



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

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### Draft report

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#### Addendum

## V. Review of implementation of the United Nations Convention against Corruption and technical assistance

1. At its 8th meeting, on 19 December 2019, the Conference considered agenda item 2, entitled “Review of the implementation of the United Nations Convention against Corruption”, and agenda item 3, entitled “Technical assistance”.

2. In his introductory remarks, the President of the Conference recalled article 63 of the United Nations Convention against Corruption, as well as Conference resolution 3/1, which marked the historic adoption of the terms of reference of the Mechanism for the Review of Implementation of the Convention, and resolution 4/1, in which the Conference had endorsed the work of the Implementation Review Group. He reiterated that one of the purposes of the Mechanism was to help States parties to identify and substantiate specific technical assistance needs and to promote and facilitate the provision of such assistance. He recalled decision 5/1, in which the Conference had tasked the Group with collecting and discussing relevant information on the assessment of the performance of the Mechanism, following the completion of the first review cycle. He also referred to resolution 6/1, in which the Conference had launched the second cycle of the Mechanism, had encouraged States parties to continue to share information on good practices, experiences and relevant measures taken after the completion of their country reviews, including information related to technical assistance, and had requested the Group to analyse that information and submit to the Conference, for consideration and approval at its seventh session, a set of non-binding recommendations and conclusions based on lessons learned from the country reviews of the first review cycle. Moreover, he noted that, in its decision 7/1, the Conference had taken note of the set of non-binding recommendations and conclusions, as reviewed by the Group at its resumed eighth session, second resumed ninth session and tenth session.

3. A representative of the Secretariat briefed the Conference on the outcome of the second resumed tenth session of the Implementation Review Group, held on 17 and 18 December 2019, referring to the note by the Secretariat on the activities and working methods of the Group (CAC/COSP/2019/4), and provided an update on progress made in the conduct of the first and second cycle reviews. She also introduced a document on the performance of the Implementation Review Mechanism, in particular its second review cycle and the measures required for its



completion ([CAC/COSP/2019/12](#)). That document contained an analysis of the performance of the Mechanism, in particular of progress made during the second cycle, and a number of recommendations on measures required for completing the country reviews under the second cycle, including the possibility of an extension of the cycle.

4. The representative provided an overview of the key thematic findings emerging from the first review cycle, as presented in the note by the Secretariat containing a set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention ([CAC/COSP/2019/3](#)). She also provided an overview of the key thematic findings emerging from the second cycle, as presented in the thematic reports of the Secretariat on the implementation of chapter II (Preventive measures) and chapter V (Asset recovery) ([CAC/COSP/2019/9](#) and [CAC/COSP/2019/10](#), respectively). Moreover, she introduced the report of the Secretariat on good practices and experiences of, and relevant measures taken by, States parties after the completion of the country reviews, including information related to technical assistance ([CAC/COSP/2019/11](#)), noting that the report provided an overview of progress made in the first cycle reviews and included information related to 145 States parties that had finalized their first cycle reviews.

5. The representative of the Secretariat provided the Conference with an overview of the budgetary information related to the first and second cycles of the Implementation Review Mechanism ([CAC/COSP/2019/15](#)).

6. During the ensuing discussion, several speakers emphasized the importance of the Implementation Review Mechanism in promoting the effective implementation of the Convention and expressed the continued support of their Governments for the Mechanism. Reference was made to the added value and proven record of the Mechanism, as well as to the substantial progress made and best practices identified and to the role of the Mechanism in assisting States with implementing the Convention and overcoming challenges encountered in that implementation. One speaker noted that the Mechanism fostered cooperation by bringing together law enforcement, civil society, the private sector and experts.

7. Several speakers provided detailed information on the participation of their countries in the Implementation Review Mechanism, both as States parties under review and as reviewing States parties.

8. It was noted that the review process under the Implementation Review Mechanism was necessary and useful, as it provided States with the opportunity to measure successes and challenges. The Mechanism allowed for the identification of weaknesses in national legal systems and institutional frameworks, as well as the identification of technical assistance needs and the promotion and facilitation of such assistance.

9. Several speakers emphasized the need for the Implementation Review Mechanism to function within its terms of reference and underlined its intergovernmental, impartial, non-adversarial, non-intrusive and non-punitive nature. One speaker referred to the different levels of development of States participating in the Mechanism, stating that, accordingly, the standard levels of the review should not be applied to all States. One speaker underlined the importance of article 4 (1) of the Convention, which provided that States parties were to carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States. His Government was of the view that this provision reaffirmed that reviewing States parties should pursue review processes with due respect for the fundamental principles of international law.

10. Several speakers expressed support for the participation of civil society. One speaker said that the role of non-governmental organizations should be acknowledged, noting the positive part that they played in supporting anti-corruption work. At the same time, the speaker referred to Conference resolution 4/6, entitled

“Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, and expressed hope that all parties involved would strictly follow the principles contained therein.

11. Speakers also referred to the need to enhance the functioning of the Implementation Review Mechanism by streamlining processes and making efforts to reduce the duration of country reviews. Mention was made of continued delays in reviews under the Mechanism and, in this regard, a number of speakers expressed support for the extension of the second review cycle. One speaker conveyed the support of her Government for the extension of the second cycle, provided that the extension did not have implications for the regular budget. She also noted that the Conference should consider establishing criteria and a threshold to facilitate the determination of when a review cycle was completed, in particular the first cycle. In this regard, she suggested that the Conference consider the model established under the Mechanism for the Review of Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, whereby advancement to a new phase was conditional upon the completion of 70 per cent of the reviews planned for at the beginning of the previous phase. Her Government was of the view that this would ensure that there be no negative impact on the review cycles of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.

12. Several speakers expressed appreciation to UNODC for the support provided to States parties in the context of the Implementation Review Mechanism.

13. Speakers reiterated their continued support for and appreciation of the critical role of the Implementation Review Mechanism in the exchange of good practices and challenges among States parties in their efforts to implement the Convention fully and effectively and in facilitating and fostering international cooperation. Several speakers acknowledged the positive impact that the Mechanism had in improvements to their national anti-corruption systems. Speakers noted that the steps taken by their countries in the preparation for reviews had led to improved dialogue and cooperation among relevant national agencies, which continued even after the reviews had been finalized.

14. Speakers shared the experiences gained, challenges faced and good practices identified by their countries in the course of the reviews conducted under the first cycle, as well as progress in addressing the outcomes and recommendations emerging from the reviews. Speakers listed a number of specific measures taken to enhance legislative and administrative frameworks to prevent and combat corruption, such as the introduction of the liability of legal persons, the criminalization of illicit enrichment and strengthening legislative measures to prevent and combat money-laundering. Speakers also reported the establishment or strengthening of coordinating bodies and arrangements to address gaps and challenges identified as a result of the reviews, to enhance inter-agency cooperation and increase the impact of anti-corruption activities.

15. Building upon experiences from the reviews conducted under the first cycle, speakers further highlighted measures taken to prepare for the reviews under the second cycle or to address the outcomes of those reviews that had already been concluded. One speaker mentioned that national coordinating bodies had been established to develop comprehensive responses to the self-assessment checklists. Speakers also highlighted that, as part of action plans adopted to implement the first cycle reviews, a number of measures had been taken to strengthen areas that were under review in the second cycle, such as the development and adoption of codes of conducts for public officials, asset declaration systems, electronic procurements, audit systems and asset recovery frameworks. Several speakers mentioned the adoption of new national anti-corruption strategies that included measures to improve the prevention of corruption and to detect, freeze, seize and recover the proceeds of corruption in line with the provisions of the Convention under review in the second cycle. Several speakers also noted the success that their countries had had in bringing

together all relevant stakeholders, including civil society and private sector representatives, to prepare for and conduct country visits, and they urged other States to follow a similar transparent and inclusive process. One speaker expressed concerns over the misappropriation of assets through unilateral action.

16. Under agenda item 3, two documents were presented by the representative of the Secretariat. In relation to the first report, on strengthening the implementation of the Convention in small island developing States ([CAC/COSP/2019/8](#)), and referring to resolution 7/7 on strengthening the implementation of the Convention in small island developing States, he highlighted the experiences of reviewing and reviewed States parties in the Implementation Review Mechanism. In particular, several small island developing States had noted the importance of adopting an inclusive whole-of-society approach to addressing corruption, while others had reported on steps taken to address corruption in both the public and private sectors. Peer learning and South-South exchange were considered important to ensure the success of anti-corruption efforts in those States, and there was a continuous need for support by UNODC and other technical assistance providers. The representative explained that most technical assistance to small island developing States in the Pacific region had been delivered under the Pacific Regional Anti-Corruption Project, a joint project of the United Nations Office on Drugs and Crime (UNODC) and the United Nations Development Programme (UNDP). The project had provided, inter alia, capacity-building on investigating, prosecuting and adjudicating corruption offences, access to information policies and measures, and ways to involve young people in the fight against corruption.

17. The representative of the Secretariat then introduced the note by the Secretariat on an analysis of technical assistance needs emerging from the country reviews and assistance delivered by UNODC in support of the implementation of the Convention ([CAC/COSP/2019/14](#)). In relation to the latest analysis of technical assistance needs stemming from the first cycle reviews, it was noted that the overall substantive analysis had remained unchanged since the previous update to the Conference, in 2017. Nevertheless, the largest increase in identified needs related to legislative assistance, capacity-building and the visit of on-site experts. With regard to the second review cycle, capacity-building, legislative assistance and institution-building were the categories of needs most commonly identified by States. In presenting the delivery of technical assistance in support of the implementation of the Convention, the representative outlined the development of regional platforms, the strengthening of institutional and policy frameworks and capacities related to prevention and asset recovery, the publication of knowledge tools and other educational initiatives.

18. Increased contributions to the UNODC global programme to prevent and combat corruption through the effective implementation of the Convention in support of Sustainable Development Goal 16 (2016–2020) (GLO/Z99) had enabled UNODC to continue its provision of technical assistance for the accelerated implementation of the Convention in a wide range of areas, including the completion of self-assessment checklists, the development of anti-corruption legislation, measures to strengthen asset declaration systems, the implementation of institutional risk management strategies, support for the development of a judicial code of conduct, private sector ethics training, the development and provision of training modules on anti-corruption efforts, including on investigating corruption and money-laundering offences, the use of open data sources and international cooperation in complex cases, training for investigative journalists, community-based strengthening of police integrity to prevent violent extremism, awareness-raising with regard to corruption risks in the fishery sector and pre-ratification assistance. UNODC also supported the development of the commentary adopted in Colombo on the Jakarta Statement on Principles for Anti-Corruption Agencies, to be published shortly, and organized two expert group meetings on corruption involving vast quantities of assets and one expert group meeting on transparency in political finance, as well as a number of activities in the areas of asset recovery and asset management. The representative of the Secretariat underlined that, without the support of donors, UNODC would not be able

to render this broad range of technical assistance, and he underlined that continued support was essential to respond to the high level of demand for support in preventing and combating corruption.

19. Speakers highlighted the important role of the Convention and the usefulness of the Implementation Review Mechanism as a tool for identifying technical assistance needs and providing a valuable entry point and platform for peer learning and the sharing of experiences. One speaker encouraged States to continue to share details about the challenges that they faced, but also about good practices and practical advice. Many speakers mentioned legislative and other reforms that their countries had undertaken in response to recommendations received in the country reviews, and they highlighted follow-up measures such as the development of strategies or the establishment of specific working groups. In this regard, many speakers also referred to steps for which their countries had received technical assistance.

20. Speakers underlined the important role of technical assistance in preventing and countering corruption. Numerous speakers expressed their utmost appreciation for the technical assistance provided by UNODC in support of anti-corruption efforts at the global, regional and national levels, including before, during and in follow-up to the country reviews conducted under the first and second cycles, and they emphasized the continued importance of such technical assistance. In this regard, several speakers outlined specific examples of UNODC technical assistance efforts that had proved to be beneficial and impactful, such as the development of an e-learning platform, institutional capacity assessments and capacity-building, support for collaboration with the private sector to promote integrity measures and the deployment of a mentor who supported institutions on a day-to-day basis.

21. Several speakers also expressed their appreciation to other technical assistance providers and for the donors that had enabled support by UNODC, and they underscored the importance of multilateral and bilateral technical assistance provided in various forms.

22. Several speakers emphasized that technical assistance was an integral part of the Convention and that there was indeed a high level of demand for follow-up support on both cycles. Some speakers urged donors to continue to provide sufficient financial support for the provision of technical assistance by UNODC and other technical assistance providers.

23. In reference to assistance provided by States parties to neighbouring or other States parties, a few speakers mentioned, among other examples, the holding of anti-corruption workshops for governmental experts from the region, a joint training course with the International Anti-Corruption Academy and trainings organized in cooperation with the UNODC regional office for States members of the Association of Southeast Asian Nations. Another speaker mentioned examples of training workshops provided to experts from approximately 70 countries over the past few years.

24. Several speakers mentioned that more support was needed in specific areas, including the investigation of money-laundering and corruption offences, asset tracing and the use of special investigative techniques, through the collection of case studies and on-site assistance. Speakers noted that relevant assistance should be made available to all important actors, such as law enforcement officers, but also to prosecutors and judges. Other areas that speakers mentioned included advice on the coordination between financial sector entities, case examples, good practices and model legislations in the area of asset recovery.

25. One speaker mentioned that such support had enabled his country to host a global expert meeting on the Jakarta Statement on Principles for Anti-Corruption Agencies.

26. Echoing the remarks of the representative of the Secretariat, one speaker underlined that technical assistance should be country-led and country-based. He also

underlined the importance of integrating and coordinating technical assistance, in particular at the country level, between national authorities and stakeholders.

27. One speaker expressed concern about the increased relationship between corruption and other forms of transnational crime, such as cybercrime, identity fraud and crimes related to fisheries. He suggested to address those cross-cutting issues with greater attention in a coordinated and integrated manner and encouraged all States parties to engage more actively when formulating technical assistance programmes related to UNODC.

### **Action taken by the Conference**

28. At its 8th meeting, the Conference endorsed the set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention ([CAC/COSP/2019/3](#)).

29. At the same meeting, the Conference adopted a workplan for the subsidiary bodies of the Conference, as contained in document [CAC/COSP/IRG/2019/L.3/Rev.1](#).

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