



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

Distr.: General
9 September 2011

Original: English

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

I. Introduction

1. At its second session, which was held in Vienna from 30 May to 2 June 2011, the Implementation Review Group decided to hold a resumed second session of three days' duration to continue its deliberations.

II. Organizational matters

A. Opening of the session

2. The Group held its resumed second session in Vienna from 7 to 9 September 2011.

3. The resumed second session of the Group was chaired by John Brandolino (United States of America). The Chair recalled that the Group had held the first part of its second session from 30 May to 2 June and had started the second year of reviews by drawing lots for the reviewing States parties for countries under review in the second year. 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 Group at its second session and the proposed organization of work had been prepared by the secretariat in line with the guidance provided by the Group.

4. The Director of the Division for Treaty Affairs welcomed participants to the resumed second session of the 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 emerged from the country review process, the secretariat was compiling the information, good practices, challenges and technical assistance needs that had been identified. The Director urged States parties to continue sharing their experience of the review process and their efforts to implement the Convention.



B. Adoption of the agenda and organization of work

5. 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

6. The resumed second session was attended by representatives of the following States parties to the Convention: 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 and Zimbabwe.

7. The European Union, a regional economic integration organization that is a party to the Convention, was also represented at the session.

8. At its resumed first session, the Group had decided that, at the second session, 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, the Group had agreed that, pending a decision by the Conference of the States Parties on the participation of observers, invitations to the

resumed second session would be extended in the same manner for signatories and observer States as for the first part of the second session.

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

10. Oman, an observer State, was also represented.

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

12. At its resumed first session, the Group had decided that, at its second session, 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, the Group had agreed that, pending a decision by the Conference on the participation of observers, invitations for such organizations to the resumed second session would be extended in the same manner as for the first part of the second session.

13. The following Secretariat units, United Nations programmes and institutes of the United Nations crime prevention and criminal justice programme network were represented by observers: Office of Internal Oversight Services, United Nations Commission on International Trade Law and United Nations Office on Drugs and Crime.

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

15. 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

16. The Secretary of the Conference welcomed participants to the resumed second session and noted with appreciation that many delegations included the focal points from States under review and the governmental experts from the States that were carrying out the 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, which was beginning to show results. He also welcomed the new States parties that had ratified or acceded to the Convention, bringing the total number of parties to 154.

17. On process issues, the Secretary provided updates to a note by the secretariat entitled "Country reviews: lessons learned from the first year of the current review cycle" (CAC/COSP/IRG/2011/2), and introduced a conference room paper updating information on the average time required for country reviews conducted in the first year of the current review cycle (CAC/COSP/IRG/2011/CRP.3/Rev.1). The

Secretary urged all States parties that had not yet submitted lists of governmental experts to comply with that requirement.

18. With regard to the progress of reviews in the first year, 24 States parties under review had submitted complete responses to the self-assessment checklist as of April 2011. Of the 49 reviewing States parties, 44 had submitted their outcome of the desk review to the secretariat for transmission to the State party under review; 15 of them had been submitted within the one-month deadline foreseen by the guidelines. Twenty country visits and one joint meeting in Vienna had been held and 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.

19. Concerning the timeline for reviews in the first year, the Secretary briefed the Group on the length of time 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, the nominations had still not been 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.

20. The Secretary explained that the thematic implementation reports (CAC/COSP/IRG/2011/CRP.5 and 6) were structured according to theme and that they contained examples of good practices, as noted in the country reviews. The reports would be submitted 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 of 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.

21. Speakers shared their experiences from the first and second years of reviews and noted that the Mechanism for the Review of Implementation of the United Nations Convention against Corruption had already produced tangible and useful results. They 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 the Review Mechanism had significantly raised the profile of the Convention and had supported countries in their efforts to implement it.

22. A number of speakers made reference to the documentation provided by the secretariat on lessons learned from the first year 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 on 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 also considered important in order to ensure that all reviews on chapters III and IV could be finalized within the cycle. In that 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 to designate their focal points in a timely manner.

23. Speakers discussed ways and means of conducting country reviews within the indicative timelines in the future. It was highlighted, in particular, 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 to start the completion of the self-assessment checklist early. 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.

24. The Chair informed the Group that the following States parties had either not complied or had 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 and Vanuatu.

25. 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 the 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.

26. 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 the summaries. One speaker stressed that follow-up to potential recommendations should be ensured.

27. One speaker drew attention to the need to pursue discussions within the Group on the issue of optimizing practices for country visits and organizing them in line with the terms of reference of the Review Mechanism.

28. The Group conducted a drawing of lots, as requested by four States parties under review where the review process could not start because one of their reviewing States parties had not yet 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 on the understanding that if the originally drawn reviewing States had not complied with the requirements within two weeks of the end of the resumed session of the Group, the provisionally drawn reviewing States would take their places. Redraws were conducted as follows: Honduras was

drawn as a provisional reviewing State party for Colombia; Mauritania for Kazakhstan; Argentina for Uruguay; and Guatemala for Azerbaijan.

29. The Group 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 those documents were based on a relatively small number of reports, speakers highlighted that they provided an interesting picture of implementation efforts. Several speakers suggested additional aspects to add to the thematic reports, including an analysis of technical assistance needs and regional addenda. The Secretary pointed out that extensive changes to the reports were not anticipated by the time of final submission to the Conference, owing to document submission deadlines. He further indicated that regional addenda and an analysis of technical assistance needs could not be included at that 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 the 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 the inclusion of statistics, where the information was more of a quantitative than of a qualitative nature, and case law.

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

IV. Technical assistance

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

32. The Group had before it for its consideration a conference room paper on technical assistance in support of the implementation of the Convention (CAC/COSP/IRG/2011/CRP.7), which contained a description of activities that had been carried out, covering legislative and capacity-building activities at the national level, as well as substantive tools and knowledge products that facilitated the delivery of technical assistance. A further paper had been provided to the Group for its consideration, on possible technical assistance activities to respond to the needs identified by States parties during the first year of the Review Mechanism (CAC/COSP/IRG/2011/CRP.8). That conference room paper 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 a note verbale 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.

33. Speakers welcomed the documents prepared by the secretariat as a basis on which an initial discussion on the provision of technical assistance could be held. Given that such documentation was not exhaustive and that it was based on the responses of States parties under review in the first year of the Review Mechanism, the Group would welcome any future analysis that would draw on completed country review reports. In particular, speakers appreciated the three-tier approaches — global, regional and national — 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 had endorsed country-led and country-based, integrated and coordinated technical assistance programme delivery. Several speakers shared their experiences as providers of technical assistance with regard to the implementation of the Convention and of, inter alia, South-South cooperation. In particular, it was noted that such assistance encompassed activities at the normative level, capacity-building, and sector-specific support.

34. 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 its being transparent, efficient, non-intrusive, inclusive and impartial and not producing any form of ranking, also applied to the delivery of technical assistance. Several speakers emphasized the important role that signatories could play in technical assistance delivery, and the need for relevant information to be provided.

35. The Group noted the evolving nature of the technical assistance needs that were emerging from the review process or through other means, using the comprehensive self-assessment checklist as a basis. One speaker emphasized the need for flexibility with regard to how technical assistance needs are identified. The Group recognized the importance of coordination among donors, other technical assistance providers and recipient countries in order to leverage resources, increase efficiency, avoid duplication of effort and meet the technical assistance needs of recipient countries. 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 the United Nations Office on Drugs and Crime and the United Nations Development Programme to deliver anti-corruption technical assistance in various contexts were also noted.

36. Several speakers mentioned 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.

37. Without prejudice to the importance of the outcome of the review process and the identification of priority areas relating to 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 information on evaluation and impact of technical assistance programmes in that exercise. 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 an exercise, 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

38. 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 Review Mechanism; and projected resource requirements for the biennium 2012-2013.

39. Several speakers underlined the need to ensure sufficient funding of the Review 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, 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".

40. That notwithstanding, some speakers expressed the view that additional resource requirements related to posts and translation of official documentation of the Group that had not been included in the proposed programme budget for the biennium 2012-2013 should be funded by voluntary contributions.

41. Other speakers noted that the recommendations for funding of the overall requirements of the Review 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 Group in the six official languages of the United Nations.

42. At the request of one speaker, the secretariat clarified that, following its fourth session, should the Conference present a draft resolution to the General Assembly on resorting to the regular budget to cover additional resources requirements for the Review Mechanism, the 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

43. The Chair noted that informal consultations had been held in the margins of the Group to discuss the issue of participation of observers in the meetings of the Group. He said that progress had been made on finding a solution that could lead to consensus at the Conference.

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

44. At its 6th meeting, on 9 September 2011, the Group adopted the provisional agenda for its continued resumed second session.

VIII. Adoption of the report

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

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 discussion of the thematic reports on chapters 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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