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## Implementation Review Group

### First resumed thirteenth session

Vienna, 8–9 September 2022

Item 2 of the provisional agenda\*

### Performance of the Mechanism for the Review of the 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 its first phase, as well as initial considerations regarding the next phase of the Mechanism

### 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 of its second cycle. It contains recommendations on measures required for the completion of the second cycle. It further contains lessons learned from the performance of the Mechanism in its first phase for initial considerations regarding the future of the Mechanism beyond its current review phase.

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\* CAC/COSP/IRG/2022/1/Add.1.



## Introduction

1. The Conference of the States Parties to the Convention took a bold step when it agreed more than ten 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, as already 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 ten 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 to identify and match 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 of the progress made during the second cycle to date, 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](#)). Part 2 of the present document suggests how to use lessons learned from the performance of the Mechanism in its first phase with a view to guide considerations on the future of the Mechanism beyond its current review phase. It lists the existing mandates regarding the following review phase and proposes steps the Group may wish to consider in concluding the current and launching the following phase of the Mechanism.
3. The present document will be updated based on the discussions at the first resumed thirteenth session and be made available in all official languages of the United Nations for the second resumed thirteenth session of the Implementation Review Group in November.

## Part 1: Performance of the Mechanism for the Review of Implementation of the Convention

4. In its resolution 8/2, the Conference of the States Parties to the United Nations Convention against Corruption acknowledged that continuing the process of evaluation of the performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption 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", which was adopted by the General Assembly at its special session against corruption in June 2021, Member States, *inter alia*, welcomed the achievements of the Implementation Review Mechanism and urged parties to the Convention to complete their reviews in a timely manner so as to conclude the first and second review cycles within their agreed period of performance. Member States further welcomed the efforts by the Conference of the States Parties to the Convention 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 to date. In response to the significant delays incurred during the second cycle of the Mechanism, in its decision 8/1, the Conference 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 COVID-19 pandemic began, which caused additional delays with respect to the completion of country reviews. In light of these 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 shows the overall progress achieved as at 5 July 2022 in the country reviews under the first and second cycles of the Implementation Review Mechanism, respectively.

**Figure I**  
**Overall progress achieved under the first and second review cycles**



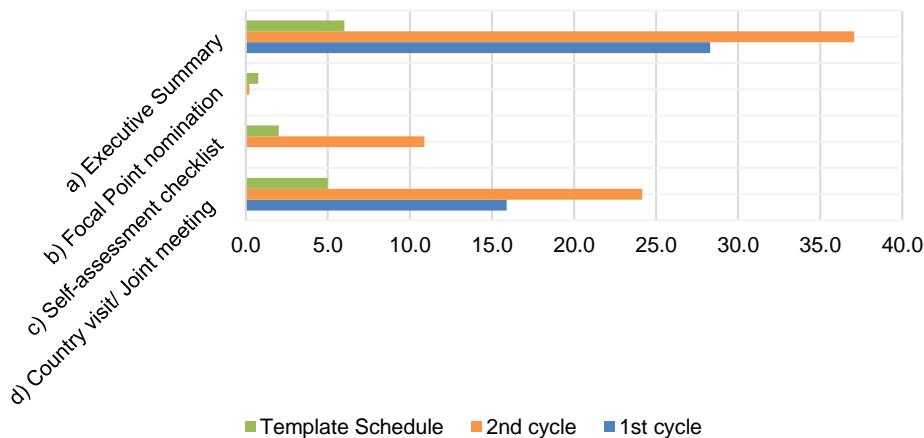
## B. Analysis of the time frames associated with the critical stages of the review process, with a focus on the second review cycle

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 decision 8/1.

10. To this end, the model timelines established in the guidelines for governmental experts and the secretariat<sup>1</sup> annexed to the terms of reference of the Mechanism were compared to 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 will be elaborated on below.

**Figure II  
Median duration of country reviews: target timeline versus reality**

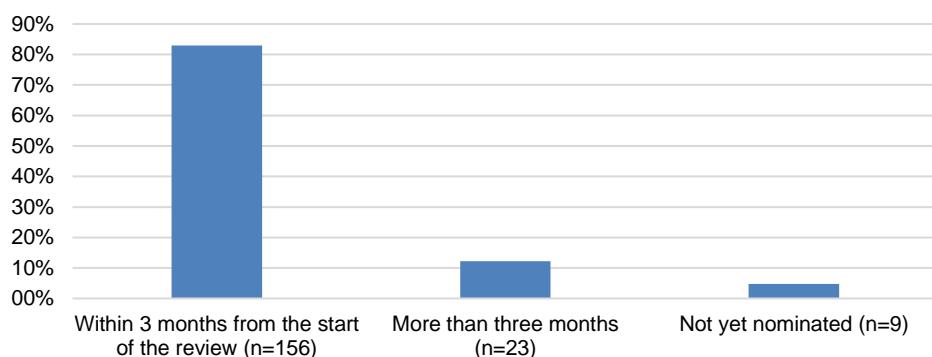


## 1. Analysis of individual review steps

### (a) Delayed nominations of focal points

12. While the terms of reference note 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. At the time of writing, 179 of the 188 focal points for the second cycle had 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. However, despite this overall positive picture, for more than ten per cent of reviews, focal point nominations were delayed beyond three months, while in almost five per cent of reviews the nominations have still not been received, thus delaying the reviews already at this initial step.

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



<sup>1</sup> 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](http://www.unodc.org/documents/treaties/UNCAC/Review-Mechanism/IRG_model_country_review_schedule.pdf)).

**(b) Delayed nominations of governmental experts**

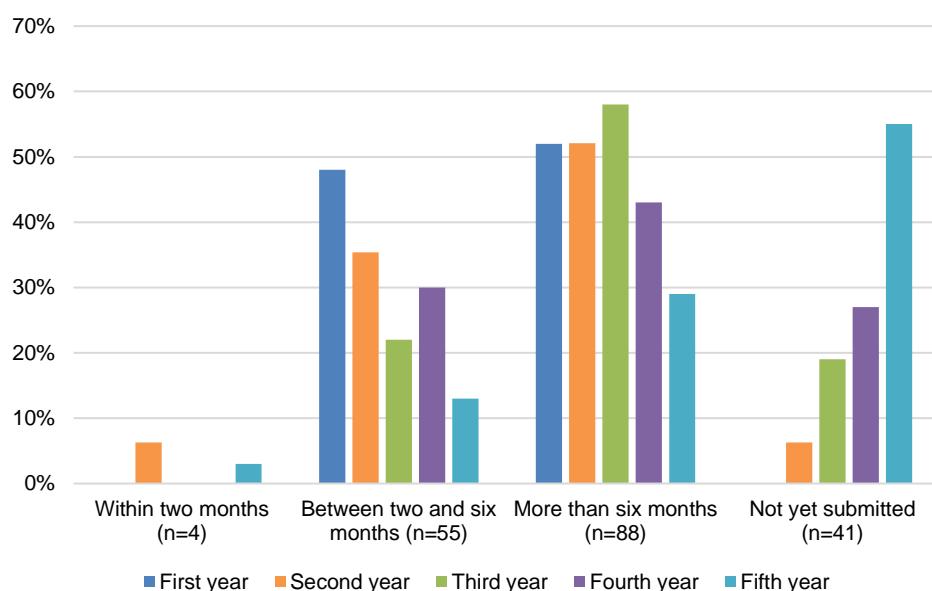
13. Delays in the nomination of governmental experts are even more frequent than in the case of focal point nominations. While the guidelines for governmental experts and the secretariat in the conduct of country reviews foresee that the first teleconference or videoconference should take place within 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 to-date several country reviews still cannot move forward for this reason. In several cases, expert nominations 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 during the course of the reviews have an impact on all subsequent stages of the review, leading to significant bottlenecks.

**(c) Delayed submission of self-assessment checklists**

14. The submission of the checklist is an essential cornerstone of the review and a prerequisite to begin the review process. The model timeline foresees that the submission of the self-assessment checklist occurs within two months after the review start date. A total of 88 (nearly half of) States parties under review had delays of more than six months in submitting their responses to the self-assessment checklist, while 41 have not yet submitted their responses to date. As a result, one fifth of country reviews cannot move forward at this stage. This means that, apart from the few new States parties to the Convention, these reviews are now delayed by approximately two to five years.

Figure IV

**Second review cycle: time from review start to submission of 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 from the start of the review. While the number of country visits and joint meetings had 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, in particular 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

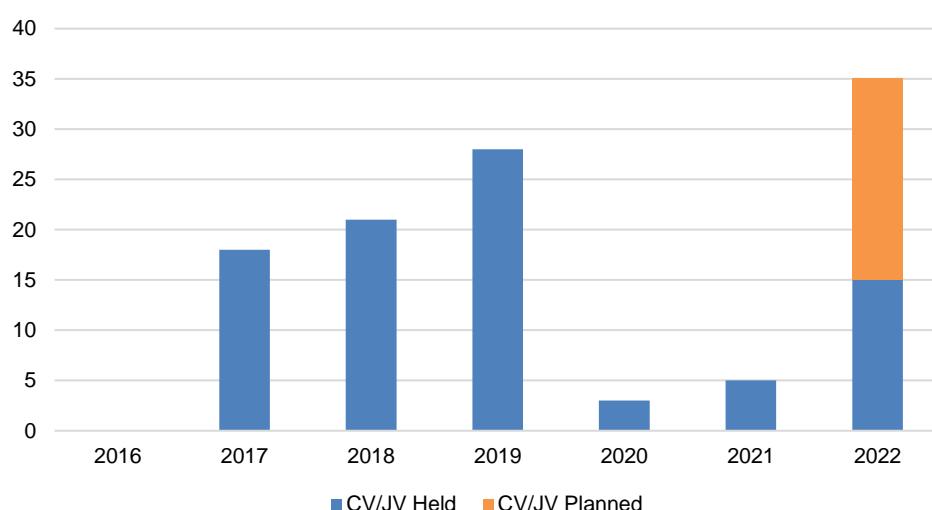
have limits in strengthening cooperation and information exchange, peer learning, capacity-building and constructive collaboration among the parties involved, which is an observation that is also shared by the secretariats of other review mechanisms.

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

17. With many States still facing travel restrictions in 2021 and even 2022, some country visits still cannot take place in full in-person format. The number of country visits or joint meetings 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, as described further in section 2. This situation is making it difficult if not impossible to complete all the outstanding reviews within the current duration of the second cycle, i.e. by June 2024.

**Figure V**

**Second review cycle: number of country visits or joint meetings held per year<sup>a</sup>**

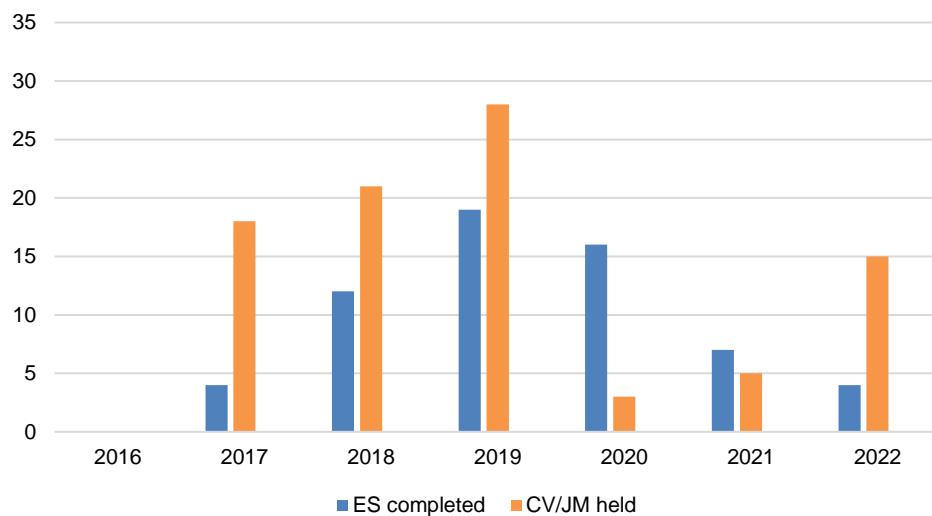


<sup>a</sup> In addition, for 78 reviews under the second cycle, no country visit/joint meeting has been planned or taken place yet

#### (e) Delays in approving executive summaries

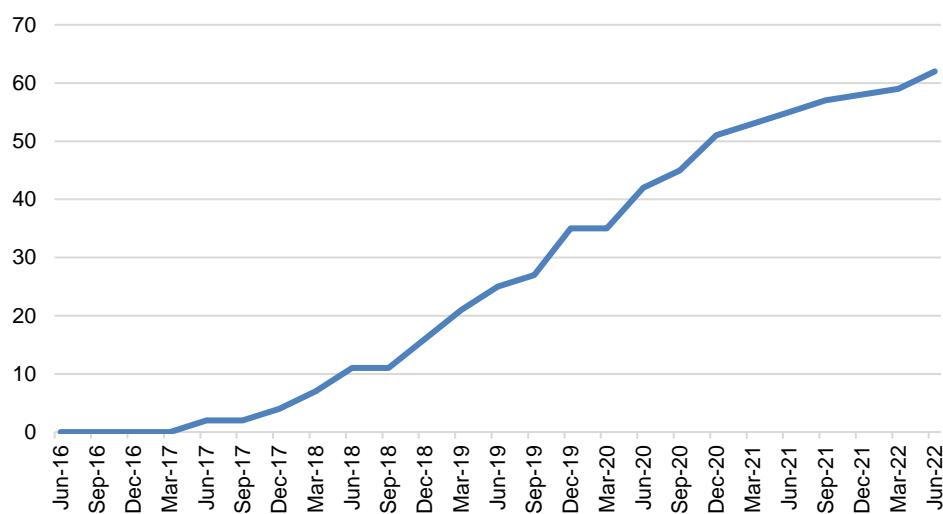
18. For the purposes of the present analysis, the completion of the executive summary was considered the end of the country review, as the completion of the country review reports usually takes place at a later stage. While the number of executive summaries approved during the pandemic decreased from previous years, it was nonetheless possible during 2020 and 2021 to complete a greater number of summaries than actual country visits held, thus finalizing some pending reviews.

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



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

**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, as mentioned 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 and the wide stakeholder consultations required for the two chapters of the Convention 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 increased owing to the growth in the number of new States parties since the launch of the first review cycle, when the Convention had only 144 parties, as well as a result of the backlog of reviews from prior years. The delays and frequent unresponsiveness of States parties cause an increased workload for the secretariat in terms of follow-up and make scheduling and planning difficult. By extension, 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 a negative impact on the capacity of reviewing States and the secretariat. To advance efforts to complete the second cycle in a timely manner, as mentioned at previous sessions of the Implementation Review Group, 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.

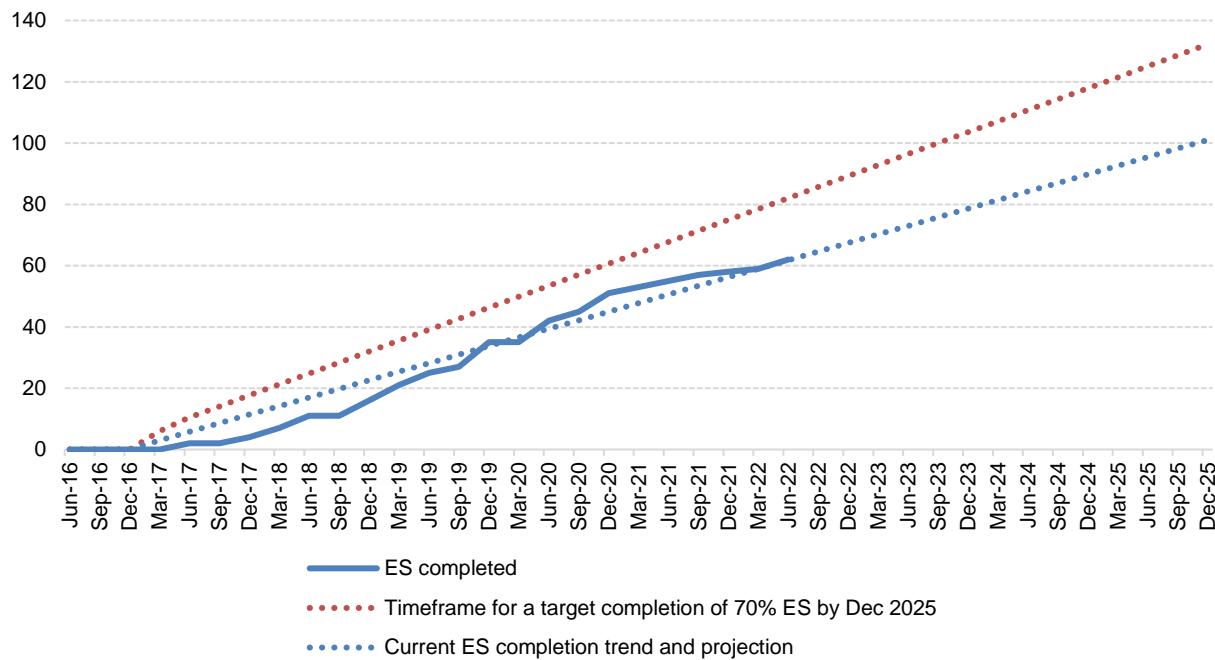
22. The COVID-19 pandemic had an unprecedented impact on all facets of public and private life. The secretariat has analysed the overall effect of the pandemic on the implementation review process. Despite some progress made, the overall impact has been a visible decline in the pace of country reviews due to impasses at all stages of the review process, such as receiving responses from different parties involved and scheduling country visits, as outlined above. Even where work could continue remotely and meetings could be held by virtual means, the limited human and operational capacity of governments globally impeded all aspects of country reviews and the ability to take 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 further 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 98 direct dialogues are outstanding. While, in 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 30 months, 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 ([CAC/COSP/2019/12](#)), in which it was noted that, "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 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 of the States Parties at its eighth session in December 2019, a bit over one month before the COVID-19 pandemic was declared a public health emergency of international concern. These 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 a recommendation to the Conference to extend the current cycle by 18 months to December 2025, to coincide with the eleventh session of the Conference of the States Parties to the Convention.

27. Even with this extended time frame, 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 process 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 it decided, in response to the significant delays incurred during the second cycle of the Mechanism, 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 in 2023.

## D. Recommendations and possible next steps

29. In view of the information provided in the present document, 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. Moreover, based on updated projections to be prepared ahead of the tenth session of the Conference, the Group may wish to propose to the Conference of the States Parties at its tenth session in 2023 that the Conference consider further extending the duration of the second review cycle of the Implementation Review Mechanism until the end of 2025.

## Part 2: Considerations for the next review phase

31. In line with resolution 3/1 and the terms of reference of the Mechanism, 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 may wish to begin discussions on the future of the Mechanism, considering lessons learned under the current review phase.

32. Starting these discussions would be timely if the Conference wishes to launch the next phase at its eleventh session in 2025 after completion of the current cycle.<sup>2</sup>

33. The next sections lay out the existing mandates regarding the next review phase, the steps needed to conclude the current and launch the next phase, and propose steps, based on the lessons learned from the current phase, which the Group may wish to consider to begin the process.

## 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 resolutions 3/1 and 8/2 as well as in the terms of reference.<sup>3</sup>

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, “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. According to paragraph 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.” As per paragraph 41,

<sup>2</sup> 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 UNTOC mechanism which sets a target of 70 per cent.

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

“[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 which are provided by resolution 3/1 and the paragraphs 40 and 41 are the following:

- A following phase is foreseen;
- The launch date remains to be determined;
- The Conference can establish the scope, thematic sequence and details of the review and determine the duration of each review cycle within a phase; and
- The information in the self-assessment checklist of the following review phase shall include progress achieved in connection with the observations contained in the country reports from the previous phase, and, as appropriate, whether technical assistance needs requested in relation to their country review reports have been addressed.

38. Moreover, paragraphs 3 to 9 of its terms of reference outline the guiding principles and characteristics of the Mechanism and in particular paragraph 9 notes that “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. With a view to beginning the discussions on the next phase, in operative paragraph 13 of 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 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.

## B. Steps needed in preparation for the second phase

40. The terms of reference and resolutions of the Conference of the States Parties spell out the steps needed to be taken by the Implementation Review Group to prepare for a following review phase, namely (1) the assessment of the performance of the Mechanism, (2) an evaluation of the terms of reference and challenges encountered during the country reviews, (3) reporting to the Conference on views voluntarily shared by States parties on the possible ways forward following the end of the current review phase, and ultimately (4) 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 below, followed by potential next steps on how to achieve them.

### 1. Assessment of the performance of the mechanism

41. In paragraph 14 of resolution 8/2, the Conference “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”.

42. Based on the mandate in resolution 8/2 and building on decision 5/1 in particular, 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, on a continuous basis to collect and analyse information relevant to facilitate the performance of the Mechanism. The responses and views of 26 States (equalling approximately 14 per cent of States parties) were presented to the Conference at its ninth session as document [CAC/COSP/2021/4](#). A brief overview of the responses is presented in the box below.

### **Overview of responses received by States on the performance of the Mechanism**

In their responses to a note verbale sent by the secretariat on 18 August 2021, States reaffirmed the positive role of the Mechanism in effectively promoting the implementation of the Convention and reiterated their support for it. States parties for example noted that the Mechanism was a useful tool to strengthen 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, well-functioning and efficient, other States parties suggested improvements to the Mechanism. The views shared by States related to (1) streamlining the review process itself based on experience from the current phase and (2) the design of the following review phase.

### **Suggestions to streamline the review process**

Issues raised and suggestions made by States ranged from a shorter and simpler self-assessment checklist to an improved presentation of the findings of the review through a change of format of executive summary and country report. States also proposed that information provided could be of higher quality, or that more guidance and trainings could be provided in preparation of a review. Other issues mentioned related for example to increased synergies with other anti-corruption peer review mechanisms or the participation of civil society and private sector representatives in country reviews.

It is noteworthy to mention that consensus seemed to exist on country visits as a useful tool for dialogue between States and in-depth assessment of the legal, institutional and operational framework in place.

### **Suggestions on the design of the following phase**

Specifically with regard to the design of a follow-up phase, one State recommended that the Conference 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 also consider establishing criteria or a threshold by which a review cycle would be considered to be concluded, using the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime as a basis in 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. Follow-up to observations was also among proposed ideas, for example through a collection, and publication on the country profile website, of measures taken by States in follow-up to their reviews, or an increased presentation by States of such measures taken in the Implementation Review Group.

A more detailed overview of the responses is contained in document [CAC/COSP/2021/4](#), the full responses as received were made available in the 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, “[following] the completion of each review cycle, the Conference shall assess the performance of the Mechanism and its terms of reference”. In operative paragraph 5 of resolution 3/1, the Conference “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 on the outcome of those evaluations”.

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

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

45. As stated above, to begin the discussions on the next phase, in operative paragraph 13 of 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 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, “[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. Recommendations and possible next steps**

47. Based on the analyses and the existing mandates, the Group may wish to consider the following next steps and recommendations.

### **Collection of views and information in preparation for next phase**

48. To implement the mandates in paragraphs 13 and 14 of resolution 8/2, on reporting to the Conference on views regarding possible ways forward and on collecting information to facilitate the assessment of the Mechanism’s performance and terms of reference, the secretariat will prepare a report for consideration by the Group at its 14th session in June 2023. The report will build on an information collection exercise aiming to gain a more comprehensive and detailed overview of the experience, lessons learned, and views on potential areas for improvement based on States parties’ participation in the Mechanism. For this purpose, the secretariat intends to provide States parties with a questionnaire which will be structured along the steps of the review process and will solicit the views of States parties on (a) lessons learned from and challenges encountered during the first review phase, (b) ways to potentially make the review process more effective towards 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 is aimed at assisting States

parties in their consideration and decision-making on issues such as the duration, scope, thematic sequence and other details of the next phase of the Mechanism.

49. In addition, the Group may wish to request the secretariat to prepare a paper, for consideration at its 14th session in June 2023, analysing lessons learned from existing review mechanisms of relevant regional, sectoral and international instruments, including, where applicable, how these transitioned from initial evaluation phases to a follow-up review phase. Similar analysis was presented to the Conference prior to the launch of the Implementation Review Mechanism ([CAC/COSP/2006/5](#) and [CAC/COSP/2008/10](#)).

#### **Informal consultations on the next phase**

50. 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 institute an open-ended Group of Friends of the Implementation Review Mechanism. Such a Group of Friends would be open to all States interested in advancing deliberations on the following phase. The Group would play a vital role in advancing the discussions on the next phase of the Implementation Review 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 and the Group of Friends could meet on a regular or ad hoc basis during the intersessional period of the Conference to discuss this matter in a more informal manner. The Group of Friends could, inter alia, prepare or oversee the process leading up to the launch of the following phase, supported by the secretariat.

51. As part of the process of designing a new phase, the Implementation Review Group could consider conducting a pilot programme, on a voluntary basis with a limited number of States, to test different modalities related to the duration, scope, and other details of the next review phase.<sup>4</sup>

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<sup>4</sup> Such a pilot programme was conducted prior to the launch of the Mechanism and was found to be a useful precursor as it allowed States to test the review methodology prior to adopting it. More information on the pilot programme is contained in the annex.

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## Annex I

### **Relevant mandates regarding the future of the Mechanism beyond its current review phase**

#### **Resolution 3/1**

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.

#### **Decision 5/1**

- (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.

#### **Decision 8/1**

- (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.

#### **Resolution 8/2**

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.

#### **Terms of reference**

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.

## Annex II

### The pilot programme

The voluntary pilot review programme was launched pursuant to Conference resolution 1/1 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 Convention.

The project entailed a limited review of the implementation of the Convention in 16 countries<sup>1</sup> 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 only focused on some of the provisions of the Convention and was set to run for up to three years and 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 to the Mechanism, 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 programme, a proposal for a full-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 paper prepared by the secretariat for the 2nd session of the Conference entitled, “The pilot review programme: an assessment” together with the background paper entitled “Parameters for defining the review mechanism for the United Nations Convention against Corruption”.

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<sup>1</sup> 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.