



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

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## Implementation Review Group

### Resumed eighth session

Vienna, 7–8 November 2017

## Report of the Implementation Review Group on its resumed eighth session, held in Vienna on 7 and 8 November 2017

### Addendum

## I. Introduction

1. The Implementation Review Group was established by the Conference of the States Parties to the United Nations Convention against Corruption in its resolution 3/1, entitled “Review mechanism”, as an open-ended intergovernmental group of States parties to operate under its authority and report to it. The Group is 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.

## II. Organization of the session

### A. Opening of the session

2. The Implementation Review Group of the United Nations Convention against Corruption held its resumed eighth session in Vienna on 7 and 8 November 2017.

3. The resumed session was chaired by the Vice-Presidents of the Conference of the States Parties to the United Nations Convention against Corruption, Mohammed Abu Zafar (Bangladesh) and Vivian Okeke (Nigeria).

### B. Attendance

4. The following States parties to the Convention were represented at the resumed eighth session of the Implementation Review Group: Algeria, Angola, Argentina, Austria, Bahrain, Bhutan, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Central African Republic, China, Côte d'Ivoire, Cuba, Cyprus, Czechia, Egypt, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Japan, Kuwait, Kyrgyzstan, Lesotho, Lithuania, Malaysia, Maldives, Micronesia (Federated States of), Morocco, Myanmar, Namibia, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Singapore, Sierra Leone, Slovakia, South Africa, South Sudan, State of



Palestine, Switzerland, Thailand, Togo, Turkey, United Arab Emirates and United States of America.

5. In accordance with rule 2 of its resolution 4/5, the Conference 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 may be invited to participate in the sessions of the Implementation Review Group.

6. The International Criminal Police Organization (INTERPOL), an intergovernmental organization, was represented by an observer.

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

#### **A. Drawing of lots**

7. The Group drew lots for the reviewing States for Japan and Niue, which had become parties to the Convention after the drawing of lots conducted at the eighth session of the Group, held from 19 to 23 June 2017. Bhutan and Niue were drawn as reviewing States for Japan. Turkmenistan and South Sudan were drawn as reviewing States for Niue. Following past practice, provisional redraws were carried out. Bahrain and Congo were drawn as provisional reviewing States for Japan, and the Republic of Korea and Saudi Arabia were drawn as provisional reviewing States for Niue. Redraws were carried out for the second cycle. Sweden was drawn as other reviewing State for Bahrain, Congo was drawn as regional reviewing State for Guinea-Bissau, Uzbekistan was drawn as other reviewing State for Myanmar, and Burkina Faso was drawn as other reviewing State for the State of Palestine.

#### **B. Progress report**

8. The Secretariat provided an update on the progress made in the country reviews of the first and second review cycles. With regard to the first review cycle, it was highlighted that, at the time of reporting, 176 of 181 States parties under review had submitted their responses to the self-assessment checklist, 167 direct dialogues (155 country visits and 12 joint meetings in Vienna) had taken place, and 162 executive summaries had been finalized. A further seven executive summaries were in advanced stages of finalization.

9. With regard to the second review cycle, the Secretariat informed the Group that all 29 States parties under review in the first year of the second cycle had nominated their focal points. Furthermore, 22 States had submitted responses to the self-assessment checklist, and 18 direct dialogues (17 country visits and 1 joint meeting) had taken place, with several other country visits at various stages of planning. At the time of reporting, four executive summaries had been finalized, and six additional executive summaries were being completed. Due to the organization of training events in the early stages of the review cycle, the majority of States parties under review in the second year of the second cycle had nominated their focal points well before the start of their reviews, and States parties had been able to engage in the early preparation of their self-assessment checklists. Nonetheless, progress remained slow as only 11 of 48 self-assessment checklists had been received, and no country visits or joint meetings had been held.

#### **C. Outcome of the first cycle reviews**

10. The Secretariat introduced a note entitled “Set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the United Nations Convention against Corruption” ([CAC/COSP/2017/5](#)),

which had been prepared pursuant to Conference resolution 6/1. The note by the Secretariat provided an analysis of the outcomes of the first cycle country reviews in terms of identified successes, good practices, challenges, observations and technical assistance needs concerning the implementation of chapters III and IV of the Convention, based on the 149 country reviews of the first cycle that had been completed at the time of drafting the note. Over 5,000 individual recommendations and nearly 1,000 good practices were reviewed for purposes of the analysis, with a view to facilitating the Group's deliberations on a set of non-binding recommendations and conclusions, based on lessons learned regarding the implementation of chapters III and IV of the Convention during the first review cycle, to be submitted to the Conference at its seventh session, in accordance with paragraph 11 of resolution 6/1. The note had been made available to States parties for written comments before the seventh session of the Conference and had been considered by the Open-ended Intergovernmental Working Group on the Prevention of Corruption, the Open-ended Intergovernmental Working Group on Asset Recovery and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption.

11. It was noted that the issues highlighted in the note containing the set of non-binding recommendations and conclusions, and the outcomes of the first review cycle were the subject of further analysis in the updated study entitled *State of Implementation of the United Nations Convention against Corruption: Criminalization, Law Enforcement and International Cooperation*, which had been made available to the Conference at its seventh session; the updated study covered 156 countries, compared with the 68 countries covered in the first edition of that study.

12. In the ensuing discussion, speakers welcomed the thematic discussion on successes, good practices, challenges, observations and technical assistance needs based on lessons learned in the first review cycle. It was noted that the discussion on the set of non-binding recommendations helped States parties analyse and synthesize the outcomes of the first review cycle so that the Conference could conduct an assessment of those non-binding recommendations. Speakers reiterated that the set of conclusions and recommendations were non-binding in nature and were intended as useful options for policymakers to consider, consistent with the fundamental principles of their legal systems and taking into account national priorities, when reviewing or adopting measures to strengthen the implementation of the Convention. Speakers welcomed the revisions made to the set of conclusions and recommendations contained in the note by the Secretariat, in order to reflect the comments submitted by States parties, including the inclusion of a recommendation to differentiate conclusions according to the level of obligation under the Convention and to clarify recommendations, as well as the section containing general observations regarding the Implementation Review Mechanism. The revisions resulted in a more comprehensive and balanced analysis. Some speakers made concrete suggestions on specific items covered in the note, such as the statute of limitations and the further clarification of recommendations according to the level of obligation under the Convention. It was noted that those comments would be reflected in the revised version of that note.

13. It was noted that the note by the Secretariat containing the set of non-binding recommendations and conclusions would be made available at future sessions of the Group to inform further discussion.

#### **D. Outcome of the second cycle reviews**

14. In order to facilitate the Group's discussion on the outcome of the second cycle reviews of chapters II (Preventive measures) and V (Asset recovery) of the Convention, a representative of the Secretariat provided an oral update on the initial trends in the second cycle. Due to the limited number of completed reviews in the second cycle, it was too early to come to any clear conclusions or identify any regional

trends. However, some initial trends could be identified, based on the 44 individual recommendations and 15 good practices identified so far. For example, all States reviewed thus far received recommendations to strengthen their systems for the recruitment, hiring, retention, promotion and retirement of public officials under article 7, paragraph 1, of the Convention. With respect to asset recovery, all States parties received recommendations encouraging them to address gaps relating to politically exposed persons under article 52. Prevalent good practices pertained to different aspects of preventing corruption in the public sector (art. 7). The Secretariat encouraged States parties to continue efforts to record and share practical examples of, and statistics on, implementation.

15. In the ensuing discussion, the update by the Secretariat was welcomed. One speaker noted that the trends identified by the Secretariat were consistent with the review of his country which was in the process of being finalized, and noted that reviews in the second cycle could benefit from lessons learned in the first cycle of reviews. However, some speakers stressed the large amount of information required to review chapters II and V would lead to additional difficulties, including delays and increased costs of translation. Despite those difficulties, speakers expressed the commitment of their countries to the work of the Mechanism and to contributing to discussions which would further improve its effectiveness and efficiency.

#### **E. Organization of work for 2018 and 2019 in line with the multi-year workplan**

16. The Secretariat provided the Group with an update on schedule of meetings of the subsidiary bodies of the Conference, in accordance with the multi-year workplan for 2018 and 2019 ([CAC/COSP/2017/CRP.6](#)), which had been submitted in a draft decision by the President for adoption by the Conference.

### **IV. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption**

17. The Secretariat presented an overview of progress made in the first cycle of reviews as outlined in the note by the Secretariat containing an analysis of good practices, experiences and relevant measures taken by States parties after the completion of the country reviews during the first cycle of the Implementation Review Mechanism ([CAC/COSP/2017/12](#)). The analysis included information relating to 95 States parties that had finalized their first cycle reviews. The Secretariat noted that States' efforts had not been limited to the chapters of the Convention under review in that cycle but had addressed the Convention as a whole. As such, 58 per cent of States had already initiated measures related to chapters II and V before the second cycle had begun.

18. Overall, the impact of the Mechanism was felt in all States, from high-income to least developed countries, and the peer-learning element existing throughout the review process was reported to be one of the most important aspects of the process. The Secretariat noted with concern, however, that the delays already encountered in the second cycle were likely to make it very difficult to conclude the reviews in a timely manner. The Secretariat reminded the States parties to make efforts to adhere to the timelines set forth in the terms of reference. In order to better understand the reasons for the delays, the Secretariat noted that a comparative overview would be prepared for the ninth session of the Implementation Review Group, reflecting the progress made and delays encountered at each stage of the reviews in the first cycle as compared with the first two years of the second cycle.

19. Echoing the information provided by States in their submissions, many speakers reaffirmed their countries' commitment to the Mechanism. A number of speakers

noted that their country reviews had resulted in a series of legislative amendments. One speaker reported that the follow-up committee established for his country's first cycle review had also been tasked with beginning preparations for the second cycle. Another speaker, in expressing appreciation for the note by the Secretariat containing an analysis of the impact of the implementation reviews, asked for a similar exercise be undertaken for the outcome of the second cycle as well.

20. Speakers noted that the delays encountered remained of concern. Some speakers noted that the volume of the information required, coupled with the translation requirements, made the Mechanism very resource-intensive, while highlighting that translations were crucial for the inclusiveness of the Mechanism. To that end, it was important to consider ways to make use of information that had already been prepared for other anti-corruption peer reviews in order to avoid duplication of efforts. One speaker noted that the delays were limiting the ability of States to benefit fully from the review process.

## V. Technical assistance

21. The Secretariat provided an overview of the technical assistance needs identified in the context of the country reviews as presented in the note by the Secretariat containing an analysis of technical assistance needs emerging from the country reviews under the first cycle of the Implementation Review Mechanism, during the period 2010–2017 ([CAC/COSP/2017/7](#)).

22. The Secretariat then gave an update on technical assistance provided since the sixth session of the Conference (see [CAC/COSP/2017/3](#)) in response to the increasing number of requests for technical assistance at the national, regional and global levels, and presented information on efforts to cooperate and coordinate with other technical assistance providers.

23. A panel discussion was held on technical assistance. The panellist from New Zealand affirmed the strong commitment of his Government to providing anti-corruption support to Pacific region countries with a view to promoting international cooperation. He described New Zealand's efforts for helping Pacific countries to strengthen the capacity of courts and law enforcement agencies and to enhance the integrity and the capability of their police services through training, mentoring and the provision of joint funding, and his country's efforts to promote strong and open government by sharing knowledge and good practices in auditing and in engaging with civil society.

24. The panellist from Nigeria emphasized the detrimental effect of increased illicit financial flows on developing countries and described the efforts of Nigeria in asset recovery, such as investigation, tracing, recovery and restitution of assets, through extensive international cooperation with other countries. He also described Nigeria's experience in creating new initiatives for international cooperation, including the Abuja Declaration (Islam in Africa Conference Communiqué of 1989) and the Open Government Partnership. The panellist also stressed the importance of technical assistance and offered recommendations for creating a framework for improved coordination and cooperation in combating corruption.

25. The panellist from Singapore provided a general overview of Singapore's legal framework for mutual legal assistance, including its organizational structure. He also described the efforts of Singapore in applying a facilitative approach to international cooperation by sharing technical knowledge on its practices and experiences in various forums. The panellist stressed that Singapore endeavoured to keep its domestic legislation in line with new developments by making amendments where appropriate, giving in that regard the example of the Mutual Assistance in Criminal Matters Act.

26. In the ensuing discussion, States expressed their full support for the Review Mechanism as a means of identifying technical assistance needs and expressed

gratitude for the reports provided by the Secretariat. The importance of learning from other countries was emphasized, as was the importance of obtaining country-specific technical assistance based on the needs identified in the reviews. The importance of partnerships was also underscored, including the importance of engaging a wide range of technical assistance providers. The Secretariat noted its readiness to assist countries in developing technical assistance programmes based on the needs identified in the reviews and to facilitate contact with other providers of bilateral and multilateral technical assistance.

## **VI. Financial and budgetary matters**

27. The Secretariat provided information on the expenditures incurred for the operation of the first and second cycles of the Review Mechanism as at 31 July 2017, on projected expenditures for the completion of the first cycle, and on projected expenditures for the operation of the first two years of the second cycle. The Secretariat also provided details on the resources received both from the regular budget of the United Nations and through voluntary contributions.

28. Expressing its appreciation for the voluntary contributions made by States to support the Mechanism, the Secretariat drew attention to the extrabudgetary funding gap. The Secretariat informed the Group that, taking into account pledges that the United Nations Office on Drugs and Crime had received since 31 July 2017, the funding gap had been reduced to the amount of \$1,676,600 for the operation of the first two years of the second cycle. The Secretariat cautioned against a slowing down of the Group's fundraising efforts because, in addition to securing full financing of the first two years of the second cycle, financing for the third year, which was to be launched in June 2017, as well as for the fourth and fifth years, needed to be mobilized.

29. Given the overall financial situation, the Secretariat recalled the cost-cutting measures that it had implemented since the related discussion at the seventh resumed session of the Implementation Review Group and which had been presented in detail at the Group's eighth session.

30. The Secretariat informed the Group that, as requested by the Conference in its resolution 6/1, it had taken the shortfall in support of the second cycle into account in the proposed programme budget for the biennium 2018–2019 submitted by the United Nations Office on Drugs and Crime, in accordance with section VII of the terms of reference. The Secretariat explained that if the final decision by the General Assembly was favourable, as of the beginning of 2018, the three posts that had been established in support of the second cycle and which were covered by extrabudgetary contributions in 2017, would be financed through the regular budget. The Secretariat noted that that would reduce the extrabudgetary fundraising requirements by approximately \$560,000 per year.

31. The Secretariat stressed that, pending a decision by the competent bodies and the General Assembly on the programme budget for the upcoming biennium, it retained the current estimates on the requirements for the second review cycle, which it used in calculating the funding shortfall.

32. Speakers expressed their appreciation for the transparency and clarity of the Secretariat's financial reporting. Speakers noted with appreciation that the financial situation of the Review Mechanism had improved and encouraged the Group to ensure the full funding of the second cycle. Speakers expressed their strong support for the Review Mechanism and listed their countries' past, recent and forthcoming voluntary contributions to the Review Mechanism.

33. Some speakers affirmed their countries' support for the mixed funding model of the Mechanism, with parts of the operation of the Mechanism funded from the regular budget of the United Nations and other parts from voluntary contributions, in line with Conference resolution 3/1 and the terms of reference of the Mechanism.

34. Some speakers expressed their continued support for the cost-saving measures taken by the Secretariat and encouraged the Secretariat to do more in that regard. One speaker cautioned against any measures that would negatively impact on the quality of the country reviews and called for, in particular, maintaining the multilingual nature of the Mechanism.

35. The Secretariat assured the Group that it would continue to explore a full range of options so that the Mechanism could operate in an effective and cost-efficient manner, within the framework of the terms of reference. The Secretariat informed the Group that it would prepare a revised cost estimate for the second cycle, to be submitted to the Group at its ninth session, taking into account the effect of the cost-saving measures.

## **VII. Adoption of the report**

36. On 8 November 2017, the Implementation Review Group adopted the report on its resumed eighth session ([CAC/COSP/IRG/2017/L.1/Add.8](#)).

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