Implementation Review Group
First resumed 12th session
Vienna, 6–10 September 2021


Summary

1. At its fourth session, the Conference of the States Parties to the United Nations Convention against Corruption adopted resolution 4/6 entitled “Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”. In that resolution, the Conference decided that briefings for non-governmental organizations would be convened on the margins of the sessions of the Implementation Review Group (hereinafter Group) on the outcomes of the review process, including technical assistance needs identified. The Conference also decided that those briefings would be conducted by the secretariat in cooperation with a member of the bureau and would be based on the reports of the Group, thematic implementation reports and regional supplementary addenda. The Conference requested States parties and signatories to use the briefings and to draw on the discussions and proposals of its fourth session to continue constructive dialogue on the contribution of non-governmental organizations to the Mechanism.

2. Moreover, in the same resolution, the Conference encouraged non-governmental organizations to report to it and/or the Group, as appropriate, individually or collectively, on their activities and contributions to the implementation of the recommendations and conclusions of the Group approved by the Conference, including those related to meeting technical assistance needs and advancing capacity to effectively implement the Convention. The briefings would serve to further promote constructive dialogue with non-governmental organizations dealing with anti-corruption issues and help build confidence in the role and contributions that non-governmental organizations can make to the review process.

3. The first briefing for non-governmental organizations, held in accordance with Conference resolution 4/6, took place in the margins of the third session of the Group on 20 June 2012, and subsequent briefings were held on 30 May 2013, 5 June 2014, 4 June 2015, 23 June 2016, 22 June 2017, 5 September 2018, 3 September 2019 and 1 September 2020, in the margins of the fourth to the eleventh sessions of the Group.
4. The tenth briefing for non-governmental organizations was held in the margins of the first resumed twelfth session of the Group on 7 September 2021 and was chaired by Germán Andrés Calderón Velásquez (Colombia), the Rapporteur of the Conference of the States Parties to the United Nations Convention against Corruption at its eighth session. The Chair delivered introductory remarks, welcoming the decision taken by the Conference to involve non-governmental organizations in the work of the Mechanism.

5. At the start of the briefing, the Chief of the Conference Support Section of the Corruption and Economic Crime Branch of UNODC recalled Conference resolution 4/6 and reiterated the terms of the briefing for non-governmental organizations. The programme for the briefing was contained in document CAC/COSP/IRG/2021/CRP.4. In order to allow for a more interactive discussion, the participants were invited to ask questions after each of the three presentations by the secretariat, which covered the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (CAC/COSP/IRG/2021/2), the thematic reports by the secretariat on the implementation of chapter II (Preventive measures) (CAC/COSP/IRG/2021/3) and chapter V (Asset recovery) (CAC/COSP/IRG/2021/7), a regional supplementary addendum (CAC/COSP/IRG/2021/8), as well as an update on technical assistance needs emerging from the country reviews and on technical assistance provided by UNODC in support of the implementation of the Convention, and on activities undertaken in the context of the COVID-19 pandemic.

6. In the ensuing discussion, one speaker underscored the contribution of civil society to the Implementation Review Mechanism through their involvement in country reviews, where applicable, and expressed satisfaction that the four virtual country visits conducted during the pandemic had involved civil society participation. He noted that many non-governmental organizations actively supported the preparation of parallel country reports, including by conducting research, in order to help inform the official review process.

7. In response to a question concerning access to information about country reviews, including the names of focal points, review stages and upcoming country visits, a representative of the secretariat explained that, in accordance with the Terms of Reference of the Mechanism and the ownership by States parties of the review process, the secretariat was not in the position to decide on which information pertaining to country reviews could be publicly shared. The representative of the secretariat noted that it was updating the country profile page with relevant information as soon as it became available and that further enhancements to the country profile page were envisaged.

8. Concern was expressed regarding continued delays in the completion of reviews. The representative of the secretariat explained that continued delays were a major challenge, which was compounded by circumstances arising from the COVID-19 pandemic. The representative noted that, although the secretariat was taking measures to expedite reviews, including by offering to States parties the option of holding country visits either in an online or in a hybrid format, it was not yet possible to anticipate what the status of country reviews under the Mechanism would be in June 2024.

9. In response to a question about the disparity between the time frame for reviews foreseen by the Terms of Reference, and the reality of the duration of the reviews, the representative of the secretariat noted that, according to the model schedule for country reviews based on the Terms of Reference for the Mechanism, each review was initially foreseen to have a duration of six months. This had proved challenging, including in particular with regard to reviews conducted under the second cycle, as chapter II on preventive measures addressed a wide range of anti-corruption measures and required the input and coordination of many governmental agencies. Another reason for the delays was the increase in the number of States parties to the Convention (144 States parties initially compared to 188 currently).
10. Speakers referred to the involvement of civil society in anti-corruption efforts and welcomed the publication of the full country reports on UNODC’s website. In this regard, reference was made to the G7 Ministers’ Statement on the United Nations General Assembly Special Session Against Corruption in which they called on “all countries under review by UNCAC to publish their full UNCAC country reports and invite[d] inputs from a wide range of stakeholders.”

11. In response to a question regarding the potential of the political declaration adopted by the General Assembly at its special session against corruption to address gaps in the implementation of the Convention, a representative of the secretariat explained that the follow-up to the special session would be determined by the Conference of States Parties at its ninth session, to be held in Sharm El-Sheikh, Egypt, from 13 to 17 December 2021.

12. One speaker referred to the report from the High-Level Panel on International Financial Accountability, Transparency and Integrity for Achieving the 2030 Agenda that could further stimulate discussion regarding the implementation of anti-corruption measures.

13. Reference was also made to the Transparency Pledge and those States that have not yet done so were called upon to sign it.

14. In response to a question on whether the secretariat could facilitate voluntary reporting by States parties on action taken to follow up on the outcomes of country reviews, the representative of the secretariat noted that Member States shared information on action taking during the meetings of the subsidiary bodies of the Conference, which was subsequently reflected in the reports on those sessions. In addition, some aggregated data on follow-up action, when made available by States parties, was included in reports by the secretariat, which were made available to those meetings. The representative of the secretariat also noted that the future of the Implementation Review Mechanism in its next phase, which may include different ways of looking at the impact, was yet to be determined by the States parties.

15. One speaker expressed regret regarding the continued exclusion of civil society from meetings of the subsidiary bodies of the Conference and referred to the G7 Ministers’ Statement on the United Nations General Assembly Special Session Against Corruption in which those States committed to consulting civil society in our country reviews and promoting their inclusion as observers in subsidiary bodies of the UNCAC and Conference of States Parties. She referred with appreciation to the topics chosen for panel discussions held during the twelfth session of the Implementation Review Group, including on the effectiveness, proportionality and dissuasive effect of sanctions for corruption offences and various documents prepared by the secretariat. She highlighted, in this regard, that an in-depth discussion should also cover the liability of parent companies for its subsidiary companies. She further referred to the linkages between the relevant provisions of the United Nations Convention against Corruption and the United Nations Convention on Transnational Organized Crime and suggested that a joint body be established under the auspices of the Commission on Crime Prevention and Criminal Justice to consider synergies between the two conventions.

16. In response to a question on the inclusion of civil society in the delivery of technical assistance delivery as a beneficiary or source of expertise, a representative of the secretariat noted that the United Nations engaged directly with Member States, which were the main counterparts of the secretariat and decided which agencies and/or stakeholders should be involved. At the same time, he noted that that recent changes to the internal regulations of the United Nations regarding partnerships within the intergovernmental framework would facilitate future partnerships. Furthermore, he referred to efforts to facilitate engagement with non-governmental organizations that had established expertise in certain specialized areas.

17. In response to a question regarding the added value of the new Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE
Network), a representative of the secretariat explained that its focus on law enforcement authorities with an anti-corruption mandate made it unique, and that synergies with other networks had been one of the pillars of the preparatory work conducted to date.

18. In conclusion, the Chair welcomed all statements made by participants and noted with appreciation that the briefing provided another important opportunity to strengthen collaboration and dialogue between civil society and the States parties to the Convention.