



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

Distr.: General
27 April 2010

Original: English

Implementation Review Group

First meeting

Vienna, 28 June-2 July 2010

Item 3 of the provisional agenda*

Country reviews

Country review process

Note by the Secretariat

I. Introduction

1. In its resolution 3/1, the Conference of the States Parties to the United Nations Convention against Corruption decided that each implementation review phase would be composed of two review cycles of five years each and that one fourth of the States parties would be reviewed in each of the first four years of each review cycle.

2. In the same resolution, the Conference also decided to review during the first cycle the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention and during the second cycle the implementation of chapters II (Preventive measures) and V (Asset recovery).

3. Pursuant to paragraph 21 of the terms of reference annexed to resolution 3/1,

Each State party shall appoint up to 15 governmental experts for the purpose of the review process. The secretariat shall, prior to the drawing of lots to select the reviewing States parties, compile and circulate a list of such governmental experts, which shall include information on their professional background, their current positions, relevant offices held and activities carried out and their areas of expertise as required for the respective review cycle. States parties shall endeavour to provide information necessary for the secretariat to compile that list and keep it up to date.

A list of nominated governmental experts has been submitted to the Implementation Review Group.

* CAC/COSP/IRG/2010/1.



4. The Implementation Review Group will have before it document CAC/COSP/IRG/2010/2, entitled “Guidelines for governmental experts and the secretariat in the conduct of country reviews”, annex II to which contains the blueprint for country review reports. The model schedule for country reviews is based on those guidelines and will be adjusted as required.

II. Drawing of lots

5. Pursuant to paragraphs 19 and 20 of the terms of reference, lots will be drawn to determine which States parties are to undergo reviews in a given year and which States parties are to conduct the reviews. One of the two reviewing States parties should be from the same geographical region as the State party under review and, if possible, should have a similar legal system. The State party under review may request, a maximum of two times, that the drawing of lots be repeated. It may also defer serving as a reviewing State party that same year. In accordance with paragraph 14 of the terms of reference, the number of States parties from each regional group participating in the review process in a given year will be proportionate to the size of that regional group and the number of its members that are States parties to the Convention.

6. The drawing of lots will be held as early as possible during the inaugural meeting of the Implementation Review Group to allow sufficient time for consultations with States parties regarding possible requests for a repeat drawing. The drawing of lots will be conducted using a software application for random selection. As at the time of writing, there are 145 parties to the Convention, including the European Union. States parties will be listed alphabetically and the lots will be drawn on the basis of that list.

7. Pursuant to paragraph 14 of the terms of reference, the list will be divided proportionally according to regional groups in order to determine the number of States parties to undergo review in each regional group. The proportions have been rounded down to the nearest whole number. Taking into account the time remaining in the current year, the secretariat is proposing that 35 States parties undergo review in the first year of the current review cycle. On the basis of the overall composition of the States parties at the time of writing of the present note, the breakdown by regional group is as follows:

<i>Regional group</i>	<i>Number of States parties</i>	<i>Prorated number of States to be reviewed in the first year</i>
Group of African States	41	10
Group of Asian States	34	9
Group of Eastern European States	22	5
Group of Latin American and Caribbean States	26	6
Group of Western European and Other States	21	5

8. When a State party selected to undergo review wishes to defer participation to the following year of the review cycle, with reasonable justification in accordance with paragraph 14 of the terms of reference, another State will be selected for review by drawing of lots.

9. The reviewing States parties for each of the States parties under review will be selected by drawing of lots as follows: the first reviewing State party will be drawn from the full list of States parties in the same regional group as the reviewed State party. If the drawing produces the name of the State party under review or a State party that would lead to a mutual review, the drawing of lots for that reviewing State will be repeated. In accordance with paragraph 20 of the terms of reference, a State party under review may defer service as a reviewing State party in the same year in which it is reviewed, and the same principle, *mutatis mutandis*, shall apply to the reviewing States parties. The second reviewing State party will be selected by drawing of lots from the full list of States parties minus those of the regional group to which the State party under review belongs. If the drawing produces the name of a State party that would lead to a mutual review, the drawing of lots for that reviewing State will be repeated. The State party under review may request, a maximum of two times, that the drawing of lots be repeated.

10. In order to ensure a timely initiation of reviews, the drawing of lots and final country review pairings must be completed by the close of the inaugural meeting of the Implementation Review Group. To ensure the timely completion of the pairings, any necessary repeat drawing of lots will be held on subsequent days of the meeting of the Group. All States parties are encouraged to keep the information on their lists of governmental experts up to date and to report any amendments to the secretariat.

III. Organization of and schedule for reviews

11. Pursuant to paragraph 25 of the terms of reference, the schedule and requirements for each country review will be established by the secretariat in consultation with the reviewing States parties and the State party under review. The schedule will address all issues relevant to the review, which should ideally be designed not to take longer than six months. The schedule for reviews is based on the terms of reference of the Review Mechanism and the guidelines for governmental experts and the secretariat in the conduct of country reviews.

12. Once the country review pairings are final, the State party under review shall appoint a focal point to coordinate its participation in the review, in accordance with paragraph 17 of the terms of reference, endeavouring to appoint a person or persons with substantive expertise on the provisions of the Convention under review. The secretariat will assign a staff member to each review. The secretariat will undertake consultations with the States parties concerned on the establishment of review schedules and will inform the Implementation Review Group of the results of those consultations, to the extent possible.

13. The secretariat will organize, as appropriate and within available resources, training workshops for governmental experts participating in the review process. Through the workshops, which will be held during the preparatory stage, governmental experts will be equipped with the tools and expertise to conduct reviews through training on the substantive provisions of the Convention that are to

be reviewed; on the terms of reference, guidelines and blueprint for country review reports; and on the methodology of the comprehensive self-assessment checklist.

14. In accordance with paragraph 15 of the terms of reference, the State party under review will provide to the secretariat the information required on its compliance with and implementation of the Convention, using the comprehensive self-assessment checklist as an initial step for that purpose. Assistance in the preparation of the responses will be provided upon request. The responses to the comprehensive self-assessment checklist are to be submitted to the secretariat within one month of the drawing of lots, and the secretariat, when required, will submit the responses for translation and circulate them to the reviewing States parties.

15. In accordance with paragraph 11 of the guidelines contained in the appendix to the terms of reference, within one month of the receipt of the comprehensive self-assessment checklist, and in any case no later than three months after the drawing of lots, governmental experts will actively participate in a telephone conference or videoconference, to be organized by the secretariat, for the purpose of an initial introduction of the reviewing States parties, the State party under review and the staff member of the secretariat assigned to the country review, as well as for general orientation, including a review of the schedule and requirements established for the review.

16. With that initial telephone conference or videoconference begins the constructive dialogue stage, which is foreseen to last up to three months. It will consist of requests for additional information or specific questions from the reviewing States parties, to which the State party under review will respond. The reviewing States parties will prepare the desk review during this period, assisted as required by the secretariat. If the State party under review requests any further means of direct dialogue, such as a country visit or a joint meeting in Vienna, the reviewing States parties will complement the desk review accordingly.

17. In accordance with paragraph 21 of the guidelines, the State party under review may request the governmental experts of the reviewing States to provide it with explanations on how to address the challenges identified. Within one month of the completion of the dialogue stage, the reviewing States parties will submit the written desk review and the secretariat will organize a telephone conference or a videoconference, as required, to introduce the desk review.

18. The reviewing States parties will then prepare a first draft of the country review report, based on the blueprint format. In accordance with paragraph 33 of the terms of reference, the report will identify successes, good practices and challenges and make observations for the implementation of the Convention. Where appropriate, the report will include the identification of technical assistance needs for the purpose of improving implementation of the Convention. The State party under review will provide comments so that the report can be finalized and the executive summary prepared.

19. The model presented in the table will serve as basis for determining the schedule and requirements for each review after the drawing of lots and the finalization of country review pairings.

Model schedule for country reviews

<i>Week</i>	<i>Review stage</i>	<i>Action by State party under review</i>	<i>Action by reviewing States parties</i>	<i>Action by Secretariat</i>
1	Preparatory stage	Appoints focal point and prepares responses to the self-assessment checklist	Prepare for the review	Assigns staff member to country review and prepares schedule for review
2				
3				
4		Submits responses to the self-assessment checklist	Analyse responses	Circulates responses to reviewing States and/or sends for translation as required
5				
6				
7				
8	Constructive dialogue, including further means of direct dialogue (such as country visit or joint meeting in Vienna)	Initial tele- or videoconference organized by secretariat; State party under review may indicate whether it seeks further means of direct dialogue (such as country visit or joint meeting in Vienna)		
9				
10			Provide requests for additional information sought and specific questions	Forwards requests to the State party under review, organizes further means of direct dialogue where requested (such as country visit or joint meeting in Vienna)
11		Responds to requests for information and specific questions as required	Continue desk review	Assists with desk review as required
12				
13				
14				

<i>Week</i>	<i>Review stage</i>	<i>Action by State party under review</i>	<i>Action by reviewing States parties</i>	<i>Action by Secretariat</i>			
15		Participates in further means of direct dialogue as requested by it (such as hosting a country visit or participating in a joint meeting in Vienna)	Participate in further means of direct dialogue as requested by the State party under review (such as country visit or joint meeting in Vienna)	Organizes and participates in further means of direct dialogue as requested by the State party under review (such as country visit or joint meeting in Vienna)			
16							
17							
18							
19	Finalization of the country review report	Participates in tele- or videoconference as required	Submit written desk review, introduce desk review as required during tele- or videoconference	Organizes tele- or videoconference as required, forwards written desk review to State party under review			
20					Prepare and submit first draft of country review report	Assists with first draft of country review report as required	
21					Comments on first draft of country review report		
22						Prepare updated country review report and executive summary	Assists with updated country review report and executive summary as required
23					Comments on updated country review report	Submit updated country review report and executive summary	Forwards country review report and executive summary to the State party under review
24					End of review	Final country review report and executive summary agreed upon	