



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

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## Implementation Review Group

### Tenth session

Vienna, 27–29 May 2019

## Annotated provisional agenda

### Provisional agenda

1. Organizational matters:
  - (a) Opening of the session;
  - (b) Adoption of the agenda and organization of work.
2. Review of implementation of the United Nations Convention against Corruption.
3. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.
4. Technical assistance.
5. Financial and budgetary matters.
6. Other matters.
7. Provisional agenda for the eleventh session of the Implementation Review Group.
8. Adoption of the report of the Implementation Review Group on its tenth session.

### Annotations

#### 1. Organizational matters

##### (a) Opening of the session

The tenth session of the Implementation Review Group will be opened on Monday, 27 May 2019, at 10 a.m., at the Vienna International Centre, M-Building, Plenary Room M.

##### (b) Adoption of the agenda and organization of work

The provisional agenda for the tenth session of the Group, which was approved by the Group at its ninth session, in June 2018, was prepared in accordance with resolution 3/1, entitled “Review mechanism”, adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its third session,

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\* Second reissue for technical reasons (10 May 2019).



decision 5/1, entitled “Mechanism for the Review of Implementation of the United Nations Convention against Corruption”, adopted by the Conference at its fifth session, and resolution 6/1, entitled “Continuation of the review of implementation of the United Nations Convention against Corruption”, adopted by the Conference at its sixth session.

The proposed organization of work (see annex) was prepared in line with the guidance provided by the Conference and by the Implementation Review Group, in particular the multi-year workplan for the analytical work of the Group, covering the period 2017–2019 (CAC/COSP/IRG/2016/9/Add.1, annex I). In accordance with the multi-year workplan, the main topic of the analytical work of the Group during its regular tenth session will be the analysis of information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews with regard to the implementation of chapter V (Asset recovery) of the Convention.

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

### *Drawing of lots*

In its resolution 6/1, the Conference of the States Parties requested the Group to proceed, at the beginning of its seventh session, to the selection of reviewed and reviewing States parties for the second review cycle by the drawing of lots in accordance with paragraphs 14 and 19 of the terms of reference of the Mechanism. The Conference also requested the Group to hold intersessional meetings open to all States parties for the purpose of the drawing of lots in accordance with paragraph 19 of the terms of reference of the Mechanism and without prejudice to the right of a State party to request that the drawing of lots be repeated at the Group’s subsequent intersessional meeting or regular session.

Moreover, at its first session, the Implementation Review Group decided that States ratifying or acceding to the Convention after the drawing of lots at the first session of the Group would be reviewed starting in the fourth year of the first review cycle. In its resolution 4/1, the Conference endorsed the practice followed by the Group with regard to the procedural issues arising from the drawing of lots.

In accordance with Conference resolution 6/1, an intersessional meeting open to all States parties for the purpose of the drawing of lots will be convened on Friday, 24 May 2019, at the Vienna International Centre, C-Building, Board Room D, from 2 to 6 p.m. During the intersessional meeting, lots will be drawn for the selection of the reviewing States parties for the fourth year of the second review cycle, in accordance with paragraph 19 of the terms of reference of the Mechanism. In addition, lots will be drawn to select the reviewing States parties for the first-cycle reviews of any States parties that have become parties to the Convention since the previous drawing of lots, held at the second resumed ninth session of the Implementation Review Group. Lots may also be drawn to select the reviewing States parties for any States parties requesting redraws.

The intersessional meeting is being convened without prejudice to the exercise of the rights of States parties in accordance with the terms of reference of the Mechanism during the tenth session of the Group, and is aimed at enabling the Group to focus on substantive issues during its tenth session. To this end, the Group will be informed of the outcome of the intersessional meeting, and agenda item 2 will remain open until the last day of its tenth session.

### *Trilateral meetings*

Under agenda item 2 and in line with past practice, the secretariat has made arrangements for the scheduling of trilateral meetings among States parties under review and reviewing States parties on the margins of the session. The scheduling of such meetings takes into account the views expressed by the Group on the usefulness

of holding trilateral meetings for advancing the review of implementation in order to achieve progress and discuss outstanding issues in individual country reviews.

#### *First review cycle*

In paragraph 11 of its resolution 6/1, the Conference of the States Parties requested the Group to analyse the information on successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews of the first review cycle, considering the thematic implementation reports prepared in accordance with paragraph 35 of the terms of reference of the Mechanism, and to submit a set of non-binding recommendations and conclusions based on lessons learned regarding the implementation of chapters III and IV of the Convention to the Conference for its consideration and approval at its seventh session. In its decision 7/1, the Conference took note of the set of non-binding recommendations and conclusions, as reviewed by the Group at its resumed eighth session ([CAC/COSP/2017/5](#)).

At the resumed eighth session of the Group, 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. The set of non-binding recommendations and conclusions, incorporating all the comments received, was subsequently made available to the Group at its second resumed ninth session in document [CAC/COSP/IRG/2018/9](#), where it was in principle approved for transmission to the Conference, on the understanding that the document would be further reviewed and amended, as necessary, in the light of the newly completed country reviews and again be circulated to States parties for further comment and made available to the Group at its tenth session.

Subsequently, the updated set of non-binding recommendations and conclusions was circulated in a conference room paper ([CAC/COSP/IRG/2019/CRP.3](#)) for the purpose of inviting additional comments from States parties and was brought to the attention of States parties for their further consideration through a note verbale, which was circulated to States parties on 7 January 2019.

Accordingly, the Group has before it a note by the secretariat containing the 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, reflecting all the comments received from States parties ([CAC/COSP/2019/3](#)). The Group will also have before it an explanatory note on good practices in relation to the set of non-binding recommendations and conclusions ([CAC/COSP/IRG/2019/6](#)).

#### *Second review cycle*

In accordance with the multi-year workplan for the analytical work of the Group, the tenth session of the Group is to focus on analysing the successes, good practices, challenges, observations and technical assistance needs emanating from the country reviews with regard to the implementation of chapter V (Asset recovery) of the Convention.

To that end, and to facilitate the Group's deliberations, a panel will be convened to discuss good practices and procedures allowing the confiscation of proceeds of corruption without a criminal conviction, which has been observed in a number of country reviews, either as a good practice or as an issue on which States parties require additional guidance. In this regard, the attention of the Group is also drawn to the note by the secretariat to be prepared for the thirteenth meeting of the Open-ended Intergovernmental Working Group on Asset Recovery on mutual recognition of non-conviction-based freezing orders and confiscation judgments ([CAC/COSP/WG.2/2019/CRP.1](#)) and the corresponding discussions in that Group.

**Documentation**

Note by the Secretariat on 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/IRG/2019/3](#))

Implementation of chapter V (Asset recovery) of the United Nations Convention against Corruption: thematic report prepared by the Secretariat ([CAC/COSP/IRG/2019/4](#))

Explanatory note on good practices in relation to 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/IRG/2019/6](#))

Executive summaries of country review reports for the first cycle ([CAC/COSP/IRG/I/4/1/Add.64](#), [CAC/COSP/IRG/I/4/1/Add.65](#), [CAC/COSP/IRG/I/4/1/Add.66](#))

Executive summaries of country review reports for the second cycle ([CAC/COSP/IRG/II/1/1/Add.11](#), [CAC/COSP/IRG/II/1/1/Add.12](#), [CAC/COSP/IRG/II/1/1/Add.13](#), [CAC/COSP/IRG/II/1/1/Add.14](#), [CAC/COSP/IRG/II/1/1/Add.15](#), [CAC/COSP/IRG/II/2/1](#), [CAC/COSP/IRG/II/2/1/Add.1](#), [CAC/COSP/IRG/II/2/1/Add.2](#), [CAC/COSP/IRG/II/2/1/Add.3](#), [CAC/COSP/IRG/II/2/1/Add.4](#), [CAC/COSP/IRG/I/4/1/Add.66](#))

**3. Performance of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption***Progress report*

In its decision 5/1, the Conference of the States Parties decided that the Group should include a new item on the agenda of its future sessions allowing for discussion of relevant information, collected with the support of the Secretariat, in order to facilitate the assessment of the performance of the Review Mechanism and its terms of reference, in accordance with paragraph 48 of the terms of reference, following the completion of the first review cycle.

The Secretariat has compiled and analysed information relating to the overall performance of the Mechanism during the first and second review cycles, including but not limited to the responses received to the self-assessment checklist, the direct dialogues conducted, the executive summaries and country review reports that have been finalized and the country review reports that have been made available on the website of the United Nations Office on Drugs and Crime (UNODC). Particular emphasis has been placed on analysing reasons for the recurring delays that have arisen during the second cycle, in a bid to bring them to the attention of the Group. A comparison between the length of time required for the completion of the different steps of the review process has also been prepared to facilitate the Group's discussion. The Group will have before it a note by the Secretariat on the performance of the Implementation Review Mechanism ([CAC/COSP/IRG/2019/2](#)).

*Synergies with the secretariats of other relevant multilateral mechanisms*

In its resolution 6/1, the Conference called upon the Secretariat to continue exploring and, where appropriate, enhancing synergies, in coordination and cooperation with the secretariats of other relevant multilateral mechanisms in the field of anti-corruption. Subsequently, in its resolution 7/4, the Conference requested the Secretariat to continue its dialogue with States parties and with the secretariats of other relevant multilateral mechanisms. The secretariat will provide an oral update in this regard to the Group. In addition, the secretariats of other relevant multilateral mechanisms will be invited to report on their activities.

## Documentation

Note by the Secretariat on the performance of the Implementation Review Mechanism ([CAC/COSP/IRG/2019/2](#))

### 4. Technical assistance

In its resolution 3/1, the Conference of the States Parties decided that the Implementation Review Group would be in charge of following up and continuing the work undertaken previously by the Open-ended Intergovernmental Working Group on Technical Assistance.

Paragraph 44 of the terms of reference states that the functions of the Implementation Review Group are 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.

In its resolution 4/1, the Conference took into account that, pursuant to paragraph 11 of the terms of reference, one of the goals of the Review Mechanism was to help States parties to identify and substantiate specific needs for technical assistance and to promote and facilitate the provision of technical assistance.

In the same resolution, the Conference recognized the continuing and valuable role of technical assistance within the Review Mechanism, as well as the importance of country-led and country-based integrated and coordinated programming and delivery of technical assistance as an effective means of addressing technical assistance needs of States parties. Also in that resolution, the Conference requested the secretariat to continue to develop a three-tiered approach – global, regional and national – to the delivery of technical assistance in the light of the priority areas identified as a result of the review process.

In its resolution 7/3, the Conference reaffirmed the importance of addressing the technical assistance priorities identified in the country reviews, and encouraged technical assistance providers to consider those priorities either for new technical assistance programmes or for incorporation into ongoing programmes.

At its tenth session, the Group will have before it a note by the secretariat, containing information on technical assistance needs identified through the individual country reviews that have been finalized in the second cycle and on technical assistance provided ([CAC/COSP/2019/5](#)). In line with the thematic focus of the tenth session of the Group, the secretariat will also make an oral presentation, with a particular focus on technical assistance needs and technical assistance provided in relation to the implementation of chapter V of the Convention.

In its resolution 7/1, the Conference encouraged States parties and UNODC to continue sharing experiences on the management of frozen, seized and confiscated assets, identifying best practices as necessary and building on existing resources, and to consider developing non-binding guidelines on that issue. Accordingly, the Secretariat, on the basis of its study entitled *Effective Management and Disposal of Seized and Confiscated Assets 2017*, developed draft non-binding guidelines on the management of frozen, seized and confiscated assets and presented them to the Group at its second resumed ninth session and the Working Group on Asset Recovery at its twelfth meeting ([CAC/COSP/WG.2/2018/3](#)).

At the second resumed ninth session of the Group, in November 2018, many speakers expressed the view that the Secretariat should continue to collect proposals and recommendations on the management of frozen, seized and confiscated assets from States, including as part of and until the end of the second-cycle reviews of the Implementation Review Mechanism, with a view to making them more objective and more representative of the diversity of practices and legal and institutional frameworks of States parties. The secretariat informed the Group that all comments and suggestions would be considered and incorporated into an updated document that would be submitted in all the official languages of the United Nations to the

Implementation Review Group and the Working Group on Asset Recovery for consideration at their next sessions ([CAC/COSP/IRG/2019/7](#)).

A panel on technical assistance required and provided, in particular in relation to the management of frozen, seized and confiscated assets, will be organized in order to facilitate the Group's discussion.

Agenda item 4 will be discussed together with item 5, "Forum for discussions on capacity-building and technical assistance", of the agenda of the thirteenth meeting of the Open-ended Intergovernmental Working Group on Asset Recovery at a joint meeting of the Implementation Review Group and that Working Group, to be held on 29 May 2019.

#### **Documentation**

Note by the Secretariat on technical assistance in support of the implementation of the United Nations Convention against Corruption, including analysis of technical assistance needs emerging from the country reviews ([CAC/COSP/IRG/2019/5](#))

Note by the Secretariat transmitting the revised draft non-binding guidelines on the management of frozen, seized and confiscated assets ([CAC/COSP/IRG/2019/7](#))

### **5. Financial and budgetary matters**

In its resolution 3/1, the Conference underlined that the Review Mechanism would require a budget that ensured its efficient, continued and impartial functioning. Pursuant to that resolution, the General Assembly, in its resolution 64/237, requested the Secretary-General to ensure that the Mechanism was adequately funded.

In its resolution 4/1, the Conference decided that the Implementation Review Group should assist it in the fulfilment of its responsibility to consider the budget biennially by engaging with the Secretariat during the intersessional period with regard to expenditures and projected costs related to the Review Mechanism.

At its tenth session, the Implementation Review Group will have before it a note by the Secretariat ([CAC/COSP/IRG/2019/8](#)) containing budgetary information on expenditures incurred so far for the operation of the first and second cycles of the Review Mechanism, resources received at the time of writing, both from the regular budget and from voluntary contributions, projected expenditures and the current shortfall on resource requirements for the functioning of the Mechanism.

#### **Documentation**

Note by the Secretariat on financial and budgetary matters ([CAC/COSP/IRG/2019/8](#))

### **6. Other matters**

The Implementation Review Group may wish to discuss any other matters that are brought to its attention.

### **7. Provisional agenda for the eleventh session of the Implementation Review Group**

The Implementation Review Group is to consider and approve, at its tenth session, a provisional agenda for its eleventh session, which will be drafted by the secretariat in consultation with the Chair.

### **8. Adoption of the report of the Implementation Review Group on its tenth session**

The Implementation Review Group is to adopt a report on its tenth session, the draft of which will be prepared by the secretariat.

## Annex

### Proposed organization of work

<i>Date and time</i>	<i>Item</i>	<i>Title or description</i>
<b>Monday, 27 May 2019</b>		
10 a.m.–1 p.m.	1 (a)	Opening of the session
	1 (b)	Adoption of the agenda and organization of work
3–6 p.m.	2	Review of implementation of the United Nations Convention against Corruption
	3	Performance of the Mechanism for the Review of Implementation of the Convention
	5	Financial and budgetary matters
<b>Tuesday, 28 May 2019</b>		
10 a.m.–1 p.m.	2	Review of implementation of the Convention ( <i>continued</i> )
3–6 p.m.	6	Other matters
	7	Provisional agenda for the eleventh session of the Implementation Review Group
<b>Wednesday, 29 May 2019</b>		
10.30 a.m.–1 p.m.	4	Technical assistance <sup>a</sup>
3–5.30 p.m.	4	Technical assistance ( <i>continued</i> )
5.30–6 p.m.	8	Adoption of the report of the Implementation Review Group on its tenth session

<sup>a</sup> Agenda item 4 will be discussed together with item 5, “Forum for discussions on capacity-building and technical assistance”, of the agenda of the thirteenth meeting of the Open-ended Intergovernmental Working Group on Asset Recovery at a joint meeting of the Implementation Review Group and that Working Group.