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Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and the measures required for the completion of the first phase of the Mechanism, as well as initial considerations regarding the next phase

Note by the Secretariat

Summary

The present document provides an updated analysis of the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, in particular its second cycle. It contains recommendations on measures required for the completion of the second cycle. It also contains lessons learned from the performance of the Mechanism in its first phase and initial considerations regarding the future of the Mechanism beyond its current review phase. An initial version of this document was presented as a conference room paper to the Implementation Review Group at its first resumed thirteenth session, held in Vienna on 8 and 9 September 2022.

* [CAC/COSP/IRG/2022/1/Add.2](#).



I. Introduction

1. The Conference of the States Parties to the United Nations Convention against Corruption took a bold step when it agreed more than 10 years ago, at its first session, to establish an appropriate and effective mechanism to assist it in reviewing the implementation of the Convention. The cornerstones of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, as noted during its conceptualization in 2008, are that it be based on the necessary expertise and vested with legitimacy, objectivity and impartiality.

2. With corruption high on the political agenda, the effective implementation of the Convention was, and remains today, a priority for States. More than 10 years since its establishment, the Mechanism is unprecedented in terms of scope, breadth and inclusiveness, and it has had a visible effect on many areas. The Mechanism had a considerable beneficial impact in States, in terms of legislative reforms, improved institutional frameworks and structures, enhanced coordination and information-sharing among national institutions, strengthened international cooperation and overall increased capacities to prevent and take action against corruption. Beyond this, the Mechanism has served as a forum for identifying and matching technical assistance needs and delivery, has established benchmarks against which States can measure progress domestically and has furthered peer-to-peer learning. It has also generated a unique data set of knowledge, accessible globally, on good practices and challenges in implementation. When it was designed, it was impossible to predict that the Mechanism would have such far-reaching impacts. The present document provides an overview of the performance of the Mechanism, in particular the progress made to date during the second cycle, and sets out recommendations on measures required to complete the country reviews under the second cycle, including the possibility of an extension of the second cycle of the first phase, as well as related procedural implications. The analysis builds on the report entitled “Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, in particular its second review cycle and the measures required for its completion” (CAC/COSP/2019/12) and the note by the Secretariat entitled “Views of States parties on the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption” (CAC/COSP/2021/4). Section II of the present document suggests how to use lessons learned from the performance of the Mechanism in its first phase with a view to guiding considerations on the future of the Mechanism beyond its current review phase. It lists the existing mandates regarding the next review phase and proposes steps that the Implementation Review Group may wish to consider in concluding the current and launching the next phase of the Mechanism.

3. An initial version of the present document was presented to the Implementation Review Group as a conference room paper at its first resumed thirteenth session, held in Vienna on 8 and 9 September 2022. The present document has been updated to include the outcome of the Group’s deliberations at its first resumed thirteenth session.

II. Performance of the Mechanism for the Review of Implementation of the Convention

4. In its resolution 8/2, the Conference acknowledged that continuing the process of evaluation of the performance of the Mechanism before the completion of the second review cycle on the basis of the experiences gained in the first review cycle could significantly contribute to useful outcomes and that that process should be started without prejudice to any subsequent continuation of such work following the completion of the second review cycle.

5. In the same resolution, the Conference requested the Implementation Review Group to continue to collect, with the support of the secretariat, relevant information, including the views of States parties, pertaining to the performance of the

Implementation Review Mechanism, with a view to continuing, at the appropriate time, the Group's assessment of the performance of the Mechanism, as provided for in paragraph 48 of the terms of reference of the Mechanism and Conference decision 5/1, and in that regard to continue to report to the Conference on progress made, bearing in mind the request in paragraph 5 of Conference resolution 3/1 for the evaluation of the terms of reference at the conclusion of each review cycle.

6. Moreover, in the political declaration entitled "Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation" (resolution S-32/1, annex), which was adopted by the General Assembly at its special session against corruption in June 2021, Member States and parties to the Convention, inter alia, welcomed the achievements of the Implementation Review Mechanism in furthering parties' efforts to fully implement their obligations under the Convention and urged parties to the Convention to complete their reviews under the Mechanism in a timely manner so as to conclude the first and second review cycles within their agreed period of performance. Member States also welcomed the efforts by the Conference to assess the performance of the Mechanism and adapt, where appropriate, procedures and requirements for the follow-up.

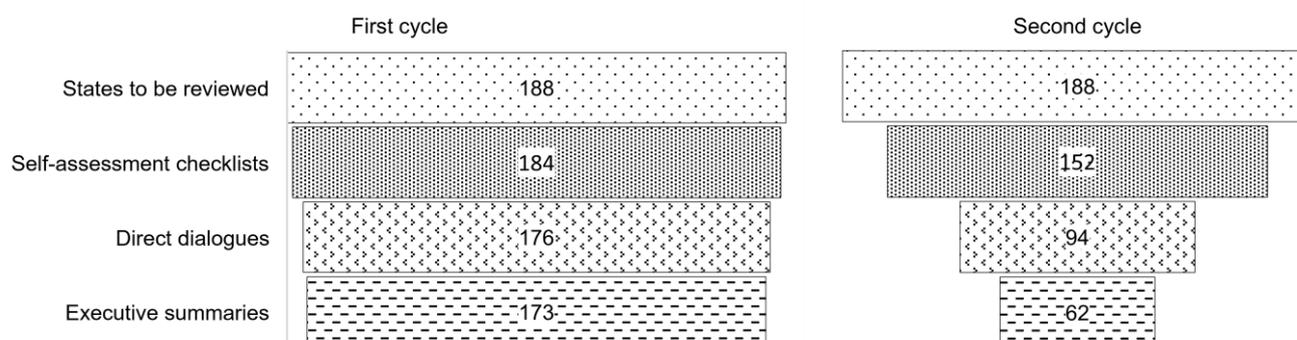
7. The first cycle is now nearly complete, with 173 out of 188 executive summaries adopted. The second cycle, however, continues to face substantial delays in all stages of the reviews, with only 62 out of 188 executive summaries for the second cycle having been completed when the present document was prepared. In its decision 8/1, the Conference, taking note of the delays incurred during the second cycle of the Mechanism, decided to extend the duration of the second cycle until June 2024 to allow for the completion of country reviews and called upon States parties to accelerate the completion of the second cycle. Shortly after the Conference decided to extend the second cycle, the coronavirus disease (COVID-19) pandemic began, resulting in additional delays with respect to the completion of country reviews. In the light of those delays, an updated analysis of the performance of the Mechanism is warranted, with special emphasis on measures necessary for the completion of the second cycle.

A. Statistical overview of the first and second review cycles

8. The data provided in figure I show the overall progress achieved as at 16 September 2022 in the country reviews under the first and second cycles of the Implementation Review Mechanism.

Figure I

Overall progress achieved under the first and second review cycles



B. Analysis of the time frames associated with the critical stages of the review process, with a focus on the second review cycle

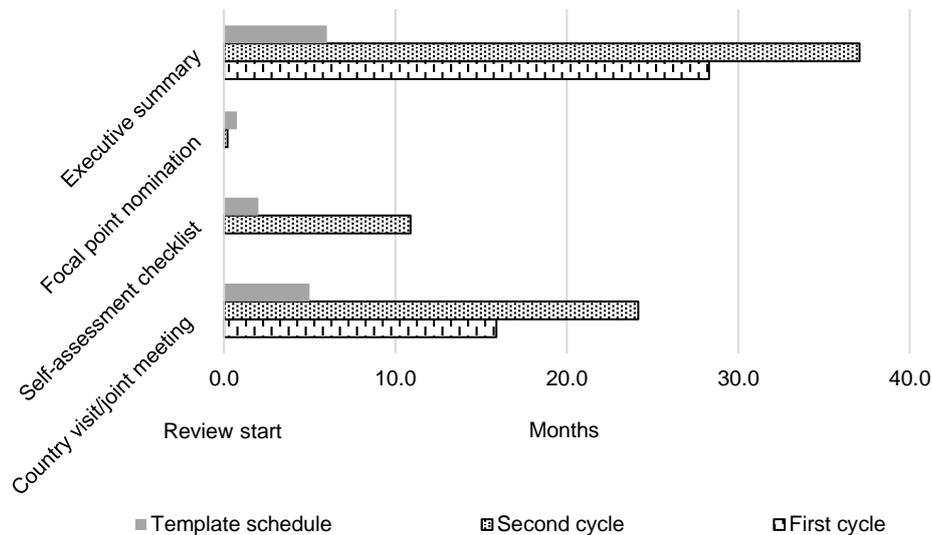
9. The delays in the completion of the country reviews under the Mechanism and the resulting backlog were analysed for the purpose of determining whether the second review cycle could be completed by June 2024, as foreseen in Conference decision 8/1.

10. To that end, the model timelines in the guidelines for governmental experts and the secretariat,¹ contained in the appendix to the terms of reference of the Mechanism, were compared with the actual timeline of reviews in both cycles.

11. Figure II illustrates the overall comparison of progress in first- and second-cycle reviews from the start of the country reviews; the individual stages analysed are discussed below.

Figure II

Median duration of country reviews: target timeline versus reality



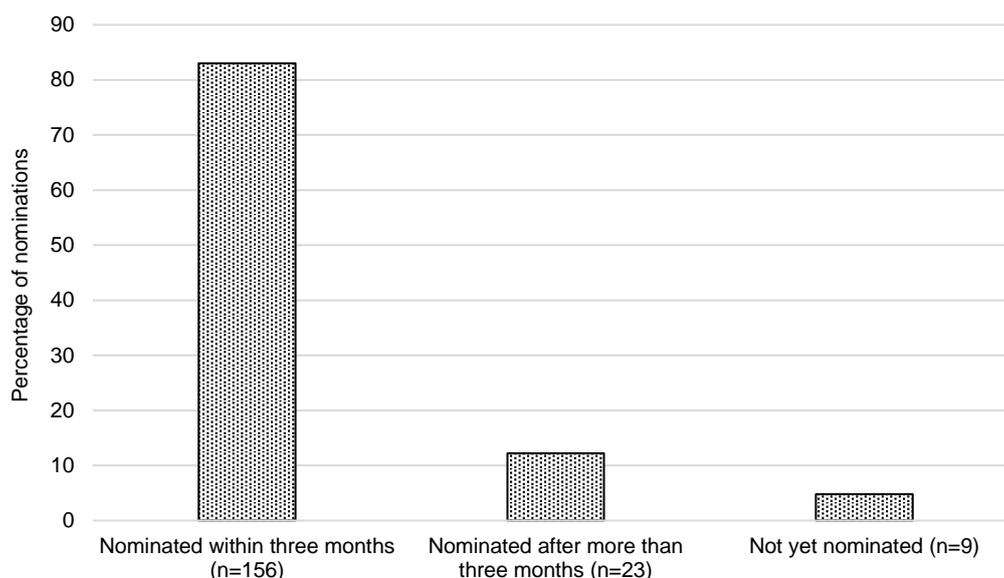
1. Analysis of individual review steps

(a) Delayed nominations of focal points

12. Although it is noted in the terms of reference that the reviews should ideally be designed to take no longer than six months, the process is taking significantly longer. Already the initial step of nominating focal points, which is due to take place within 21 days after the start date of a review, has seen some delays. Currently, 179 of the 188 focal points for the second cycle have been nominated. More than 80 per cent of nominations were submitted within three months of the start date of the review, either within the model time frame of three weeks or even prior to that date. Despite this overall positive picture, the focal point nominations were delayed beyond three months in more than 10 per cent of reviews, and the nominations have still not been received in almost 5 per cent of reviews, thus delaying the reviews already at this initial step.

¹ Shown in the “Model schedule for country reviews based on the terms of reference of the Review Mechanism and the guidelines for governmental experts and the secretariat” (www.unodc.org/documents/treaties/UNCAC/Review-Mechanism/IRG_model_country_review_schedule.pdf).

Figure III
Second review cycle: time from the start of the review to the nomination of focal points



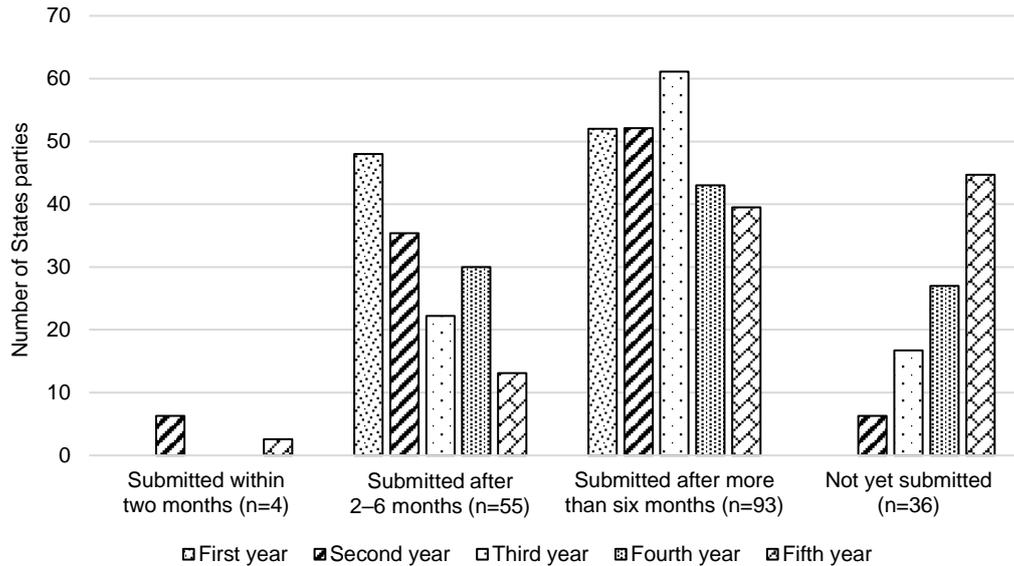
(b) Delayed nominations of governmental experts

13. The nominations of governmental experts have been delayed even more frequently than the nominations of focal points. While the guidelines for governmental experts and the secretariat in the conduct of country reviews foresee that the first teleconference or videoconference should take place within one month of the start of the review, a number of country reviews have been held up because States parties have not yet nominated their governmental experts to carry out the reviews they are assigned to, and several country reviews still cannot move forward for this reason. In several cases, nominations of experts were delayed for over one year or even up to several years, meaning the reviews could not progress, despite repeated reminders and delay letters sent by the secretariat. Late designations of governmental experts or changes in reviewing experts in the course of the reviews have an impact on all subsequent stages of the review, leading to significant bottlenecks.

(c) Delayed submission of responses to the self-assessment checklist

14. The submission of the response to the self-assessment checklist is an essential cornerstone of the review and a prerequisite to beginning the review process. The model timeline foresees that the submission of the responses to the self-assessment checklist occurs within two months after the start date of the review. Nearly one half (93) of the States parties under review had delays of more than six months in submitting their responses to the self-assessment checklist, while 36 States parties have not yet submitted their responses. As a result, one fifth of the country reviews cannot move forward at this stage. This means that, not counting the reviews of the new States parties to the Convention, these reviews have been delayed by approximately 2–5 years.

Figure IV
Second review cycle: time from the start of the review to the submission of the self-assessment checklist



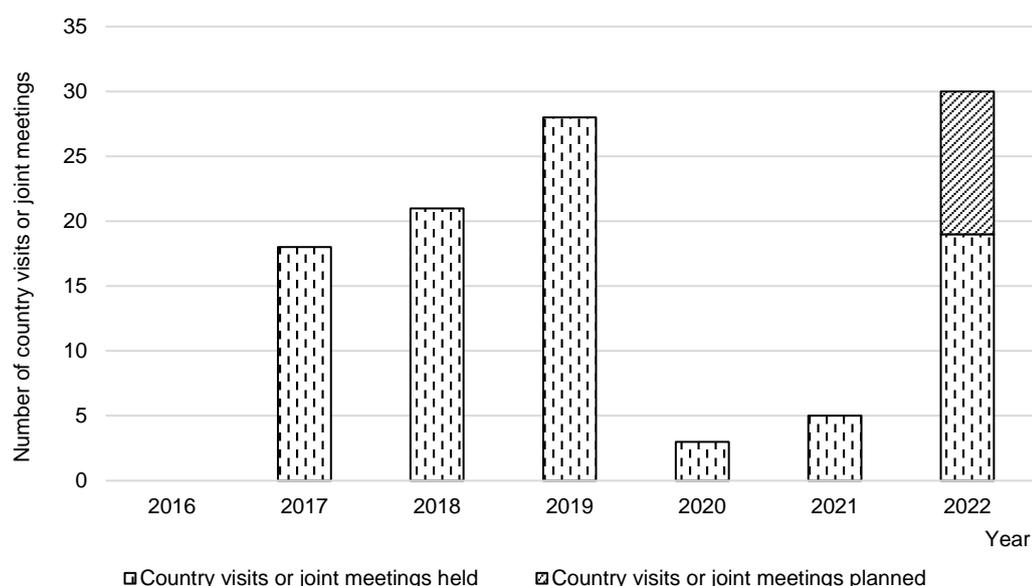
(d) Delays in organizing country visits or joint meetings, particularly during the COVID-19 pandemic

15. The model timeline foresees two months of direct dialogue, followed by the preparation of the draft country review report within approximately five months of the start of the review. While the number of country visits and joint meetings steadily increased in the first three years of the second cycle, the COVID-19 pandemic has had a visible impact on the pace of country reviews, leading to delays in organizing country visits. While some virtual or hybrid country visits did take place, the overall assessment of this experience is that online forms of direct dialogue have limits in strengthening cooperation and information exchange, peer learning, capacity-building and constructive collaboration among the parties involved, which is an observation that is also shared by the secretariats of other review mechanisms.

16. Moreover, in many cases, virtual visits were not feasible owing to the time differences between the three States involved. Other challenges were persistent connectivity and technical issues, as well as regulations that prevented the relevant government agencies involved in the reviews from getting together in person. As a result, many States parties decided to postpone country visits until domestic regulations permitted meetings and travel was again possible.

17. With many States facing travel restrictions in 2021 (and even in 2022), some country visits still could not take place in person. The number of country visits or joint meetings held thus decreased drastically in 2020 and 2021, creating a backlog of visits to be scheduled for 2022, 2023 and the first half of 2024. The delays in scheduling country visits will, in turn, affect the overall number of executive summaries and country review reports that will be completed (see paras. 20–22, below). This situation is making it difficult if not impossible to complete all the outstanding reviews by June 2024.

Figure V
Second review cycle: number of country visits or joint meetings held per year*

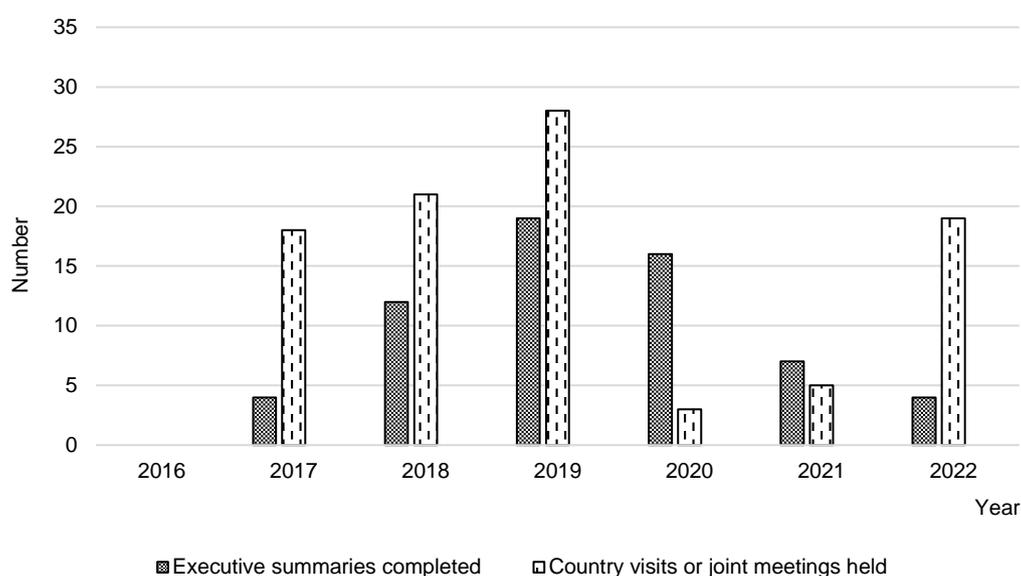


* In addition, for 83 reviews under the second cycle, no country visit/joint meeting has been planned or taken place yet.

(e) Delays in approving executive summaries

18. For the purposes of the present analysis, the completion of the executive summary is considered the end of the country review, as the completion of the country review reports usually takes place at a later stage. While the number of executive summaries approved during the COVID-19 pandemic decreased compared with the figures for the years prior to the pandemic, during 2020 and 2021 the number of executive summaries completed was greater than the number of country visits held, and thus it was possible to finalize some pending reviews.

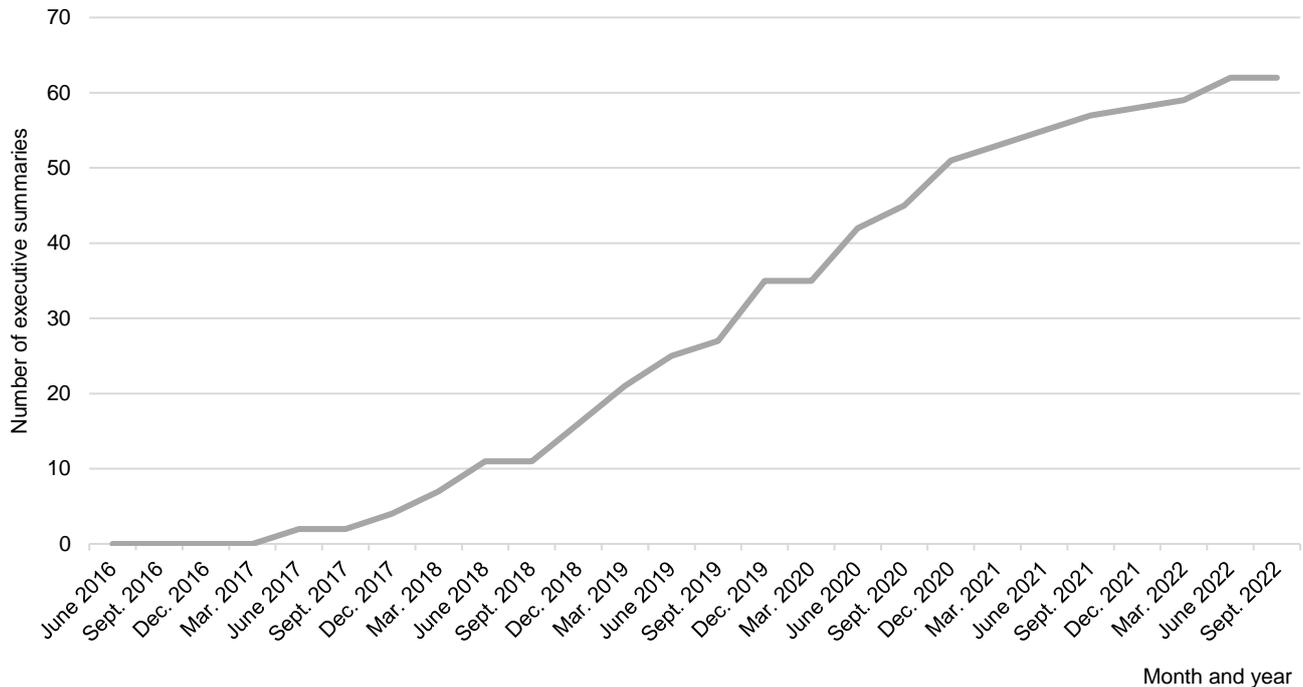
Figure VI
Second review cycle: number of executive summaries completed and country visits or joint meetings held per year



19. Figure VII shows the overall increase in the number of executive summaries completed during the second review cycle, despite the decline in the number of country visits held and executive summaries completed during the pandemic.

Figure VII

Second review cycle: overall number of executive summaries completed



2. Reasons for and consequences of delays in the completion of country reviews

20. A number of reasons for delays in the completion of country reviews have been identified in documentation prepared previously by the secretariat, with the significant delays in the submission by States parties of their responses to self-assessment checklists and the finalization of executive summaries and country review reports emerging as the two most critical stages. Other reasons for the overall delay are: (a) delays in the nomination of focal points and governmental experts (see paras. 12 and 13 above); (b) the number of languages used for some reviews, as additional time is required for translation and the processing of the working documentation in those cases; (c) difficulties in scheduling country visits; and (d) the time required to reach consensus on the executive summaries and country review reports among all the parties involved. Moreover, many States parties indicated that the complexity of chapter II of the Convention and the wide stakeholder consultations required for the two chapters under review in the second cycle were at the root of most of the delays.

21. In addition to the different review stages in which delays are encountered, it should be noted that the workload of governmental experts and the secretariat has expanded as a result of the following: (a) the increase in the number of new States parties since the launch of the first review cycle, when the Convention had only 144 States parties; and (b) the backlog of reviews from prior years. The delays and frequent unresponsiveness of States parties have increased the workload of the secretariat in terms of follow-up and made scheduling and planning difficult. The delays have also affected governmental experts, as many States parties under review in the third and fourth years of the second cycle are also required to serve as reviewing States parties in delayed reviews of previous years or ongoing reviews of the same review year. Furthermore, delays in some cases also have resource implications for the participating States because of deviations from projected financial commitments from one budget year to another. This has been noted by several States parties. The

need to carry out both the delayed reviews and the subsequent year's reviews at the same time thus has had a negative impact on the capacity of reviewing States and the secretariat. As mentioned at previous sessions of the Implementation Review Group, to advance efforts to complete the second cycle in a timely manner, the secretariat has been sending more frequent reminders, as well as formal follow-up letters, to States parties under review and reviewing States parties that are failing to meet the timelines.

22. The COVID-19 pandemic has had an unprecedented impact on all facets of public and private life. The secretariat has analysed the overall effect of the pandemic on the implementation review process. Although some progress has been made, the overall impact has been a visible decline in the pace of country reviews due to impasses at all stages of the review process, such as receiving responses from the different parties involved and scheduling country visits, as outlined above. Even where it was possible to continue working remotely and to hold meetings virtually, the limited human and operational capacity of Governments worldwide impeded all aspects of country reviews and the ability to undertake coordinated efforts to advance country reviews.

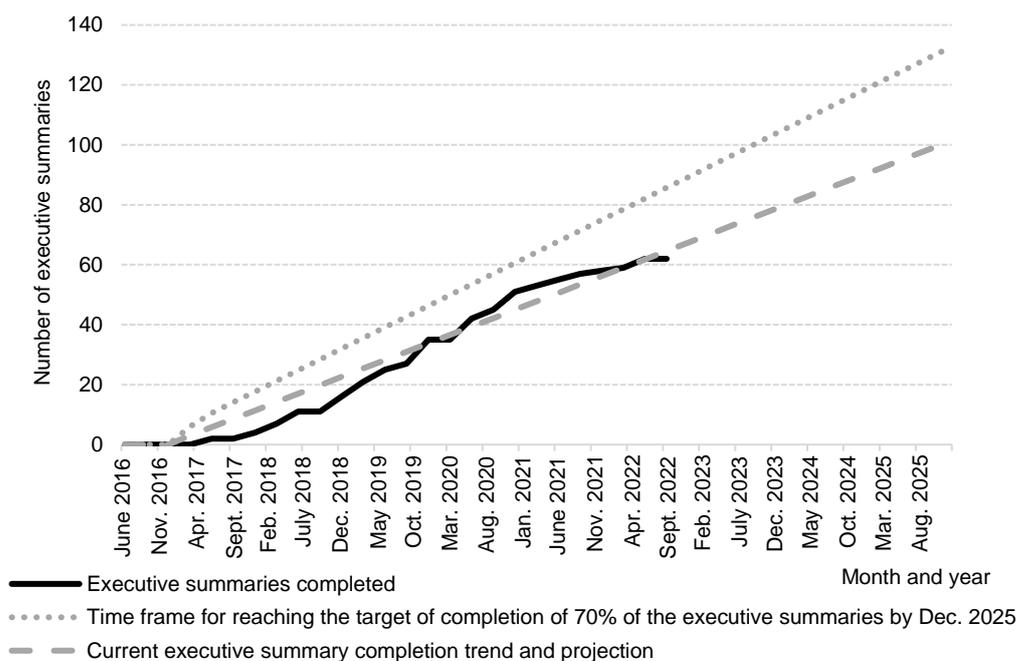
3. Findings and projections

23. The analysis has shown that delays accumulate throughout the review process, as well as throughout the review years, and that the impact of the pandemic has exacerbated the previously identified slowdown in the pace of reviews. At the time of writing, for the second cycle, 126 executive summaries remain to be completed and 94 direct dialogues are outstanding. In the light of the gradual lifting of travel and meeting restrictions, every effort will be made to conduct a higher-than-average number of country visits during the next 27 months; however, the total number of country visits that can be organized will remain limited by the capacity of the secretariat to support all pending reviews.

24. Assuming that reviews will continue at the current pace, fewer than half of the reviews in the second cycle (84 reviews, or 45 per cent) will have been completed by the foreseen end date of the cycle, in June 2024. These projections are consistent with the figures presented in the report to the Conference in 2019 outlining possibilities for an extension of the second cycle, in which the following was noted (CAC/COSP/2019/12, para. 17 (b)):

Should this slow-down trend continue, a mere 40.7 per cent of reviews would be finalized by the end of 2023, and 44 per cent by June 2024. Thus, significant efforts will need to be undertaken by States parties and the secretariat to reverse the observed slowdown process in order to reach a completion number higher than that.

Figure VIII
Projection of the cumulative number of executive summaries finalized



C. Possibility of an extension of the second cycle

25. The decision to extend the second cycle until June 2024 was taken by the Conference at its eighth session in December 2019, slightly over one month before the COVID-19 pandemic was declared a public health emergency of international concern. Those unforeseeable circumstances have drastically affected the projections made in 2019. Based on the current status of the reviews conducted in the framework of the Mechanism and taking all information into account, it will not be possible to complete the second cycle by June 2024.

26. Thus, the Group may wish to consider recommending that the Conference extend the current cycle by 18 months, to December 2025, to coincide with the eleventh session of the Conference.

27. Even if the time frame for the second cycle is extended until December 2025, significant efforts will need to be undertaken by States parties and the secretariat to more closely adhere to the model schedule for country reviews, to begin to reverse the observed slowdown and to substantially advance the second cycle by December 2025, given the delays experienced at all stages of the review process, as well as the continuing delays caused by circumstances relating to the COVID-19 pandemic.

28. When determining the way forward, the Conference could be guided by decision 8/1, in which, taking note of the delays incurred during the second cycle, it decided to extend the duration of the second cycle until June 2024 to allow for the completion of country reviews and called upon States parties to accelerate the completion of the second cycle. The secretariat will continue to analyse progress made towards the completion of the second cycle and inform the Group and provide further projections ahead of the tenth session of the Conference, to be held in 2023.

D. Recommendations and possible next steps

29. At its first resumed thirteenth session, the Group discussed the possibility of an extension of the second cycle. Several speakers noted that the timely completion of the second review cycle was important; however, speakers also acknowledged that,

despite ongoing efforts to accelerate the reviews, it would be impossible to complete the second cycle by June 2024, as foreseen in Conference decision 8/1. One speaker noted that, should a decision be made in favour of an extension, efforts should be made to avoid extending the second cycle again beyond the additional 18 months in order not to prolong the second cycle and the first phase of the Implementation Review Mechanism, and that the Conference should be urged to consider the first cycle complete. In that context, it was suggested that either the Conference should consider determining, through further consultations, a threshold (e.g. 70 per cent of reviews, as under the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto) above which the Conference would consider the cycle closed and allow the next phase to be launched, or the Conference should agree not to extend the cycle again beyond 2025 (CAC/COSP/IRG/2022/6/Add.1, para. 15). In view of the information provided in the present document and its deliberations at previous sessions, the Group may wish to consider the further extension of the second cycle in order to allow for the finalization of country reviews and to ensure the quality of the reviews.

30. Based on updated projections to be prepared ahead of the tenth session of the Conference, the Group may wish to propose to the Conference at its tenth session, in 2023, that the Conference consider extending the duration of the second cycle of the Implementation Review Mechanism until the end of 2025.

III. Considerations for the next review phase

31. In line with Conference resolution 3/1 and the terms of reference of the Mechanism, annexed to that resolution, more than one review phase is envisaged. Mindful of the guiding principles of the Mechanism, such as transparency, non-intrusiveness, inclusivity and impartiality, its characteristic of being an intergovernmental process and its overall aim of assisting States in the effective implementation of the Convention, the Group started to discuss the future of the Mechanism, considering lessons learned under the current review phase.

32. These discussions are timely if the Conference wishes to launch the next phase at its eleventh session, in 2025, after completion of the current cycle.²

33. The present section lays out the existing mandates regarding the next review phase, identifies the steps needed to conclude the current phase and launch the next phase and includes steps, based on the lessons learned from the current phase, that the Group may wish to consider.

² The Conference could decide to allow the next phase to be launched once a set completion rate is reached. In this respect, the Conference could be guided by the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, according to which advancement to the next review phase is conditional upon the completion of 70 per cent of the reviews foreseen at the beginning of the previous phase (resolution 9/1, annex, para. 10, of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Protocols thereto).

A. Mandates for the second phase of the Mechanism

34. References to the next phase or the future of the Mechanism beyond the current review phase are contained in Conference resolutions 3/1 and 8/2.³

35. In resolution 3/1, the Conference decided that each review phase shall be composed of two review cycles of five years each. According to paragraph 47 of the terms of reference of the Mechanism, annexed to the resolution:

47. The Conference shall establish the phases and cycles of the review process, as well as the scope, thematic sequence and details of the review. The review phase shall be finalized upon reviewing the status of implementation of all articles of the Convention in all States parties. Each review phase shall be divided into review cycles. The Conference shall determine the duration of each review cycle and decide on the number of States parties that shall participate in each year of the review cycle, taking into account the number of States parties to be reviewed and the scope of the cycle.

36. The next phase of the Mechanism is referred to in paragraphs 40 and 41 of the terms of reference:

40. In the following review phase, each State party shall submit information in its responses to the comprehensive self-assessment checklist on progress achieved in connection with the observations contained in its previous country review reports. As appropriate, States parties shall also provide information on whether technical assistance needs requested by them in relation to their country review reports have been provided.

41. The Conference, through the Implementation Review Group, shall assess and adapt, where appropriate, the procedures and requirements for the follow-up to the conclusions and observations emerging from the review process.

37. The parameters provided in Conference resolution 3/1 and in paragraphs 40 and 41 of the terms of reference of the Mechanism are as follows:

(a) A following phase is foreseen;

(b) The launch date remains to be determined;

(c) The Conference can establish the scope, thematic sequence and details of the review and determine the duration of each review cycle within a phase;

(d) The information in the self-assessment checklist of the following review phase shall include information on progress achieved in connection with the observations contained in the country reports from the previous phase and, as appropriate, information provided by States parties on whether technical assistance needs requested in relation to their country review reports have been addressed.

38. In paragraphs 3–9 of its terms of reference, the guiding principles and characteristics of the Mechanism are laid out. As noted in paragraph 9:

9. The review of implementation of the Convention is an ongoing and gradual process. Consequently, the Mechanism shall endeavour to adopt a progressive and comprehensive approach.

39. In its resolution 8/2, the Conference encouraged States parties, with the help of the secretariat, to voluntarily share their views in the Implementation Review Group, without prejudice to the existing mandates of the Group and the terms of reference of the Mechanism, on the possible ways forward following the end of the first review phase and requested that the Group submit its report to the Conference at its tenth session.

³ The mandates relevant to the next phase of the Mechanism and the assessment of its performance and terms of reference are cited in annex I.

B. Steps needed in preparation for the second phase

40. The terms of reference and resolutions of the Conference spell out the steps needed to be taken by the Implementation Review Group to prepare for the next review phase, namely: (a) the assessment of the performance of the Mechanism; (b) an evaluation of the terms of reference and challenges encountered during the country reviews; (c) reporting to the Conference on views voluntarily shared by States parties on possible ways forward following the end of the current review phase; and (d) an assessment and adaptation, where appropriate, of the procedures and requirements for the follow-up to the conclusions and observations emerging from the review process. The individual steps are described in more detail in paragraphs 41–46 below.

1. Assessment of the performance of the mechanism

41. In its resolution 8/2, the Conference requested the Implementation Review Group to continue to collect, with the support of the secretariat, relevant information, including the views of States parties, pertaining to the performance of the Implementation Review Mechanism, with a view to continuing, at the appropriate time, its assessment of the performance of the Mechanism, as provided for in paragraph 48 of its terms of reference and Conference decision 5/1, and in that regard to continue to report to the Conference on progress made, bearing in mind the request in paragraph 5 of Conference resolution 3/1 for the evaluation of the terms of reference at the conclusion of each review cycle.

42. Pursuant to Conference resolution 8/2 and, in particular, decision 5/1, the secretariat in 2021 invited States parties to submit their views on the performance of the Mechanism, in particular on the conduct of country reviews, the outcomes of country review processes and follow-up procedures, including views on good practices and/or challenges identified in the conduct of the country reviews, the model schedule for country reviews and the role of the secretariat as set out in the terms of reference of the Mechanism, as well as any other issues that they deemed relevant, in order for the Implementation Review Group, with the support of the secretariat, to collect and analyse information relevant to facilitating the performance of the Mechanism. The responses and views of 26 States parties (approximately 14 per cent of States parties) were made available to the Conference at its ninth session (CAC/COSP/2021/4). A brief overview of the responses is presented in the box below.

Overview of responses received from States parties on the performance of the Implementation Review Mechanism

In their responses to a note verbale sent by the secretariat on 18 August 2021, States reaffirmed the positive role of the Implementation Review Mechanism in effectively promoting the implementation of the United Nations Convention against Corruption and reiterated their support for it. States parties noted that the Mechanism was a useful tool for strengthening institutional cooperation and coordination among law enforcement authorities at the domestic level, as well as for deepening cooperation in anti-corruption efforts at the international level. While some States parties stressed that the Mechanism was well designed, effectively functioning and efficient, others suggested improvements to the Mechanism. The views shared by States parties related to (a) streamlining the review process itself based on experience from the current phase and (b) the design of the following review phase.

Suggestions on streamlining the review process

The issues raised and suggestions made by States parties ranged from a shorter and simpler self-assessment checklist to improving the presentation of the findings of the review by changing the format of the executive summaries and country reports. States parties also proposed that the information provided could be of higher quality and that more guidance and training could be provided in the preparation of a review. Other issues mentioned included increasing synergies with other anti-corruption peer

review mechanisms or the participation of civil society and private sector representatives in country reviews.

There seemed to be consensus on country visits being a useful tool for dialogue between States parties. It was noted that the review process had led to an in-depth assessment of the legal, institutional and operational framework in place.

Suggestions on the design of the following phase

With regard to the design of a follow-up phase, one State party recommended that the Conference should consider developing a follow-up mechanism to evaluate progress made by States parties in implementing previous recommendations made in their country reviews and that the Conference should also consider establishing criteria or a threshold by which a review cycle would be considered to be concluded, using the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime as a basis for defining those criteria. Another State party suggested that, for a possible new cycle, the system could be reconsidered, in particular with regard to the following aspects: (a) a tailor-made approach, focused on enforcement and cross-cutting issues, and challenges and remaining issues from the first and the second cycles; (b) a simplified self-assessment checklist; and (c) a unified and simplified country review report, closer to the present executive summary model. The proposed ideas included collecting, and publishing on the country profile website, measures taken by States parties in follow-up to their reviews, and increasing the presentation by States parties of such measures in the Implementation Review Group.

A more detailed overview of the responses was presented in document [CAC/COSP/2021/4](#). The entire responses were made available in a conference room paper (CAC/COSP/2021/CRP.3).

2. Evaluation of the terms of reference and challenges encountered during the country reviews

43. According to paragraph 48 of the terms of reference of the Implementation Review Mechanism, “following the completion of each review cycle, the Conference shall assess the performance of the Mechanism and its terms of reference”. In its resolution 3/1, the Conference requested the Implementation Review Group to conduct an evaluation of the terms of reference, as well as the challenges encountered during the country reviews, at the conclusion of each review cycle and to report to the Conference on the outcome of those evaluations.

44. While the current review cycle has not yet been concluded, States parties have gained extensive experience with regard to both the performance of the Mechanism and its terms of reference as a result of their participation as States parties under review and as reviewers in the first and second cycles.

3. Report on views by States parties on the possible way forward

45. In paragraph 13 of its resolution 8/2, the Conference encouraged the States parties, with the help of the secretariat, to voluntarily share their views in the Implementation Review Group, without prejudice to the existing mandates of the Group and the terms of reference of the Implementation Review Mechanism, on the possible ways forward following the end of the first review phase, and requested that the Group submit its report to the Conference at its tenth session.

4. Assessment and adaption of the procedures and requirements for the follow-up

46. In line with paragraph 41 of the terms of reference of the Implementation Review Mechanism, “the Conference, through the Implementation Review Group, shall assess and adapt, where appropriate, the procedures and requirements for the follow-up to the conclusions and observations emerging from the review process”. According to paragraph 48 of the terms of reference, “the Conference shall endorse

any future amendments to the terms of reference of the Mechanism. Following the completion of each review cycle, the Conference shall assess the performance of the Mechanism and its terms of reference”.

C. Outcome of deliberations at the first resumed thirteenth session of the Group and the next steps⁴

47. The Implementation Review Group began deliberations of the next review phase at its first resumed thirteenth session, in 2022. At that session, several speakers welcomed the initial considerations regarding the next phase of the Implementation Review Mechanism. Several speakers put forward concrete proposals for elements of the Mechanism that might be changed or improved in the second phase. Some of those proposals focused on the self-assessment checklist, which could be simplified and condensed to make the process more effective and flexible. It was also suggested that the self-assessment checklist should allow States to respond to a list of key questions or provide information on thematic areas rather than on each individual provision of the Convention, also taking into account information provided in other mechanisms, to avoid duplication of efforts. One speaker suggested that the next phase should be a structured, formal process based on a self-assessment checklist following the sequence of the cycles conducted so far, and that the checklist should elicit information on the implementation of recommendations, on initiatives taken after the review process, including the follow-up to the political declaration adopted at the special session of the General Assembly against corruption, on good practices and challenges identified and on the outcome of technical assistance that had been provided. Several speakers made suggestions on the scope of the second phase and emphasized the need to include appropriate follow-up to the implementation of previous review recommendations, to establish more realistic time frames for the different stages of the reviews and to make the best possible use of information technology tools for the reviews.

48. Speakers at the first resumed thirteenth session of the Implementation Review Group also emphasized the importance of country visits in order to be able to discuss measures taken directly with the relevant experts and stakeholders and to enhance peer learning and international cooperation. Some speakers underscored that hybrid country visits should continue to be explored as a way to increase inclusivity. Two speakers suggested that, to help facilitate understanding, the final outcome documents of the review process could include the date up to which information had been included in the analysis. It was also suggested that the outcome documents of country reviews should be simplified.

49. The Group at its first resumed thirteenth session discussed numerous recommendations. Those deliberations are presented below in paragraphs 50–54.

1. Collection of views and information in preparation of the next phase

50. During the first resumed thirteenth session of the Group, speakers welcomed the proposal by the secretariat to prepare a report for consideration by the Group at its fourteenth session, in accordance with paragraphs 13 and 14 of Conference resolution 8/2 and based in part on a questionnaire aimed at soliciting the views of States parties on the Mechanism and the review process, as well as preliminary views and ideas for the design of the next phase. The report will build on an information collection exercise aimed at gaining a more comprehensive and detailed overview of the experiences, lessons learned and views on potential areas for improvement based on States parties’ participation in the Mechanism. For this purpose, the secretariat will provide States parties with a questionnaire structured according to the steps of the review process and will solicit the views of States parties on: (a) lessons learned from

⁴ For details, see the report of the Implementation Review Group on its first resumed thirteenth session ([CAC/COSP/IRG/2022/6/Add.1](#)), particularly paragraphs 16, 17, 18, 19, 21 and 23 of that report.

and challenges encountered during the first review phase; (b) possible ways to make the review process more effective in achieving its aim of promoting the implementation of the Convention by States parties and cooperation among States parties; and (c) preliminary views and ideas for the design of the following phase. The analysis of the information gathered will be aimed at assisting States parties in their consideration of and decision-making on issues such as the duration, scope, thematic sequence and other details of the next phase of the Mechanism.

51. In addition, during the first resumed thirteenth session of the Group, speakers noted that lessons learned and good practices arising from other relevant review mechanisms should also be taken into account when designing the second phase of the Implementation Review Mechanism, in order to ensure synergies with such review mechanisms. One speaker suggested that joint country visits of different review mechanisms should be considered, while another speaker called for recommendations emanating from the various mechanisms on similar topics to be reviewed in order to ensure consistency. To benefit from the experience of other review mechanisms that had already moved beyond the first phase, the Group requested the secretariat to invite speakers from other secretariats and to prepare a paper, for consideration at its fourteenth session, containing an analysis of lessons learned from existing review mechanisms of relevant regional, sectoral and international instruments.

52. With respect to the proposal to conduct a pilot programme to test a future phase, during the first resumed thirteenth session of the Group, concerns were raised about the limited time and capacity of States parties and the secretariat to conduct such a pilot programme.

2. Informal consultations on the next phase

53. With a view to initiating the process of preparing the next review phase without occupying too much of the comprehensive workplan and agenda of the Implementation Review Group, the Group may wish to establish a group of friends of the Implementation Review Mechanism, open to all States interested in advancing deliberations on the next phase. The group of friends would play a vital role in advancing the discussions on the next phase of the Mechanism and would regularly report to the Implementation Review Group on progress made. Participation would be open to all States parties on a purely voluntary basis. The group of friends could meet on a regular or ad hoc basis during the intersessional period of the Conference to discuss matters in a more informal manner. The group of friends could, inter alia, prepare or oversee the process leading up to the launch of the next phase, supported by the secretariat.

54. During the first resumed thirteenth session of the Implementation Review Group, several speakers welcomed the idea of establishing a group of friends of the Implementation Review Mechanism, open to all States parties interested in advancing deliberations on the next phase of the Mechanism, and expressed their States' interest in participating in such informal consultations should such a group be established. It was noted that the mandate for establishing a group of friends and the participation in the group needed clarification. It was emphasized that any informal discussions should take place under the auspices of the Implementation Review Group and that any recommendations of that informal process should be presented to the Group for endorsement. Moreover, it was suggested that any informal consultations should include thematic discussions involving focal points and governmental experts with relevant experience. The Implementation Review Group noted the need for further consideration on the next phase of the Mechanism, considering lessons learned under its current review phase and bearing in mind its guiding principles, in particular its intergovernmental nature.

55. Therefore, the Implementation Review Group may wish to invite the Bureau of the Conference to take further action on continuing discussions on the next review phase of the Implementation Review Mechanism during the period leading up to the tenth session of the Conference, by, inter alia, scheduling informal consultations open

to all States parties and by assigning a member of the Bureau or another facilitator to chair those informal consultations. The Implementation Review Group may also wish to invite a representative of the Bureau to provide updates on progress made in the informal consultations at every session of the Group, starting at its fourteenth session.

Annex I

Relevant mandates regarding the future of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption beyond its current review phase

Resolution 3/1 of the Conference of the States Parties to the United Nations Convention against Corruption

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

...

3. *Decides* that each review phase shall be composed of two review cycles of five years each and that one fourth of the States parties will be reviewed in each of the first four years of each review cycle;

4. *Decides also* to review during the first cycle chapters III (Criminalization and law enforcement) and IV (International cooperation) and during the second cycle chapters II (Preventive measures) and V (Asset recovery);

5. *Requests* the Implementation Review Group to conduct an evaluation of the terms of reference, as well as the challenges encountered during the country reviews, at the conclusion of each review cycle and to report to the Conference of the States Parties on the outcome of those evaluations;

6. *Decides* that a comprehensive self-assessment checklist shall be used as a tool to facilitate the provision of information on implementation of the United Nations Convention against Corruption;

...

Annex

Terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

...

9. The review of implementation of the Convention is an ongoing and gradual process. Consequently, the Mechanism shall endeavour to adopt a progressive and comprehensive approach.

...

40. In the following review phase, each State party shall submit information in its responses to the comprehensive self-assessment checklist on progress achieved in connection with the observations contained in its previous country review reports. As appropriate, States parties shall also provide information on whether technical assistance needs requested by them in relation to their country review reports have been provided.

41. The Conference, through the Implementation Review Group, shall assess and adapt, where appropriate, the procedures and requirements for the follow-up to the conclusions and observations emerging from the review process.

...

47. The Conference shall establish the phases and cycles of the review process, as well as the scope, thematic sequence and details of the review. The review phase shall be finalized upon reviewing the status of implementation of all articles of the Convention in all States parties. Each review phase shall be divided into review cycles. The Conference shall determine the duration of each review cycle and decide on the number of States parties that shall participate in each year of the review cycle,

taking into account the number of States parties to be reviewed and the scope of the cycle.

48. The Conference shall endorse any future amendments to the terms of reference of the Mechanism. Following the completion of each review cycle, the Conference shall assess the performance of the Mechanism and its terms of reference.

...

Conference decision 5/1

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

...

(a) Decides that the Implementation Review Group shall begin promptly to collect, with the support of the Secretariat, and discuss relevant information in order to facilitate the assessment of performance in accordance with paragraph 48 of the terms of reference, following the completion of the first review cycle;

(b) Also decides that the Implementation Review Group shall include in its future sessions an agenda item allowing for discussion of the information collected in accordance with paragraph (a) above;

(c) Further decides that the Implementation Review Group, in the collection of information pursuant to paragraph (a) above, shall take into account future requirements for follow-up in accordance with paragraphs 40 and 41 of the terms of reference.

Conference resolution 8/2

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

...

13. *Encourages* the States parties, with the help of the secretariat, to voluntarily share their views in the Implementation Review Group, without prejudice to the existing mandates of the Group and the terms of reference of the Implementation Review Mechanism, on the possible ways forward following the end of the first review phase, and requests that the Group submit its report to the Conference at its tenth session;

14. *Requests* the Implementation Review Group to continue to collect, with the support of the secretariat, relevant information, including the views of States parties, pertaining to the performance of the Implementation Review Mechanism, with a view to continuing, at the appropriate time, its assessment of the performance of the Mechanism, as provided for in paragraph 48 of its terms of reference and decision 5/1, and in this regard to continue to report to the Conference on progress made, bearing in mind the request in paragraph 5 of resolution 3/1 for the evaluation of the terms of reference at the conclusion of each review cycle;

...

19. *Requests* the secretariat to submit a report to the Conference at its ninth session on the implementation of the present resolution.

Conference decision 8/1

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

...

(a) Decides to extend the duration of the second cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption

by three years, that is, until June 2024, to allow for the completion of country reviews under that cycle;

(b) Calls upon the States parties to accelerate the completion of the second cycle.

Annex II

The pilot review programme

The voluntary pilot review programme was launched pursuant to resolution 1/1 of the Conference of the States Parties to the United Nations Convention against Corruption as a technical assistance project of the United Nations Office on Drugs and Crime designed to develop and test different methodologies to review the implementation of the United Nations Convention against Corruption.

The project entailed a limited review of the implementation of the Convention in 16 countries⁵ that had volunteered to participate, using a method that combined self-assessment and group and expert reviews as a possible mechanism for reviewing the implementation of the Convention. The programme was limited in scope and time: it focused on only some of the provisions of the Convention and was set to run for up to three years and to conclude at a time that would allow a comprehensive report on its performance to be submitted to the Conference no later than at its third session.

Ultimately, the pilot programme served as an important precursor of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, allowing States to test possible means of reviewing the Convention and the methodology and processes underpinning the Mechanism. Building on the experience of the voluntary pilot review programme, a proposal for a fully-fledged review mechanism and its terms of reference was developed and adopted by the Conference at its third session.

A more detailed overview is available in the background papers prepared for the second session of the Conference entitled “The pilot review programme: an assessment” ([CAC/COSP/2008/9](#)) and “Parameters for defining the review mechanism for the United Nations Convention against Corruption” ([CAC/COSP/2008/10](#), para. 20).

⁵ The participating States were Argentina, Austria, Finland, France, Greece, Indonesia, Jordan, the Netherlands, Norway, Peru, Poland, Romania, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America.