



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

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## **Eighth session**

Abu Dhabi, 16–20 December 2019

Agenda item 2

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

**Australia, Brazil, Honduras, Israel, Mexico, Singapore and Switzerland: revised draft resolution**

### **Celebrating the tenth anniversary of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption**

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

*Recalling* article 63, paragraph 1, of the United Nations Convention against Corruption,<sup>1</sup> which established the Conference of the States Parties to the Convention to promote and review the implementation of the Convention,

*Recalling also* its resolution 3/1 of 13 November 2009, entitled “Review mechanism”, in which it adopted the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and requested 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,

*Acknowledging* that continuing the process of evaluation of the performance of the Implementation Review Mechanism 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 this process should be started without prejudice to any subsequent continuation of such work following the completion of the second review cycle, in accordance with decision 5/1 of 29 November 2013,

*Bearing in mind* the terms of reference of the Implementation Review Mechanism, in particular the guiding principles and characteristics of the Mechanism and the functions of the Implementation Review Group, as established in section II and paragraph 44 of the terms of reference, respectively,

*Recalling* its resolutions 4/1, 4/5 and 4/6 of 28 October 2011, in which it provided further guidance on the Implementation Review Mechanism and on the work of the Implementation Review Group, its decision 5/1 on preparations for the

<sup>1</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.



performance assessment of the Mechanism, and its resolution 6/1 of 6 November 2015, by which it launched the second cycle of the Mechanism,

*Recognizing* that one of the goals of the Implementation Review Mechanism is to promote and facilitate international cooperation in the prevention of and the fight against corruption, including in the area of asset recovery, in accordance with the Convention,

*Welcoming* the convening of the “First meeting of chairpersons, governing bodies and secretariats of the international instruments and mechanisms devoted to preventing and combating corruption to commemorate the fifteenth anniversary of the United Nations Convention against Corruption (Merida Convention)”, held in Mexico City on 14 May 2019, and welcoming also in this regard the high-level debate convened on 23 May 2018 by the President of the General Assembly to highlight emerging trends and promote the effective implementation of the Convention,

*Noting with appreciation* the continued commitment of States parties to the country review process, which has so far led to the successful completion of 169 reviews under the first review cycle and 29 reviews under the second cycle, and taking note of the information gathered so far through the review of implementation of chapters II (Preventive measures), III (Criminalization and law enforcement), IV (International cooperation) and V (Asset recovery) of the Convention in the course of 237 country visits and joint meetings under both cycles and the training of focal points and governmental experts from 177 States for the review of the implementation of the Convention,

*Noting with concern* the significant delays encountered in completing the first and second review cycles and how far behind schedule the second cycle is, compared with the projected schedule outlined in resolution 6/1,

*Recognizing* the endeavour and existing practice of States parties to enhance their cooperation with relevant stakeholders, including the private sector, individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the context of the implementation review and country visits, while noting that each State party has the sovereign right to decide how to involve such stakeholders in the review process, in accordance with the fundamental principles of domestic laws,

*Commending* the secretariat and the Implementation Review Group for their immense efforts in the past decade and for operating on the basis of clear, established guidelines for the compilation, production and dissemination of information in the conduct of country reviews, including the submission of the outcome to the Conference, as provided in paragraph 3 (g) of the terms of reference of the Implementation Review Mechanism,

*Recognizing* the success of the Implementation Review Group in identifying good practices and challenges encountered by States parties in the fulfilment of their obligations under the Convention, disseminating the good practices and making efforts to address the challenges and provide technical assistance as needed,

*Remembering* Dimitri Vlassis, the former Secretary of the Conference and Chief of the Corruption and Economic Crime Branch of the United Nations Office on Drugs and Crime, whose vision in the drafting of the Convention and the designing of its mechanisms and whose everlasting endurance in managing its day-to-day operations have brought the Convention to universality,

1. *Commemorates* the tenth anniversary of the establishment of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, and congratulates the States parties, the United Nations Office on Drugs and Crime, as the secretariat, and the Implementation Review Group on their ongoing efforts and the significant progress made to date to conclude the reviews under the first and the second cycles of the Mechanism, which have led to a better understanding of the phenomenon of corruption and its challenges worldwide;

2. *Encourages* States parties to keep using the Implementation Review Group as a platform for the voluntary exchange of information on national measures taken during and after the completion of country reviews, including strategies adopted, challenges encountered and best practices identified, as well as, where appropriate, the follow-up to the recommendations made in the country review reports, while taking into account the need for efficient discussions and decision-making processes in the sessions of the Group;

3. *Welcomes* the important and useful thematic implementation reports, regional supplementary addenda and updates on technical assistance needs prepared by the secretariat for the consideration of the Implementation Review Group, and encourages States parties, the United Nations and other stakeholders to make full use of those documents;

4. *Encourages* States parties to make their country review reports publicly available, in accordance with paragraphs 36, 37, 38 and 39 of the terms of reference of the Implementation Review Mechanism;

5. *Notes with appreciation* the commitment of States parties to the country review process in their capacity as both States under review and reviewing States, recognizes the involvement of relevant stakeholders in the country reviews, in accordance with the fundamental principles of domestic law, and urges them to adhere to the indicative timelines for country reviews, as contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews, and to avoid, as much as possible, delays in the various stages of the review;

6. *Requests* the secretariat to continue to provide to the Implementation Review Group analyses of the time frames associated with the crucial stages of the review process, including statistics on the number of States parties that are behind schedule, with the aim of facilitating a more efficient process;

7. *Encourages* States parties to enhance active participation, including by representatives from competent authorities involved in preventing and combating corruption, in the meetings of the Implementation Review Group;

8. *Calls upon* States parties to further promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, in line with article 1 (b) of the Convention, with a view to facilitating the implementation of article 43 of the Convention;

9. *Welcomes* the secretariat's practice of arranging and facilitating trilateral meetings among States parties under review and reviewing States parties on the margins of sessions of the Implementation Review Group, and encourages States parties to make use of this helpful practice to enhance the efficiency of the review process;

10. *Approves* the set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention as a potentially useful guide for practitioners, prepared in accordance with paragraph 11 of its resolution 6/1 and with paragraph 44 of the terms of reference and acknowledged in its decision 7/1 of 10 November 2017, and acknowledges that, while these non-binding recommendations and conclusions may be used to ensure consistency in the Implementation Review Mechanism, nothing in them is to be regarded as the sole option for the implementation of the relevant articles of the Convention;

11. *Encourages* States parties to periodically update their lists of governmental experts for the second review cycle and to nominate experts for the training courses organized by the secretariat of the United Nations Office on Drugs and Crimes for focal points and governmental experts participating in the review process, in order to familiarize them with its methodology and increase their capacity to participate in the reviews;

12. *Requests* the Implementation Review Group to continue to hold regular sessions at least once a year, based on an annotated provisional agenda and programme of work issued as early as possible in order to enable the States parties to plan the composition of the delegations and prepare for focused and efficient discussions on the main topics of the session, and, while taking into consideration the directions of the Conference, being able to adjust topics of discussion to maximize the effectiveness of its discussions and work outcomes, subject to the availability of existing resources;

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;

15. *Encourages* the secretariat to continue to strengthen synergies with the secretariats of other relevant multilateral organizations in the field of anti-corruption, within their respective mandates, to avoid duplication of effort and enhance the performance of the various review mechanisms, in accordance with its resolutions 6/1 of 6 November 2015 and 7/4 of 10 November 2017, and requests the secretariat to report to the Implementation Review Group on progress made in this regard;

16. *Encourages* States parties that are members of different multilateral review mechanisms in the field of anti-corruption to support, within their respective organizations and within the governing bodies of those organizations, efficient and effective cooperation and coordination between the secretariats of those review mechanisms and the secretariat of the Conference, while respecting the mandates of all review mechanisms;

17. *Calls upon* States parties and the secretariat to continue to develop and promote the use of information and communications technologies in order to support the implementation of the Convention by the States parties and facilitate country reviews, in accordance with resolution 6/7 of 6 November 2015;

18. *Encourages* the Implementation Review Group to continue to conduct briefings on the outcomes of the review process for non-governmental organizations on the margins of the sessions of the Implementation Review Group, in accordance with resolution 4/6;

19. *Requests* the secretariat to submit a report to the Conference at its ninth session on the implementation of the present resolution.