



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

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**Report of the Implementation Review Group on its resumed  
second session, held in Vienna from 7 to 9 September 2011**

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- I. Provisional agenda for the continued resumed second session of the Implementation Review Group

## **I. Introduction**

1. In its resolutions 1/1, 2/1 and 3/1, the Conference of the States Parties to the United Nations Convention against Corruption recalled article 63 of the Convention, in particular paragraph 7, according to which the Conference would establish, if it deemed it necessary, any appropriate mechanism or body to assist in the effective implementation of the Convention.
2. In its resolution 3/1, and in accordance with article 42 of the terms of reference of the review mechanism, the Implementation Review Group shall be an open-ended intergovernmental group of States parties, which should operate under the authority of and report to the Conference. The Conference decided that the functions of the Implementation Review Group should be to have an overview of the review process in order to identify challenges and good practices and to consider technical assistance requirements in order to ensure effective implementation of the Convention. The Conference also decided that the Implementation Review Group should hold meetings at least once a year in Vienna.
3. In the same resolution, the Conference decided that the Implementation Review Group shall be in charge of following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance.
4. At its second session, which was held in Vienna from 30 May to 3 June 2011, the Implementation Review Group decided to hold a resumed session of three days' duration before the end of the year to continue its deliberations.

## **II. Organizational matters**

### **A. Opening of the session**

5. The Implementation Review Group of the United Nations Convention against Corruption held its resumed second session in Vienna from 7 to 9 September 2011.
6. The resumed second session of the Group was chaired by John Brandolino (United States). The Chair recalled that the IRG had held its second session from 30 May to 3 June and started the second year of reviews by drawing lots for the reviewing States parties for countries under review in year 2. The Chair noted that the provisional agenda and proposed organization of work were contained in document CAC/COSP/IRG/2011/1/Add.1. The provisional agenda had been adopted by the IRG at its second session and the proposed organization of work was prepared by the Secretariat in line with the guidance provided by the IRG.
7. The Director of the Division for Treaty Affairs welcomed participants to the resumed second session of the Implementation Review Group. Member States had taken firm and decisive steps down the path of ratification and implementation of the Convention. He noted that as the first lessons emerge from the country review process, the Secretariat was capturing the information, good practices, challenges and technical assistance needs that had been identified. The Director urged States to continue sharing their experience of the review process, as well as efforts to implement the Convention.

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

8. On 7 September, the Implementation Review Group adopted the following agenda:
  1. Organizational matters:
    - (a) Opening of the resumed session;
    - (b) Adoption of the agenda and organization of work.
  2. Review of implementation of the United Nations Convention against Corruption.
  3. Technical assistance.
  4. Financial and budgetary matters.
  5. Other matters.
  7. Adoption of the report of the Implementation Review Group on its resumed second session.

## **C. Attendance**

9. The following States parties to the Convention were represented at the meeting of the Implementation Review Group: Afghanistan, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Croatia, Cuba, Cyprus, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Greece, Guatemala, Guinea-Bissau, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jordan, Kazakhstan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Namibia, Netherlands, Nicaragua, Niger, Nigeria, Norway, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, United States of America, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.
10. The European Union, a regional economic integration organization that is a party to the Convention, was represented at the meeting.
11. At its resumed first session, the Implementation Review Group decided that signatories and observer States would be invited to attend the deliberations on the agenda items on technical assistance and on financial and budgetary matters, scheduled for 1 June and 2 June 2011, respectively. At the conclusion of the first part of its second session, which was held in Vienna from 30 May to 2 June the

Implementation Review Group agreed that, pending a decision by the Conference of the States Parties on the participation of observers, invitations for the resumed second session would be extended in the same manner for signatories and observer states as for the second session.

12. The following States signatories to the Convention were represented by observers: Czech Republic, Germany, Japan, Saudi Arabia.

13. The following observer State was also represented: Oman.

14. Palestine, an entity maintaining a permanent observer mission to the United Nations, was represented.

15. At its resumed first session, the Implementation Review Group had decided that intergovernmental organizations, Secretariat units, United Nations bodies, funds and programmes, institutes of the United Nations crime prevention and criminal justice programme network, specialized agencies and other organizations of the United Nations system would be invited to attend the deliberations on the agenda item on technical assistance, scheduled for 1 June and the morning of 2 June 2011. At the conclusion of the first part of its second session, which was held in Vienna from 30 May to 2 June 2011, the Implementation Review Group agreed that, pending a decision by the Conference of the States Parties on the participation of observers, invitations for the resumed second session for such organizations would be extended in the same manner as for the second session.

16. The following Secretariat units, United Nations programmes, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, were represented by observers: Office of International Oversight Services (OIOS), United Nations Commission on International Trade Law (UNCITRAL), United Nations Office on Drugs and Crime.

17. The following intergovernmental organizations were represented by observers: Asian-African Legal Consultative Organization, International Anti-Corruption Academy, International Criminal Police Organization.

18. The Sovereign Military Order of Malta, an entity maintaining a permanent observer office at Headquarters, was represented.

### **III. Review of implementation of the United Nations Convention against Corruption**

19. The Secretary of the Conference welcomed participants to the session and noted with appreciation that many delegations included the focal points from States under review as well as the governmental experts from the reviewing States who were carrying out these reviews in the first and second years of the current review cycle. He expressed gratitude for their active participation, commitment and hard work in the review process, that was beginning to show results. He also welcomed the new States parties who had ratified or acceded to the Convention, bringing the total number of parties to 154.

20. On process issues, the Secretary provided updates to document CAC/COSP/IRG/2011/2: Note by the secretariat on country reviews: lessons learned from year 1 of the current review cycle and introduced

CAC/COSP/IRG/2011/CRP.3/Rev.1: Note by the secretariat on average time required for country reviews conducted in year 1 of the current review cycle. The Secretary urged all States parties that had not yet submitted lists of governmental experts to comply with this requirement.

21. On progress of reviews in the first year, 24 States parties under review had submitted complete responses to the self-assessment checklist as at April 2011. Forty-four of the 49 reviewing States parties submitted their outcome of the desk review to the Secretariat for transmission to the State party under review. Fifteen of these were submitted within the one month foreseen by the guidelines. Twenty country visits and one joint meeting in Vienna had been held. Two further country visits were planned. Four executive summaries had been finalized and another 12 were expected to be finalized by the time of the fourth session of the Conference.

22. Concerning the actual timelines for reviews in the first year, the Secretary briefed the Group on the length it took on average to complete the various steps of the review process prior to finalization of the country reports and executive summaries. For the second year of reviews, he provided statistics on the number of countries that had appointed governmental experts and focal points for the 41 reviews and highlighted that in several cases there were still no nominations received, which delayed the start of the review process. He also provided the Group with an update on the training courses for governmental experts participating in the second year of the current review cycle.

23. On the thematic implementation reports (CAC/COSP/IRG/2011/CRP.5 and 6), the Secretary explained that they were structured according to theme and pointed out examples of good practices as noted in the country reviews. The reports would be submitted as full-fledged documents to the Conference at its fourth session in all official languages. The Secretary noted that the reports, despite the relatively limited sample of country reviews, highlighted patterns and nuances in implementation that were worth careful consideration and that the information that was emerging from the country review processes provided a sound basis for analytical work.

24. Speakers shared their experiences from the first and second years of reviews and noted that the Review Mechanism had already produced tangible and useful results. Speakers reinforced their commitment to the Review Mechanism and considered it a fundamental pillar of the implementation of the Convention. They highlighted that strong commitment to the Review Mechanism was part of States Parties' commitment to the Convention and that in turn the Mechanism had significantly raised the profile of the Convention and supported countries in their efforts to implement it.

25. A number of speakers made reference to the documentation provided by the Secretariat on lessons learned from year 1 of the first review cycle. They noted with concern that in most country reviews the indicative timelines contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews had not been complied with. Speakers urged States parties to redouble their efforts to comply with the timelines for the country reviews. This was considered important also in order to secure that all reviews on chapter III and IV could be finalized within the cycle. In this regard, States that had not yet done so were urged

to fulfil their basic obligations under the Review Mechanism, namely to submit their lists of governmental experts and timely designate their focal points.

26. Speakers discussed ways and means to conduct country reviews within the indicative timelines in the future. It was particularly highlighted that the drawing of lots for States parties under review was carried out for all four years with a view to allowing States parties to plan ahead. Speakers encouraged States in particular to start early with the completion of the self-assessment checklist. Governmental experts were urged to comply with agreed timelines when commenting on the documentation submitted. The Secretariat should continue to receive all possible support, including for the translation of documents. While acknowledging and reaffirming the importance of formal communication channels, a number of speakers stressed that direct communication between focal points and governmental experts in conformity with the Terms of Reference could greatly expedite and facilitate country review procedures.

27. The Chairman informed the Group that the following States parties had either not or not fully complied with paragraph 21 of the Terms of Reference which required each State party to appoint governmental experts for the purpose of the review process and provide the secretariat with information on their professional background, their current positions, relevant offices held, and activities carried out and their areas of expertise: Antigua and Barbuda, Bahrain, Botswana, Congo, Dominica, Gabon, Georgia, Guyana, Honduras, Iceland, India, Kyrgyzstan, Liberia, Mauritania, Mozambique, Papua New Guinea, Seychelles, Timor-Leste, United Arab Emirates, Vanuatu.

28. Some speakers expressed the view that the timelines were ambitious. However, it was noted by a number of speakers that as the Review Mechanism advanced and those participating in it gained experience, timelines would be complied with more easily. While recognizing the need to ensure timely preparation of responses to the self-assessment checklist, the quality of the self-assessment reports was mentioned as a decisive factor for the success of a country review. The need to provide case law and further evidence of implementation of domestic legislation as part of the response to the self-assessment was noted.

29. With regard to the final outcome of the reviews, the issue of homogeneity of executive summaries was raised, with some speakers welcoming a degree of diversity of these summaries. One speaker stressed that the follow-up to potential recommendations should be ensured.

30. One speaker drew attention to the need to pursue discussions in the context of the Impelmentation Review Group on the issue of optimizing practices for country visits and for their organization in line with the terms of Reference of the Mechanism.

31. The IRG conducted a drawing of lots requested by four States parties under review where the review process could not start due to one of their reviewing States parties not yet having provided a list of governmental experts or the contact details of those experts. The Group proceeded in conformity with past practice to conduct a provisional redraw for those States on the understanding that if they had not complied with the requirements within two weeks of the end of the resumed session of the Group, the provisionally drawn reviewing State would take their place. Redraws were conducted for the following States parties: Honduras was drawn as a

provisional reviewing State party for Colombia; Mauritania for Kazakhstan; Argentina for Uruguay; and, Guatemala for Azerbaijan.

32. The IRG discussed the possibility of meeting during the upcoming fourth session of the Conference in order to consider the thematic implementation reports in all official languages and possibly make recommendations to the Conference. Speakers made reference to the thematic reports on implementation of Chapters III and IV. While recognizing that these documents were based on a relatively low number of reports, speakers highlighted that they provided an interesting picture on implementation efforts. Several speakers suggested additional aspects to be added to the thematic reports, including an analysis of technical assistance needs and regional addenda. The Secretary pointed out that these reports were not anticipated to change to a large extent by the time of final submission to the Conference, due to document submission deadlines. The Secretary further indicated that regional addenda and an analysis of technical assistance needs could not be included at this stage as the country reports on which the thematic reports were based provided no critical mass of countries per region to prepare such analysis. Speakers noted that these reports would be ongoing analyses destined to grow and evolve as reviews were finalized and more information became available. Some speakers shared their views on the structure and content of the reports, for instance welcoming the text boxes containing good practices and asking that they be further developed. Further suggestions were that statistics could be developed where the information was more of a quantitative and not qualitative nature, and that case law could be included.

33. The IRG decided that it would hold a continued resumed second session on the thematic reports and on any other outstanding issue at the fourth session of the Conference. For these purposes, the Group would seek to avail itself of the resources available to the Conference for parallel sessions with interpretation into the six official languages. The IRG recommended that the Bureau of the Conference be requested to amend the programme of work of the Conference accordingly.

#### **IV. Technical assistance**

34. The Chair invited the Implementation Review Group to consider the issue of the provision of technical assistance in response to needs identified through the Review Mechanism in support of the implementation of the Convention. The Secretary commended the deliberations of the Group regarding technical assistance and recalled the Argentine proposal outlining issues for the Group's consideration of its role with respect to technical assistance in the context of the Review Mechanism.

35. The Group had before it for its consideration a note by the Secretariat on technical assistance in support of the implementation of the Convention (CAC/COSP/IRG/2011/CRP.7) containing a description of activities that have been carried out, covering legislative and capacity-building activities at the country level, as well as substantive tools and knowledge products that facilitate the delivery of technical assistance. A further document had been provided to the Group for its deliberation on possible technical assistance activities to respond to the technical assistance needs identified by States parties during the first year of the Review Mechanism (CAC/COSP/IRG/2011/CRP.8). This set out a range of technical assistance initiatives envisaged to meet the current needs identified through the Review Mechanism. The final paper introduced was a note on communications

received by the Secretariat from six States parties in response to Note Verbale CU 2011/126 of 4 August 2011 related to the provision of technical assistance for Chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention.

36. Speakers welcomed the documents prepared by the Secretariat as a basis upon which an initial discussion on the provision of technical assistance could be held. Noting that such documentation was not exhaustive and based on the responses of States parties under review in the first year of the Review Mechanism, the Group welcomed future analysis that would draw upon completed country review reports. In particular, speakers appreciated the three-tier global, regional and country approaches to technical assistance delivery outlined by the Secretariat. Several speakers recognized the Group as the appropriate forum in which to discuss the global approach. At the regional level, several speakers noted that the activities of other regional or subregional bodies or initiatives might also be relevant to the discussion. Concerning the national approach, the Group recalled resolution 3/4, in which the Conference endorsed country-led and country-based, integrated and coordinated technical assistance delivery. Several speakers shared their experiences as providers of technical assistance with regard to the implementation of the Convention, as well as, inter alia, for South-South cooperation was being provided. In particular, it was noted that such assistance encompassed activities at the normative level, capacity-building and sector-specific support.

37. The Group reiterated that technical assistance is an integral component of the Review Mechanism and reaffirmed that the guiding principles and characteristics of the Review Mechanism, mainly it being transparent, efficient, non-intrusive, inclusive and impartial, as well as the absence of any form of ranking, also apply to the delivery of technical assistance. Several speakers emphasized the important role that signatories can play in technical assistance delivery and the need for relevant information to be provided for.

38. The Group noted the evolving nature of technical assistance needs emerging from the review process or through other voluntary means using the comprehensive self-assessment checklist as a basis. One speaker emphasized the need for flexibility regarding how technical assistance needs are identified. As referred to in resolution 3/4, the Group recognized the need for coordination among donors, technical assistance providers and recipient States in order to leverage existing resources, increase efficiency, avoid duplication of effort and meet the recipient countries' identified technical assistance needs. It was further noted that the comprehensive self-assessment checklist allows for the identification of past or existing technical assistance programmes. Tools and Resources for Anti-Corruption Knowledge (TRACK) can also facilitate the dissemination of information on technical assistance needs and delivery. One speaker noted that the International Anti-Corruption Academy could also be an important resource for the delivery of training. The joint initiatives of UNODC and UNDP to deliver anti-corruption technical assistance in various contexts was noted.

39. Several speakers noted the difficulties encountered in distinguishing technical assistance on anti-corruption from broader assistance activities and initiatives in areas such as good governance and public financial management. It was observed that classification discrepancies could have an impact on the provision of relevant information to the Group.



40. Without prejudice to the importance of the outcome of the review process and the identification of priority areas on technical assistance, the Group supported a proposal that the Secretariat carry out a mapping exercise on the provision of technical assistance, including available expertise and existing programmes. The Group encouraged States parties to include in this exercise information on evaluation and impact of technical assistance programmes. The mapping would facilitate deliberations on efforts to match demand with supply of technical assistance. The Secretary expressed the Secretariat's readiness to conduct such a mapping, noting that results would depend on the quality and timeliness of the information provided by States parties, signatories and other technical assistance providers.

## **V. Financial and budgetary matters**

41. For its consideration of agenda item 4 on financial and budgetary matters, the Group was provided with information on resources received for the biennium 2010-2011, both from the regular budget and from voluntary contributions; expenditures incurred and expected to be incurred on the basis of the experience of the first year of operation of the Mechanism; and projected resource requirements for the biennium 2012-2013.

42. Several speakers underlined the need to ensure sufficient funding of the Mechanism through the regular budget of the United Nations to guarantee its efficient, continued and impartial functioning, recalling resolution 64/237 of the General Assembly, Resolution 3/1 of the Conference of the States parties entitled "Review Mechanism" and resolution 1/1 of the Implementation Review Group entitled "Resource requirements for the functioning of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption for the biennium 2012-2013".

43. This notwithstanding, some speakers expressed the views that additional resource requirements related to posts and translation of official documentation of the Implementation Review Group that have not been included in the proposed programme budget for the biennium 2012-2013 should be funded by voluntary contributions.

44. Other speakers noted that the recommendations for funding of the overall requirements of the Mechanism should not depart from the principles already agreed upon in the above-mentioned resolutions, in which the items to be financed by regular budget resources were listed, including translation of documentation to be made available to the Implementation Review Group in the six official languages of the United Nations.

45. At the request of one speaker, the secretariat clarified that should the Conference of the States parties following its fourth session present a draft resolution to the General Assembly on resorting to regular budget to cover additional resources requirements for the Mechanism, this request would be considered together with the proposed programme budget for the biennium 2012-2013 as part of the normal budgetary procedure.

## **VI. Other matters**

46. The Chairman noted that informal consultations were held in the margins of the Implementation Review Group to discuss the issue of participation of observers in the meetings of the Group. He expressed the view that progress had been made on finding workable solution which could lead to consensus at the Conference of the States Parties.

## **VII. Provisional agenda for the continued resumed second session of the Implementation Review Group**

47. At its 6th meeting, on 9 September 2011, the Implementation Review Group adopted the provisional agenda for the continued resumed second session of the Implementation Review Group (CAC/COSP/IRG/2011/L.3).

## **VIII. Adoption of the report**

48. On 9 September 2011, the Implementation Review Group adopted the report on its resumed second session (CAC/COSP/IRG/2011/L.1/Add.4-6).

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ANNEX

**Provisional agenda for the continued resumed second session of the Implementation Review Group**

1. Organizational matters:
    - (a) Opening of the session;
    - (b) Adoption of the agenda and organization of work.
  2. Review of implementation of the United Nations Convention against Corruption: follow-up to the second session with emphasis on discussions of the thematic reports on Chapter III and IV of the Convention.
  3. Other matters.
  4. Conclusions and recommendations.
  5. Provisional agenda for the third session of the Implementation Review Group.
  6. Adoption of the report of the Implementation Review Group on its continued resumed second session.
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