



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

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Resource requirements for the functioning of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption for the bienniums 2010-2011 and 2012-2013

Note by the Secretary-General

I. Introduction

1. In its resolution 3/1, entitled "Review mechanism", the Conference of the States Parties to the United Nations Convention against Corruption requested the Secretary-General to propose to the Implementation Review Group, for its consideration and decision at its first meeting, further means of funding the implementation of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
2. In the same resolution, the Conference decided that the Implementation Review Group should consider the resource requirements for the functioning of the Mechanism for the biennium 2012-2013.
3. Also in that resolution, the Conference requested the Secretary-General to prepare, for the first meeting of the Implementation Review Group, a proposed budget for the Mechanism for the biennium 2012-2013.

A. Work programme of the Mechanism

4. Building on the momentum created by key political decisions taken at its first two sessions (resolutions 1/1 and 2/1), at its third session, held in November 2009, the Conference adopted the terms of reference of a full-fledged mechanism designed

* CAC/COSP/IRG/2010/1.



to assist it in the review of the implementation of the United Nations Convention against Corruption¹ (resolution 3/1, annex). In the terms of reference, it was specified that implementation of the Convention would be reviewed by way of a peer review process and that the secretariat of the Conference should be the secretariat of the Mechanism and perform all tasks required for the efficient functioning of the Mechanism, including providing technical and substantive support, upon request, to States parties. In addition, the secretariat was tasked with providing substantive and technical services to the Implementation Review Group, which should be an open-ended intergovernmental group of States parties. The Group operates under the authority of and reports to the Conference and should hold meetings at least once a year in Vienna. The Group is, inter alia, taking over the tasks of the technical assistance working group and the implementation review working group of the Conference, although with a much wider and more challenging mandate.

5. In its resolution 3/1, the Conference decided that each review phase should be composed of two review cycles of five years each and that all States parties must undergo review within the cycle. Given the current level of ratification of the Convention,² it is projected that the secretariat will need to organize and support an average of at least 40 country peer reviews per year over the next 10 years. The Conference decided to review, during the first five-year cycle, chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention and, during the second cycle, chapters II (Preventive measures) and V (Asset recovery).

6. In terms of concrete work requirements for the country reviews, the secretariat has been tasked with establishing the schedule and requirements of each country review in consultation with the reviewing States parties and the State party under review and to address all issues relevant to the review. The secretariat will provide the assistance and support necessary to ensure that all States under review submit complete self-assessment checklists. The secretariat will request additional information if required and distribute the checklist responses and supporting documentation to the peer reviewing countries, seeking feedback. The secretariat has also been tasked with supporting the ensuing desk review and facilitating the dialogue between the State party under review and the two reviewing States, which may entail the organization of conference calls, videoconferences, e-mail exchanges or meetings at the United Nations Office at Vienna. Country visits will be conducted when agreed by the State under review. The secretariat has been charged with maintaining a list of experts from each peer review country, to be drawn up annually and distributed prior to the drawing of lots. In addition, the secretariat will assist the reviewing States parties in preparing a country review report with an executive summary.

7. On the basis of the findings of the individual reviews, the secretariat will compile the most common and relevant information on successes, good practices, challenges, observations and technical assistance needs contained in the country reports and include them in a thematic implementation report and in regional

¹ United Nations, *Treaty Series*, vol. 2349, No. 42146.

² At the time of writing the present note, 144 States had become party to the United Nations Convention against Corruption.

supplementary addenda for submission to the Implementation Review Group. With specific regard to the area of technical assistance, and as part of the review mechanism follow-up process, the secretariat will also review whether identified technical assistance needs have been met and will report on the outcome of the analysis of information to the Group.

8. On the basis of the information compiled in the thematic implementation report, the Implementation Review Group will conduct an overview of the review process to identify challenges and good practices and to consider technical assistance requirements for the effective implementation of the Convention. The Group will submit recommendations and conclusions to the Conference.

II. Resource requirements for the biennium 2010-2011

A. Outputs of the Mechanism in 2010-2011

9. For the biennium 2010-2011, the following outputs of the Mechanism are foreseen:

(a) Presentation of a set of guidelines for the reviewing States parties and a blueprint for country reports, to be finalized and adopted by the Implementation Review Group at its inaugural session in June 2010 (pursuant to Conference resolution 3/1, annex, paras. 22 and 26);

(b) Analysis of self-assessment responses received and supplementary information;

(c) Organization and carrying out of country visits, where requested;

(d) Analysis of country reports and preparation of executive summaries of country reports;

(e) Preparation of thematic reports and regional addenda;

(f) Compilation of a list of experts participating in the review process, to be updated annually;

(g) Development of a matrix, to be updated regularly, of technical assistance needs;

(h) Compilation and maintenance of a pool of experts for the provision of technical assistance;

(i) Maintenance of a database of competent authorities, asset recovery focal points and central authorities;

(j) Training of experts participating in the reviews.

B. Requirements for the biennium 2010-2011 approved by the General Assembly as of 24 December 2009

10. In paragraph 17 of its resolution 64/237, the General Assembly requested the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner,

the implementation of the United Nations Convention against Corruption and to discharge its functions as the secretariat of the Conference of the States Parties to the Convention. The Assembly also requested the Secretary-General to ensure that the new mechanism for the review of implementation of the Convention was adequately funded, in line with Conference resolution 3/1.

11. The programme budget implications of General Assembly resolution 64/237 in terms of requirements for posts and related general operating expenses, as well as for the Implementation Review Group, are presented in the report of the Second Committee on preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption (A/C.2/64/L.72) and the relevant report of the Fifth Committee (A/64/599) (see also table 1 below). After the Assembly had adopted its resolution 64/237, those budgetary requirements were included in the programme budget for the biennium 2010-2011.

12. The funds needed to implement resolution 64/237 were estimated on the basis of the following: (a) the review mechanism follows a four-year cycle; (b) 40 States parties are to be reviewed per year; (c) translation of the responses to the self-assessment checklist and of supporting documentation is required for 15 of the 80 countries; (d) one annual session of the Implementation Review Group is held each year, with a duration of 10 days; and (e) 40 country visits are made per biennium.

Table 1

Approved budgetary requirements for 2010-2011
(United States dollars)

Posts and related general operating expenses	
1 D-1, 1 P-5, 2 P-4, 1 P-3, 3 P-2 and 1 General Service (Other level) posts	1 409 600
Staff assessment	229 300
Computer maintenance	23 400
Communications	27 000
Subtotal	1 689 300
Implementation Review Group (one 10-day meeting per year)	
Interpretation in 6 languages and conference servicing	393 600
Translation of 100 pages of documentation in 6 languages per year	395 400
Subtotal	789 000
Income from staff assessment	(229 300)

13. The activities in support of the mechanism relate to programme 1, General Assembly and Economic and Social Council affairs and conference management, and subprogramme 1, Rule of law, of programme 13, International drug control, crime and terrorism prevention and criminal justice, of the strategic framework for the period 2010-2011.³ They fall under section 2, General Assembly and Economic and Social Council affairs and conference management, and section 16, International drug control, crime and terrorism prevention and criminal justice, of the programme budget for the biennium 2010-2011 (A/64/6 (Sect. 2) and A/64/6 (Sect. 16), respectively).

14. Additional resources were made available under section 16, International drug control, crime and terrorism prevention and criminal justice, section 28F, Administration, Vienna, and section 36, Staff assessment, and offset by the same amount under Income section 1, Income from staff assessment, of the proposed programme budget for the biennium 2010-2011.

15. With regard to the Implementation Review Group, under section 2, General Assembly and Economic and Social Council affairs and conference management, of the proposed programme budget for the biennium 2010-2011, provision has been made for the Group to hold 40 meetings (that is, 20 meetings per year), as well as for related reports and background documentation. This provision, which was based on the requirements of the previous implementation review working group, has been made available for the conference servicing of the Implementation Review Group.

C. Additional requirements for the biennium 2010-2011

16. With regard to the operational requirements, namely, country visits when requested, individual reviews, travel and daily subsistence allowance for representatives of least developed countries to attend the annual meetings of the Implementation Review Group, as well as training and general operating expenses, in its resolution 3/1 the Conference requested the Secretary-General to propose to the Group, for its consideration and decision at its first meeting, scheduled to take place in Vienna from 28 June to 2 July 2010, further means of funding the implementation of the Mechanism. The proposed options are detailed below (paras. 24-27). Until the Group makes a decision in this respect, it has been proposed that the costs be covered by voluntary contributions.

17. It is anticipated that 40 country visits per biennium will cost \$678,000. The translation of the self-assessment checklist and pertinent supporting material is estimated to cost \$1,787,400. In order to enable 31 representatives of least developed countries that are parties to the Convention to travel to the meetings of the Group, including daily subsistence allowance, \$459,000 will be required for the biennium. The cost of training governmental experts scheduled to take part in the review process as part of the review teams has been estimated at \$267,800 for the biennium. In addition, \$67,800 will be required for general operating expenses, such as conference calls and videoconferences. (See table 2.)

³ *Official Records of the General Assembly, Sixty-third Session, Supplement No. 6 (A/63/6/Rev.1).*

Table 2
Additional budgetary requirements for 2010-2011
 (United States dollars)

Individual reviews	
Country visits (estimated at 5 participants per country visit for 40 countries)	678 000
Translation of documents for individual reviews in 2 languages (based on 4,000 pages)	1 787 400
Implementation Review Group (one 10-day meeting per year)	
Travel and subsistence allowance for representatives of least developed countries (31 representatives, 14 days daily subsistence allowance per year)	459 000
Training	
Five-day training course for 30 experts from developing countries per year	267 800
General operating expenses	
Video- and telephone conferencing	67 800
Total	3 260 000

D. Recommendations for funding the additional requirements for the biennium 2010-2011

18. The secretariat has made considerable efforts to raise funds to meet these additional requirements through voluntary contributions by sending out several funding proposals, organizing a donor briefing in Vienna and presenting the funding shortfall to various forums, such as the Anti-Corruption Task Team of the Organization for Economic Cooperation and Development (OECD) Development Assistance Committee Network on Governance (GOVNET) and the OECD Working Group on Bribery. Despite these efforts, as of 19 April 2010, only the United States of America, through the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State, has indicated that it would earmark \$500,000 of its annual contribution to the Review Mechanism. This contribution would be in addition to the funds already made available under project GLOT58 and is estimated to amount to \$488,300.⁴ This leaves a funding shortfall for the biennium 2010-2011 of \$2,271,700.

19. The Implementation Review Group may thus wish to provide further guidance to the secretariat on the way forward in terms of ensuring that the resource requirements for the Mechanism are met, allowing the work under the Mechanism to commence. In that respect, the Group may consider the three options outlined in the paragraphs below.

20. The Implementation Review Group may wish to recommend that the additional requirements of the Mechanism and its secretariat be funded from the

⁴ Reference is made here to the extrabudgetary resources that became available as a result of charging project staff to the newly approved regular budget posts as of 1 January 2010. Considering that the recruitment process could take on average about six months, charging two P-4, two P-2, one P-2 and two General Service (Other level) posts against the new regular budget posts generated savings that could be estimated in the amount of \$488,300.

regular budget of the United Nations for the biennium 2010-2011. In that case, a draft resolution would have to be submitted to the General Assembly at its sixty-fifth session so that the Assembly can decide on the appropriateness of resorting to the regular budget for this purpose. In accordance with regulation 2.10 of the Financial Regulations and Rules of the United Nations (ST/SGB/2003/7), a statement of programme budget implications will have to be prepared and reviewed by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee before the General Assembly takes a decision.

21. Alternatively, the Implementation Review Group may wish to consider the possibility of proposing funding through assessed contributions by States parties, to be determined on the basis of the United Nations scale of assessment. If the Group recommends that the additional requirements of the Mechanism and its secretariat for the biennium 2010-2011 be funded through this option, a voluntary indicative scale of contributions, based on the United Nations scale of assessment, prorated, will need to be put in place. Such a mechanism would broaden the donor base, ensure adequate funding and enhance the predictability of the voluntary financing of the Review Mechanism. A voluntary indicative scale of contributions could be established as described below, taking into account the United Nations scale of assessment, as well as the following factors:

- (a) A minimum indicative rate of 0.001 per cent;
- (b) A maximum indicative rate of 22 per cent;
- (c) A maximum indicative rate for the least developed countries of 0.01 per cent;
- (d) Economic and social circumstances of Member States, in particular developing countries and countries with economies in transition;
- (e) Provisions to allow for any Member State in a position to do so to increase its level of contributions.

22. The voluntary indicative scale of contributions for a biennium could be based on the above principles and all contributions could remain voluntary. The scale would operate on the basis of biennial pledges, with historical levels of contributions being applied as a benchmark. The United Nations scale of assessment does not prevent countries from increasing their contributions and/or making additional voluntary payments.

23. Should the Implementation Review Group recommend that the additional requirements of the Mechanism and its secretariat for 2010-2011 remain funded through voluntary contributions, there can be no guarantee that a sufficient level of voluntary contributions will be received to ensure that the requirements of the Mechanism are met. As the experience to date in trying to raise funds for the Mechanism has demonstrated, voluntary contributions are unpredictable, and without a minimum level of funding being provided, it might not be possible to ensure a successful review.

III. Resource requirements for the biennium 2012-2013

A. Outputs of the mechanism in 2012-2013

24. The following outputs of the mechanism are foreseen for the biennium 2012-2013:

- (a) Analysis of self-assessment responses received and supplementary information (80 per biennium);
- (b) Analysis of country reports and preparation of executive summaries of country reports (80 per biennium);
- (c) Preparation of thematic reports and regional addenda (12 per biennium);
- (d) List of experts participating in the review process, updated annually (up to 15 experts from each of the 142 States parties);
- (e) Technical assistance needs matrix, updated annually;
- (f) Pool of experts for the provision of technical assistance;
- (g) Database of competent authorities, asset recovery focal points central authorities;
- (h) Country visits (40 per biennium);
- (i) Training of experts (10 regional workshops per biennium).

B. Requirements for the biennium 2012-2013

25. The overall budgetary requirements for the implementation of the request contained in paragraph 17 of General Assembly resolution 64/237 for the biennium 2012-2013 are based on the same parameters as for the biennium 2010-2011 (see table 3).

Table 3

Overall budgetary requirements for 2012-2013

(United States dollars)

Posts and related general operating expenses*	
1 D-1, 1 P-5, 2 P-4, 1 P-3, 3 P-2 and 1 General Service (Other level) posts	2 707 300
Staff assessment	405 700
Computer maintenance	23 400
Communications	27 000
Subtotal	3 163 400
Individual reviews	
Country visits (5 participants per country visit for 40 countries)	678 000
Translation of documents for individual reviews in 2 languages (4,000 pages)	1 787 400 ^a
Subtotal	2 465 400

Implementation Review Group (one 10-day meeting per year) *	
Interpretation in 6 languages and conference servicing	395 000 ^a
Translation of 100 pages of documentation in 6 languages per year	395 400 ^a
Subtotal	790 400
Travel and subsistence allowance for representatives of least developed countries (31 representatives, 14 days daily subsistence allowance per year)	459 000
Subtotal	459 000
Training	
One 5-day training course for 30 experts from developing countries per year	267 800
Subtotal	267 800
General operating expenses	
Videoconferencing	67 800
Subtotal	67 800
Total (gross)	7 213 800
Income from staff assessment	(405 700)
Total (net)	6 808 100

* Pursuant to resolution 64/237, these items were provided for in the programme budget for the biennium 2010-2011.

^a The 2012-2013 estimate is based on the standard salary costs, version 5, for 2010-2011. It should be borne in mind that this estimate will need to be adjusted when standard salary costs and non-post inflation and currency factors become available for the biennium 2012-2013.

C. Recommendations for funding of the overall requirements for the biennium 2012-2013

26. In view of the difficulties encountered in raising the additional resources required for the implementation of the Mechanism in the biennium 2010-2011, the Implementation Review Group may wish to provide guidance to the secretariat on a sustainable mechanism to ensure funding for the overall requirements of the Mechanism and its secretariat, including posts and related general operating expenses, individual reviews and requested country visits, the meetings of the Group and the participation of least developed countries in those meetings, the training of experts and the costs of videoconferencing.

27. If the Conference, through its Implementation Review Group, recommends that the overall requirements of the Mechanism and its secretariat be funded from the regular budget of the United Nations for the biennium 2012-2013, the Secretariat will include the requirements for the Review Mechanism in the overall proposed budget for UNODC for 2012-2013.