



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

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## Report of the Implementation Review Group on its continued resumed second session, held in Marrakech, Morocco, on 25 October 2011

### I. Introduction

1. At its resumed second session, held in Vienna from 7 to 9 September 2011, the Implementation Review Group decided to continue its deliberations and to hold a continued resumed second session for that purpose in parallel with the fourth session of the Conference of the States Parties to the United Nations Convention against Corruption.

2. At the same meeting, the Implementation Review Group decided to amend its agenda adopted at the first part of the second session (CAC/COSP/IRG/2011/1) as follows: the title of item 2 was amended to read “Review of implementation of the United Nations Convention against Corruption: follow-up to the first part of the second session with emphasis on discussions of the thematic reports on chapters III and IV of the Convention”; and a new item, entitled “Conclusions and recommendations”, was added to the agenda. Those amendments to the agenda were deemed necessary to enable the Group to give full consideration, inter alia, to the thematic reports prepared by the Secretariat and to the results of the Group’s work, for the appropriate transmission of the Group’s conclusions and recommendations to the Conference at its fourth session, in accordance with the Group’s mandate.

### II. Organizational matters

#### A. Opening of the session

3. The Implementation Review Group held its continued resumed second session in Marrakech, Morocco, on 25 October 2011.

4. The continued resumed second session of the Group was chaired by Eugenio María Curia (Argentina). In his introductory remarks, the Chair drew the attention of the Group to the different issues that were to be resolved, including the



endorsement of the guidelines for governmental experts and the secretariat in the conduct of country reviews, funding requirements and the issue of the participation of observers.

5. The Chair welcomed participants to the continued resumed second session, in particular the focal points from States parties under review and governmental experts from the States carrying out reviews, and summarized the outcome of meetings held to date.

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

6. The Group adopted the provisional agenda and proposed organization of work (CAC/COSP/IRG/2011/1/Add.2), as amended (see para. 2, above).

## **C. Attendance**

7. The following States parties to the United Nations Convention against Corruption were represented at the continued resumed second session of the Implementation Review Group: Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Benin, Botswana, Brazil, Burundi, Cambodia, Canada, China, Colombia, Croatia, Cuba, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jordan, Kenya, Kuwait, Lebanon, Liechtenstein, Malawi, Malaysia, Mali, Mauritius, Mexico, Montenegro, Morocco, Namibia, Netherlands, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Russian Federation, Rwanda, Singapore, Slovakia, South Africa, Spain, Sweden, Switzerland, Thailand, Timor-Leste, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam, Yemen, Zambia, Zimbabwe.

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

9. At its resumed first session, the Group had decided that, at the second session, signatories and observer States would be invited to attend the deliberations on the agenda items on technical assistance and on financial and budgetary matters. At the conclusion of the first part of its second session, the Group had agreed that, pending a decision by the Conference on the participation of observers, invitations to the resumed second session, as well as the continued resumed second session, would be extended in the same manner for signatories and observer States as for the second session.

10. The following States signatories to the Convention were represented by observers: Germany and Japan.

### **III. Review of implementation of the United Nations Convention against Corruption: follow-up to the first part of the second session with emphasis on discussions of the thematic reports on chapters III and IV of the Convention**

11. At its first meeting, the Group considered agenda item 2, entitled “Review of implementation of the United Nations Convention against Corruption: follow-up to the first part of the second session with emphasis on discussions of the thematic reports on chapters III and IV of the Convention”. For its consideration of the item, the Group had before it the following:

(a) Thematic report prepared by the Secretariat on the implementation of chapter III (Criminalization and law enforcement) of the United Nations Convention against Corruption (CAC/COSP/2011/2);

(b) Thematic report prepared by the Secretariat on the implementation of chapter IV (International cooperation) of the United Nations Convention against Corruption (CAC/COSP/2011/3);

(c) Note by the Secretariat on action of the Implementation Review Group (CAC/COSP/2011/5);

(d) Note by the Secretariat on the overview of the review process (CAC/COSP/2011/8).

12. In his introductory remarks, the Secretary of the Conference noted that conclusions and recommendations of the Group were to be conveyed to the Conference for its consideration and action and that the Group would need to consider how to fulfil its functions in that respect.

13. Speakers called upon States parties to take the necessary measures to fully and effectively implement the provisions of the Convention in their domestic legal and institutional frameworks. Recognizing that the Mechanism for the Review of Implementation of the United Nations Convention against Corruption had already produced tangible and useful results, speakers welcomed the thematic reports prepared by the Secretariat and the opportunity provided to discuss issues related to the implementation of the Convention. Speakers noted that although a relatively limited number of country reviews had been conducted to date, the reports on those reviews highlighted issues in implementation that should be further considered. They welcomed the fact that in future, thematic reports would include further information, not just on implementation in legislation but also on the enforcement and implementation of these measures in practice, in addition to further data and statistics on regional and global implementation trends, analysis of good practices and challenges in implementation, and technical assistance needs, and they acknowledged the need for uniformity in those areas. Noting the challenges inherent in formulating recommendations for the Conference at such an early stage in the activities of the Review Mechanism, speakers noted that relevant substantive data would emerge in due time as further reviews were concluded.

14. Regarding the progress made and lessons learned through the country reviews conducted to date, speakers shared their experience as States parties under review and reviewing States parties in the first cycle of the Review Mechanism. Several

speakers noted the positive outcomes of the country visits conducted and highlighted their usefulness in enabling improved information exchange, the direct clarification of issues and a more participatory process, as well as their usefulness in enhancing effective implementation of the Convention by States parties under review. Speakers also noted that in their country reviews, the country visit had enabled experts to fully understand their national legal and institutional systems.

15. Several speakers recognized the need to streamline and optimize the process of conducting country visits, in accordance with the terms of reference of the Review Mechanism and the guidelines, in particular the need for advance preparation of such visits and adequate time to agree upon the schedule and programme of the visit. Speakers also discussed the challenge of addressing all proposed agenda items during the time agreed to be allotted for country visits, in particular where translation and interpretation was necessary. While acknowledging the importance of making advance preparations, speakers highlighted the need for flexibility regarding the detailed arrangements of each country review and cautioned against establishing rigid deadlines and fixed timelines, as indicative timelines were already in place. It was recognized that the secretariat could exercise a greater coordination function in order to foster dialogue among experts. In view of its broader perspective of the country reviews that had been conducted, the secretariat had an important role in ensuring uniformity and consistency among the reviews. Speakers also highlighted the need for adequate funding for the reviews and country visits, in particular where translation was needed during the country visits.

16. Speakers appealed to States to complete and submit their list of nominated focal points and governmental experts to the secretariat in a timely fashion and urged States to begin preparing their responses to the self-assessment checklist as soon as possible and prior to the commencement of the actual review process, and to keep their list of governmental experts up to date.

#### **IV. Conclusions and recommendations**

17. The Chair reviewed the issues identified during previous sessions of the Group, including the endorsement of the guidelines for governmental experts and the secretariat in the conduct of country reviews as finalized by the Group, procedural issues arising from the drawing of lots, Group resolution 1/1, recommendations on technical assistance and the participation of observers. He noted that a summary of the issues that had been decided upon would be discussed in informal consultations, during which further proposals could be considered for appropriate consideration and action by the Conference.

#### **V. Other matters**

18. Speakers recalled the adoption of Group resolution 1/1 at its first session and referred to the information that had been submitted by the Secretariat on resources. The issue of costs foreseen for translation was raised in that respect, and speakers expressed concern at the latest, increased amounts provided under that budget item.

19. Speakers noted that the issue of observers was being discussed in informal consultations with a view to reaching a decision by the Conference on their participation in the sessions of the Group.

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