of respondents rating the organization and

servicing by the secretariat in support of the meetings as “excellent” or “very good” and 90 per cent rating the quality and timeliness of the documentation prepared by the secretariat as “excellent” or “very good”.

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

(a) There is a need for a more user-friendly and detailed agenda;

(b) On improving meeting efficiency, it was proposed that an enhanced structure be developed, including the provision of direction to speakers with regards to time limits for interventions and items under discussion, provision of topics in advance for consideration, start of panels in the beginning of sessions;

(c) On enhancing synergies, reference was made to the option of holding back-to-back and/or joint meetings of the bodies on international cooperation, established under the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime;

(d) In reference to the Convention, it was proposed that the challenges that countries face in implementing the Convention be addressed.

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

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

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